

TRANSFERRING ALL OR A PORTION OF YOUR DPS HOUSEHOLD GOODS CLAIM TO THE MILITARY CLAIMS OFFICE (MCO)

1. GENERAL.

These instructions are designed to provide specific guidance to DON personnel regarding claims filed in the Defense Personal Property System (DPS) and later transferred by you to the Military Claims Office (MCO). Your MCO is the Personnel Claims Unit (PCU) located in Norfolk, Virginia (non-Navy personnel can access the link to their respective MCO from www.move.mil). **Read these instructions carefully.**

You **MUST** submit your claim to the Transportation Service Provider (TSP) in DPS **within 9 months after the date of delivery in order to qualify for the full replacement value (FRV) payment for lost or destroyed items. The TSP is required to provide you with instructions on how to file a claim electronically with the TSP. If the TSP did not do so, please contact the PCU at toll free 888-897-8217; commercial 757-440-6315; DSN 564-3310 or by email at norfolkclaims@navy.mil.**

If you decide not to first file your claim with the TSP and to file your claim directly with the PCU, you give up your right to FRV and you must sign a waiver acknowledging that you understand you have given up your right to FRV. Claims packages for filing your household goods claim directly with the PCU and waiving your right to be paid FRV from the TSP are located at www.jag.navy.mil (select "Claims" on the screen) or you can go to the Navy Knowledge Online website located at wwwa.nko.navy.mil and click on your "Personal Legal Affairs" portal.

2. FILING YOUR CLAIM WITH THE TSP.

a. LIMITS OF LIABILITY: The TSP's maximum liability on a shipment is the greater of \$5,000.00 or \$4.00 per pound times the weight of the shipment, up to a maximum amount of \$50,000. If the amount of your loss exceeds the TSP's maximum liability, you may transfer any unpaid items in your claim to the PCU for further consideration. However, the law provides that the PCU can only pay the fair market value (FMV) (depreciated replacement cost) or repair cost, whichever is less, for each item.

b. THREE DEADLINES YOU MUST NOT MISS:

(1) 75 DAYS FROM DELIVERY: Loss or damage to an item **MUST** be reported in DPS to the TSP **within 75 days from the date of delivery.** The TSP **MUST** list all missing or damaged items that are discovered on the day of delivery on the Notice of Loss or Damage at Delivery Form and you sign that form. After the TSP leaves, you have 75 days to discover any other lost or damaged items and report those items to the TSP using DPS. **You can access your DPS account at www.move.mil. For User Id/login, system error, or DPS application issues contact the System**

Response Center at (800) 462-2176, (618) 220-7332, or DSN 770-7332. You can also email the response center at <mailto:sddc.safb.dps@us.army.mil> or submit an online ticket at <https://www.sddc-srchelpme.com>. Do not allow access issues to delay you in providing notice of loss or damage. If you are experiencing difficulty accessing the DPS system you should provide your loss or damage notice on the reverse side of the Notice of Loss or Damage at Delivery Form the TSP gave you at delivery. The reverse side of this form is the “Notice of Loss or Damage After Delivery” form. You should then send this to the TSP by fax or certified mail. If you have any concerns or questions, contact the PCU.

If you completed a “High Value/High Risk” inventory when your property was picked up by the TSP at origin, you were required to note any items missing from this list when your property was delivered. You were required to initial receipt of each item on the high value inventory and sign to acknowledge that you received each and every item. You should have taken the time at delivery to open each box listed on the high value inventory to ensure that nothing was missing from inside the box. If your claim includes missing or damaged items from this High value/High Risk inventory but you failed to note them at the time of delivery, you should include a statement as to why you did not note the loss or damage of these items at the time of delivery.

(2) NINE (9) MONTHS FROM DATE OF DELIVERY: You **MUST** submit your claim to the TSP in DPS **within 9 months after the date of delivery in order to qualify for the full replacement value (FRV) of lost or destroyed items.** The claim **MUST** list each item that was lost or damaged and give a general description of the damage. The claim must also include an amount claimed. We recommend you use replacement costs for each item until the TSP hires a repair firm to estimate repair costs.

NOTE: Submission of the Notice of Loss or Damage Form either by mail or in DPS **does not constitute** the filing of a claim.

If you provided your notice outside the DPS system, (on paper by fax or mail) be sure to keep a copy of what you sent to the TSP. Once you are able to gain access to your DPS account, you can upload the notice and proof of timely notice into DPS when filing your claim. If the TSP did not provide instructions on how to file a claim, immediately contact the PCU.

Do not get estimates of repair in order to file your claim. If you file your claim directly with the TSP **within 9 months of delivery**, the TSP is responsible for obtaining estimates. **You will not be reimbursed for any estimate fees for estimates you obtain unless the TSP expressly requested that you get the estimates.**

Do not delay filing your claim beyond the 9 month deadline in order to get additional information you think the TSP may need. If you file past the 9 month deadline you will forfeit your right to receive FRV for lost and/or destroyed items. If your claim is timely filed, you may present additional information at a later time.

Your Claim for Loss/Damage must be filed online in DPS. You may access your DPS account through the www.move.mil website. Instructions for filing your

claim are located on this website. Please contact the PCU if you experience any difficulties or have any questions while completing your claim in DPS. Once you have completed the claims process, you must select the "submit" option to actually file the claim with the TSP in DPS. DPS allows you to print a copy of what you submitted.

(3) TWO (2) YEARS FROM DATE OF DELIVERY: Federal law requires that you file your claim with the TSP or PCU within two years after it accrues. For household goods shipments, the claim accrues on the date of delivery. This requirement is statutory and cannot be waived. Remember, although you have two years after delivery to file your claim, you must file your claim with the TSP within nine months after delivery in order to be paid FRV for any lost or missing items.

c. DAMAGE INSPECTION.

The TSP is entitled to inspect damaged items at any time prior to settlement of the claim, but the TSP may not deny a claim solely on the basis that it was unable to inspect any item. If you have repaired an item before the TSP inspection, you must provide the TSP with the repair bill or some other evidence of the damage and repair cost. If you have disposed of a damaged item, you must give the TSP evidence that the item was damaged beyond economical repair.

At any time before a claim is filed, you may call the TSP and ask them to inspect or to give you permission to dispose of any damaged items. The TSP then has 2 business days to respond to you and tell you that either the items will be inspected or that you may dispose of the items. If the TSP tells you it wants to inspect the items, the inspection must be accomplished within 45 calendar days of your request to them unless you grant a further extension.

If you refuse to permit the TSP to inspect, the TSP will contact the PCU to request their assistance to arrange for an inspection of the goods. If you cause a delay by refusing inspection, the TSP will get an equal number of days to perform the inspection/estimate (45 calendar days plus the number of delay days caused by you).

The TSP must inspect within 45 calendar days of the date of delivery or 45 days from the date of dispatch of the Notice of Loss or Damage, whichever is later. You are required to cooperate with the TSP in making appropriate, reasonable arrangements for this inspection. Failure to cooperate may prevent the government from getting reimbursed by the TSP for the damaged items. Any amount the government is unable to collect from the TSP due to your failure to cooperate with the TSP must be deducted from your payment. If you are having problems with the TSP, you should contact the local PPSO or PCU.

d. DISCARDING ITEMS AND SALVAGE.

Do not discard any items before settlement of the claim and the expiration of the TSP's inspection period. The TSP may salvage (take possession of) any item it agrees to pay you the amount of the full replacement cost. The TSP must take possession of these items at your residence, or other location agreed to by you, not later than 30 days after

receipt of your complete claim or 30 days from the date the Government filed a claim against the TSP for those line items you transferred and received compensation on from the PCU. However, in no case will the 30-day period for the TSP to pick up the items end until after the period allowed for the TSP inspections (45 days from date of delivery or dispatch of the Notice of Loss or Damage). You and the TSP can agree to extend the 30-day pickup period. If you refuse to cooperate with the TSP in the exercise of its salvage rights, the TSP will contact the PCU and request assistance. Remember, at any time in this process you may ask the TSP whether you may dispose of an item and you are entitled to get an answer from the TSP within 2 days of your request. Please do not hesitate to contact the PCU if you have any concerns or questions about discarding destroyed items.

e. SETTLEMENT OF THE CLAIM. The TSP is required to pay, deny, or make an offer within 60 days of receipt of a complete, substantiated claim. The TSP is required to complete payment to you within 30 days of receipt of notice that you have accepted a full or partial settlement.

Even though the TSP has 60 days to settle your claim, if the claim is not settled to your satisfaction after 30 days, you can transfer all or a portion of the claim to the MCO for adjudication under the claims statutes.

However, you may transfer a claim immediately without waiting 30 days, and still be eligible for FRV, if:

- You receive notice that the TSP has made a final offer on the claim or denied it in full.
- You receive notice by the Military Surface Deployment and Distribution Command (SDDC) that the TSP is in bankruptcy.
- You receive notice that the TSP's DOD approval has been revoked, or their contract terminated.
- The TSP fails to comply with the catastrophic loss provisions. These provisions provide that a catastrophic loss occurs when over 60% of the inventory line items in a given shipment are lost, damaged or destroyed. A TSP is required to identify and make partial, advance payment to owners who suffer a catastrophic loss within 48 hours of discovery or notification of the loss, unless the owner and TSP agree otherwise.
- The TSP fails to comply with the essential items provisions. These provisions provide that within 2 business days of being notified of the loss of an essential item, the TSP must either pay for the item(s), provide temporary or permanent replacement for the item(s), or such other arrangement as agreed to by the owner. Owners must notify the TSP, MCO, or PPSO of such a loss within 7 days of the date their goods were delivered. If these requirements are not met, the item will not be considered "essential." Essential items are defined as those items necessary for everyday living which would reasonably need to be replaced promptly such as refrigerators and other appliances necessary for the safe storage and preparation of food; medical equipment and mattresses. Any payment made by the TSP for the loss of essential items will be considered an advance on any claim. You are required to file a

claim for your loss and the advance payment made will be deducted from the final amount of any award.

3. TRANSFERRING YOUR CLAIM FROM THE TSP TO THE MCO.

If you filed your claim in DPS, access your DPS account and select the “transfer to MCO” option in DPS. Click to select each of the items you wish to transfer to the MCO. The items selected will be automatically transferred to the MCO and will be downloaded from DPS by an employee at the PCU. Nothing further is required of you in order to transfer your claim to the PCU. The PCU will contact you in writing at the address you listed in DPS so it is important that you ensure all contact information (home, work and email addresses) in DPS is kept up-to-date. The PCU will notify you in writing when they have received your transferred claim and provide you a new claim number and PCU point of contact. If you do not receive any notification within two weeks of transferring your claim, please contact the PCU.

The claims examiner assigned to your claim will communicate directly with the TSP to obtain a copy of all documents related to the claim that you initially filed in DPS. If after we review the documentation obtained from the TSP we determine additional information is needed from you, the claims examiner assigned to your case will contact you.

Remember, it’s your claim. You, the claimant, are in the best position to provide the specific information necessary for the fast and fair adjudication of your claim. The claim you transfer will be adjudicated pursuant to the Military Personnel and Civilian Employees Claims Act (PCA) (31 U.S.C § 3721). The PCA is a gratuitous payment statute and is not intended to replace insurance. The PCA only allows payment up to the fair market value (FMV)(depreciated value) of lost or destroyed items. If the FMV is paid on any line item, and you originally filed your claim with the TSP within 9 months after delivery, we will assert a demand against the TSP for the FRV of that item. If recovered, we will pay you the difference between the FMV and the FRV.

4. WHO MAY TRANSFER/FILE A CLAIM WITH THE MCO?

a. Proper Claimant. The Military Personnel and Civilian Employees’ Act (PCA) covers all active duty members and reservists on active duty for training under federal law. The PCA also applies to Department of the Navy (DON) Federal employees. Reservists or retired members may only claim for moving damages under the PCA if loss or damage occurred in connection with the movement or storage of their personal property under orders.

b. Power of Attorney (POA). If your DPS claim was filed and then transferred to the MCO by anyone other than yourself, that person must be designated as your legal representative by a POA in order to communicate with the PCU once the claim has been transferred. Payment will be made to the claimant’s account, not to the agent’s, unless the POA specifically authorizes the agent to both file the claim and receive payment. If an agent is transferring a claim on your behalf, the agent must include a copy of the POA. The designation of an agent to release and/or take delivery of a

shipment is not a valid POA to file a claim on your behalf. Your agent must have either a General POA granting him the power to do everything you could do, or a Specific POA granting him the authority to file your claim. Many Region Legal Service Offices (RLSOs) provide POA on a walk-in basis. The prospective claimant must be present to grant a POA. Remember, the POA must be effective on the date the claim is transferred to the PCU. An outdated POA cannot be accepted even if the POA was valid when the claim was filed in DPS.

5. PRIVATE INSURANCE.

You **DO NOT HAVE TO FILE** with your private insurance company **IF** your claim is for loss/damage to your personal property **while it was being shipped or stored at government expense**. However, you should consider the fact that your private insurance may pay you for items for which the government cannot pay. For example, if you forgot to take the ink pen out of your pants pocket and it caused the clothing in a box to be stained by ink, the government could not pay for the loss because the damage was caused by your own negligence. If you have any questions about whether or not to file with your insurance company, you need to discuss your concerns with the company. Claims personnel are not authorized to counsel you regarding private insurance coverage.

6. HOW DO I GET PAID?

a. SETTLEMENT FROM THE TSP. For items that are damaged but not destroyed, the TSP can choose to either repair the items to the extent necessary to restore them to their original condition when received by the TSP, or pay you the repair cost.

For most items that are destroyed (i.e., the repair cost exceeds replacement cost) or lost, the TSP can choose to either replace the lost or destroyed item with a new item, or pay you the full replacement value of a new item.

For boats, personal watercraft, ultra light aircraft, pianos, organs, firearms, objects of art, all terrain vehicles, and snowmobiles, the TSP may replace the item with a comparable used item or pay you the fair market value (depreciated) replacement cost, because these are large, expensive items that are not part of the typical shipment and like motor vehicles, they are readily available as a used item.

When FRV applies to a shipment that includes one or more motor vehicles (automobiles, vans, pickup trucks, motorcycles or sport utility vehicles), the TSP's maximum liability for the vehicles is the value stated in the current issue of the N.A.D.A.'s Official Used Car Guide for such vehicle(s), adjusted for mileage and other factors considered in the guide. However, if either you or the TSP have obtained an appraisal of the vehicle from a qualified appraiser, settlement will be based on the appraised value rather than the book value.

If the TSP decides to pay you the repair or replacement costs of the item(s), they are required to issue you a check within 30 days of receipt of notice that you have accepted a full or partial settlement.

b. PAYMENT FROM THE MCO. The line items you transferred to the MCO are adjudicated pursuant to the Military Personnel and Civilian Employees Claims Act (PCA) (31 U.S.C § 3721). The PCA is a gratuitous payment statute and is not intended to replace insurance. The PCA only allows payment up to the fair market value (FMV)(depreciated value) of lost or destroyed items. If the FMV is paid on any line item, and you originally filed your claim with the TSP within 9 months after delivery, we will assert a demand against the TSP for the FRV of that item. If recovered, we will pay you the difference between the FMV and the FRV.

Claims payments by the PCU are processed through the Defense Finance and Accounting Service (DFAS). DFAS electronically deposits payments directly into your pay account. If you do not have a DFAS pay account (i.e., you are no longer in the military or work for the DoD), you will need to fill out the attached Electronic Funds Transfer (EFT) Data sheet.