

**From:** John Ahern / LUMCON

**Date:** March 25, 2014 12:22:44 PM MDT

Hello Everyone,

I recently sent a Guildline Autosol back for calibration. It went via UPS and arrived in Ogdensburg NY damaged. I paid for insurance and have spent the last two months trying to get UPS to honor the policy.

I finally have a contact that is asking for photos and details but I've been denied twice already. One of the reasons they denied the claim is 'improper packaging'. However we used the hard plastic case it came in and it was surrounded on all sides by shipping foam. You can see in the attached picture that it received an impact hard enough to crack the case. To me this is enough evidence that the package was handled roughly and a claim is valid. I was wondering if anyone else has had similar experiences with UPS and could you offer any insight that would be helpful. My external repair estimate is at 1700 currently and it has not been evaluated for internal damage yet.

Thanks

John





**From:** Val Schmidt /CCOM UNH

**Date:** March 25, 2014 12:39:41 PM MDT

Hi John,

We have not had this experience with UPS, but we have with FedEx, actually on a few occasions.

The first was a module for an aluminum hull 500 m rated AUV packed in custom foam within a mil-spec pelican case. Although it was hard to see much damage from the outside, the case was squished enough that the hull was bent out of round. The hull had to be replaced at a cost of several \$10k's and FedEx insurance I think gave us \$100.

I have heard from an acquaintance who lives in Memphis and worked for a summer at FedEx that "shock-watch" and fragile stickers are considered a challenge by the folks that work there.

I wish I had some useful advice. We now palletize most everything when we ship, although when shipping a single case this can be hard to justify.

Best of luck,

Val

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**From:** John Ahern / LUMCON

**Date:** March 25, 2014 12:45:58 PM MDT

Palletizing sounds good. is there a type of service that is preferred for shipping delicate stuff? Does anyone want to recommend alternative shippers?

thanks

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**From:** Robbie Laird / WHOI

**Date:** March 25, 2014 12:48:47 PM MDT

I have not tried to make a claim, but somehow I'm not surprised.

I have found that the rules were different depending on where it was dropped off. If I dropped something off at "mailboxes" (or whatever they were called), ALL electronics had to be in the original factory packing. If I dropped it off at the regular UPS depot, that was not true. (and not just because they were not looking. The rules were actually different.) Seems like the fact that it was shipped in it's original packing should work in your favor.

Robbie Laird

WHOI

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**From:** Thomas Wilson / Stonybrook

**Date:** March 25, 2014 1:02:17 PM MDT

Although I have a slight preference for using Fedex, in my experience all shippers are completely capable of trashing your gear. Unless you declare excess valuation and pay for it, liability is usually limited to \$100. If you have paid for excess valuation, "Fragile and unsuitably packed" is the default defense of the shipper. Your rejoinder is documentation of the packing method. If you are using good packaging, especially manufacturer supplied transport cases, that helps.

Bottom line is you may have to unleash your institution's lawyers to pursue the claim.

Tom

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**From:** "David OGorman / OSU

**Date:** March 25, 2014 1:07:30 PM MDT

Does anyone know if not signing for receipt of a package actually gives you a legal edge?

Dave

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**From:** Thomas Wilson / Stonybrook  
**Date:** March 25, 2014 1:17:50 PM MDT

No legal edge I am aware of, in fact if you don't sign that means package is "refused" and shipper will send it back to origin.

If you notice damage then sign with notation "damage noted" and as much detail as you can fit. Take pictures immediately so timestamp establishes time, delivery person in frame is even better but they are pretty quick. "Hey buddy, can you hold the package up so I can get a shot of that corner?"

If you notice damage after acceptance file a claim for "concealed damage".

Tom

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**From:** Marc Willis / OSU  
**Date:** March 25, 2014 1:06:21 PM MDT

John,

At this point, you should turn this over to your institution risk management or property department (assuming you have one). They should be able to help you resolve this with UPS. Clearly, trying to do this by yourself without support isn't working - get your institution involved. Surely someone at LUMCON has run into the same thing at some point.

Marc

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**From:** Michael D Webb / NOAA  
**Date:** March 25, 2014 2:20:35 PM MDT

John,

Seeing all the replies forced me to remember an incident we had in the late '80s when I had a Guidline Autosol shipped to the La Jolla Labs via the San Diego airport. It was shipped in the Guildline Blue wooden box that they used before they went to cardboard and now I assume plastic, haven't bought one in years since the scientists were forced to provide their own about 15 years ago.

I'm now relating the story of the scientist, who has retired since then and shall remain nameless. No pictures were taken, so I have no corroboration. The box arrived at the lab with the door almost ripped off. The description was it looked like it had been dragged across the tarmac to get into the terminal. Seeing no physical damage to the case, in his infinite wisdom the scientist assumed that the the unit would function correctly, so he put water the tank and turned it on, only to find that water started spewing all over the place. The water connections had worked loose and were not connected in a couple of places. Needless to say the water got all over the boards causing one to blow out before they turned the power off. I wondered what kind of PhD the scientist had, it certainly wasn't one in Common Sense.

I got the unit back and we fixed it in the shop replacing components and calibrated it again. I took pictures, of course, after the fact and it had been returned. We had used a local shipper who we'd used for years with good results. I made a claim for damages, around \$2K. They came back and said they'd try to get it from the airline. This went nowhere. I was told by the shipper, that since the government "self insures", which meant I couldn't purchase insurance when I sent it and we would be responsible for any damage that they might afflict and I wouldn't get any from them. The finally told me they would refund me the cost of shipping, which was \$200. Of course, I never saw it since refunds go to some nebulous government fund that is probably used to send congressmen on junkets.

After that the Autosals were shipped to NY to cross the border to Canada, to St. Mary's in Florida and to San Diego, but by auto freight only. Truck them and take the idiots at the airline freight out of the picture. Never another issue.

However, auto freight is no guarantee either, I had a 10Km reel of Rochester shipped to Seattle to meet a critical sailing date. The truck driver slid the truck off the road in Wyoming and got out before the truck and trailer went up in flames. Our loss was small compared to the rest of the shipment, now this was early '80s, of IBM PCs. Didn't have to make claim, informed Rochester since they were responsible for it until it got to our door, FOB destination, that we really needed to have the cable delivered in two weeks and they were still on the hook because they hadn't delivered the cable yet. Procurement pushed the point and somehow Rochester delivered the cable in time to meet the sailing. They claimed that since they were already setup, they were able to make the cable in a week and half and fast freight it to us via airfreight, no small charge there. They probably stole one from a

UNOLS buy and shipped to us to get that contract done while yours was to be delivered later. Never found out if that was true or not.

Lessons are if delicate, ship auto freight if you can and if allowed make all procurements, FOB destination. Still working for us, even in Hawaii where it comes by boat for big stuff. Also Rochester can do quick cable manufacture when they have to.

mahalo

mike

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**From:** Ted Koczynski / LDEO  
**Date:** March 26, 2014 6:51:29 AM MDT

Hi Folks,  
One disturbing trend in shipping is the 'second sourcing' of the actual carrying of the 'freight'. I have contacted Fed-Ex to carry equipment from Scripps to Lamont and a local trucking firm showed up. I said 'Whoa' and the said that don't worry as they are a feeder to Yellow Freight! I asked where does Fed-Ex come into play here, and the reply was they are the agent on the move...???

Second case, moving a Gravity meter from Lamont to Manzanillo, Mexico, much the same. Critical Freight division of Fed-EX called to ensure fast movement and AC power supplied to the instrument during any long stops enroute. Who shows up? Tony from Tony's shipping! What, Tony in his street clothes, and says that Fed-Ex uses him to get things to the airport quickly. Didn't seem very professional.

Tedski  
Lamont

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**From:** Jason Clermont / SEA  
**Date:** March 27, 2014 7:21:45 AM MDT

We've actually started to utilize a secondary insurer when shipping the more expensive instruments. The rules for "declared value" and what Fed Ex will actually cover for damage incurred during transport are pretty misleading - declared value is not insurance. There is language in the fine print that they will only cover up to \$100 or so and that you should have secondary insurance to cover the full value of what's being shipped in teh event of damage or loss. At least that's my understanding.

-Jason

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