

Guide to People Claims

Information and documentation required to efficiently handle your claim



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Leadership in action

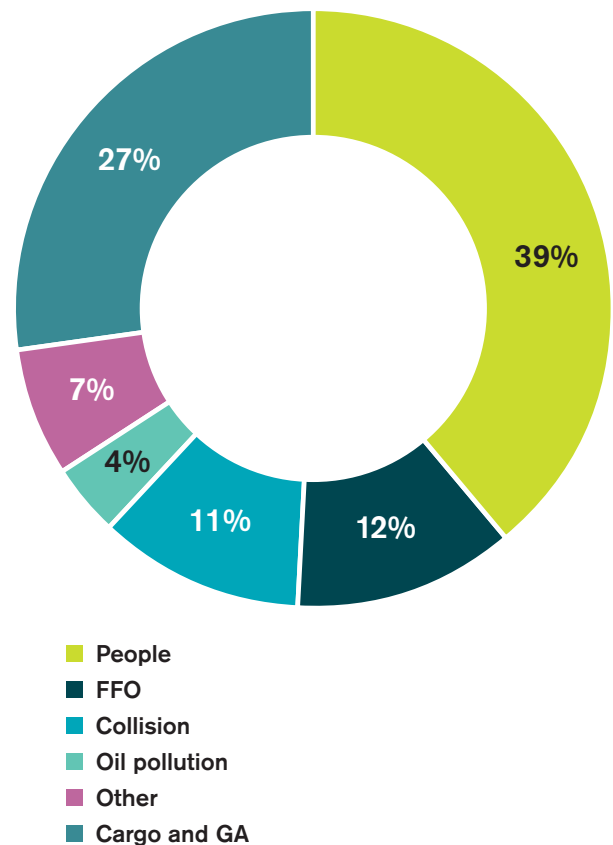
The information in this publication is intended to provide details of the type of documentation and information required by the Club to start handling your claim quickly.

People related claims account for approximately 39% of the Club's annual expenditure. For Members, the financial impact can be significant, in addition to the disruption and inconvenience caused to ship operations by accidents and illness on board. When accidents happen, it is important to have the right team onside, thus ensuring that claims are handled efficiently from the start and getting the best result for everyone involved.

With dedicated people claims teams and case handlers based in London, New Jersey, San Francisco, Piraeus, Hong Kong and Singapore, we provide global, on-the-spot help and assistance for all people related matters, 24 hours a day.

Our dedicated people claims teams exclusively handle all P&I and Defence matters involving crew and other third parties. This includes claims in respect of injury, illness and death of crew, stevedores, passengers and other third parties. In addition, they handle matters involving drug smuggling, immigration and customs fines, loss of and/or damage to personal effects of crew and others, stowaways, refugees and ITF disputes.

Total cost of reported claims by category 2008-2017



Meet the team – People Claims

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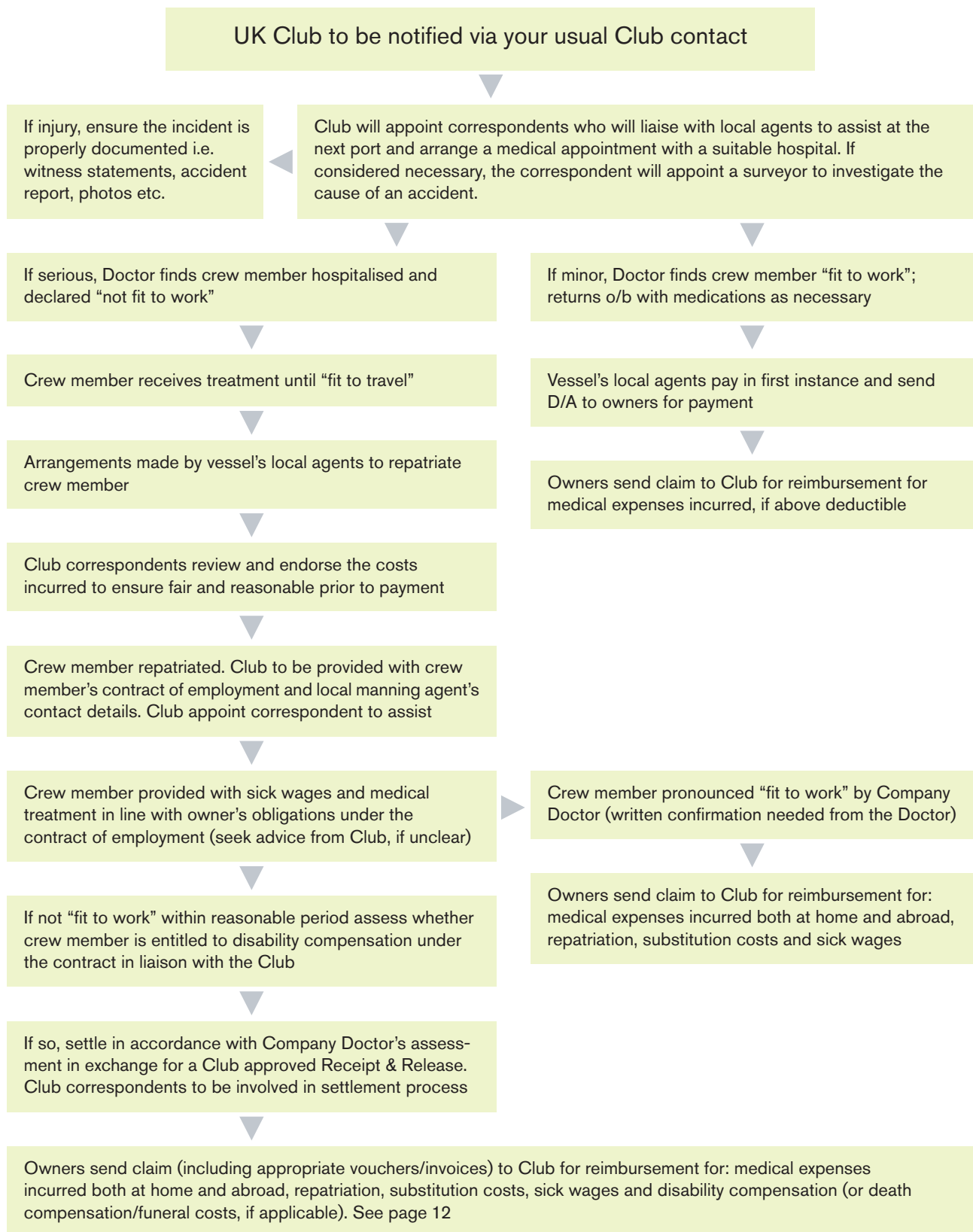
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Guidance for crew illness and injury claims – what to expect



Information required by the Club in the event of a new crew illness/injury claim

Crew name
Nationality
Rank
Age
Period of contract
Date joined vessel
When joined company
Date of illness/injury
Details of illness/injury
Names of any witnesses
Position of ship
Last port of call
Next port of call
Details of any medical assistance provided on board
Details of any medical assistance provided ashore
Has crew been certified "not fit for duty"? Date?
Has crew been disembarked for medical treatment?
Port where landed
Has crew been hospitalised?
Local agent details
Crew certified fit to fly?
Repatriated to home country?
Date when can be repatriated?
Details of any medical assistance provided at home
Diagnosis
Prognosis
Expected treatment plan

Where available, please attach copies of the following:

- Crew individual contract of employment
- Overriding collective bargaining agreement (CBA)
- Master's statement of fact
- Witnesses statements of fact
- Accident report
- Photographs of the accident site
- Most recent pre-employment medical examination (PEME)
- Any medical reports issued to crew member so far
- Any medical bills received so far

Guidance and advice for crew death claims

Information to gather in the event a crew member is found dead on board?

Assess the area and secure any potential dangers to others
Check the crew member's cabin for any medication or drugs
Master's statement of fact
Name(s) and statement of fact(s) from any witnesses or who found the body
Name(s) and statement of fact(s) from any crew who knew the deceased well about any recent changes to their behaviour or mental state
Photograph(s) of the area where body was found

Storage of body on board

(Reference to Loss Prevention Bulletin 783 – 09/11)

It is a common misconception that the best course of action, to preserve a dead body, is to freeze it. When a body is frozen, however, the tissues dehydrate and the body develops freezer burn, and the skin turns black. This can have a negative impact on the interpretation of injuries, as well as on attempts at visual recognition by family members.

Rapid freezing of bodies can cause post-mortem injury, including cranial fracture. Handling bodies when they are frozen can also cause fracture, which will negatively influence the investigation and make the medico-legal interpretation of the examination results difficult.

Also, if frozen, it takes about three days for the body to thaw before the autopsy can take place, and the body will decompose much more quickly than if it had been refrigerated. There is therefore a danger of losing vital information at this stage.

The correct procedure is if it is anticipated that the body will be stored on board for no more than two months then it should be refrigerated at 4° Celsius. If the body is to be stored on board for longer than two months then freezing or embalming may be necessary.

Landing of the body ashore

Correspondents – the Club would always recommend that a local correspondent is appointed at the port where the body is due to be landed as they will have an understanding of any local customs which need to be followed and which authorities must correctly be notified of the death.

Funeral Director – in consultation with the Club and Members, a funeral director will be appointed to prepare the body for travel in a coffin and organise the necessary repatriation arrangements to the crew member's home country.

Embassy/Consult – the corresponding embassy or consulate will be notified in order to issue a death certificate.

Local Authorities/Police – if there are any suspicious circumstances surrounding the death, the local police may wish to board the ship to conduct their own investigation into the incident.

Deviation – if the ship's next port of call is some days or weeks away, Members may explore the option of diverting the ship to land the body sooner. Before this decision is taken, there are few matters which should be fully considered.

- i. **Club** – any deviation to land a deceased crew member must be discussed with the Club in advance of the ship altering her course. It is not an express provision within the Rules to deviate under these circumstances and the Manager's express agreement must be obtained to gain confirmation of Club cover and reimbursement of the Member's net losses.
- ii. **Charterer, shipper etc.** – a deviation in these circumstances may be convenient to the ship owner and preferable to the crew on board, however, it may not be permissible under the terms of the charterparty or contract of afreightment as this will not be a deviation to save life at sea. All parties should be made aware of the death from the outset and their agreement to deviate should be sought to avoid any breach of contract.

Information required by the Club in the event of a new third party / stevedore claim

Name of injured person
Nationality of injured person
Job title / rank
Name of employer
Port where accident occurred
Details of accident
Location on ship of accident
Accident investigated on board?
Names of any witnesses
Who is responsible for supervising the cargo operations; ship's crew/stevedore company etc.?
Name of individual supervising the cargo operations
Last port of call
Next port of call
Master issued Letter of Protest?
Local agents' details
Are these charterer's or owner's agents?
Brief details of the injuries sustained; minor/serious/hospitalised?
Any previous accidents in same area of ship?

Where available, please attach copies of the following:

- Copy of applicable charter party
- Master's statement of fact
- Photos of accident site
- Witnesses statement of fact
- Investigation report
- Copy of Letter of Protest

Loss Prevention advice for stowaways

Steps to help prevent stowaways

- Prior to and during a ship's call at any port, it will be necessary to ensure all relevant sections of the ISPS Code are implemented particularly regarding the ship's gangway and dock areas.
- Ensure there is always a member of the ship's crew manning the gangway who is closely monitoring all persons embarking and disembarking. Additional precautions such as CCTV should also be used where available.
- On Ro-Ro vessels the ramp should also be monitored at all times and any access points on the deck should be locked so that the vessel cannot be penetrated.
- Agents should obtain and provide to the ship a list from the stevedore company which clearly identifies the number of stevedores that shall be working on the ship. It is essential that stevedores only embark and disembark by the ship's gangway and their movements are constantly monitored whilst onboard.
- Similarly, all visitors that are expected on the ship should be known to the ship's Master, the crew member assigned to gangway watch duty and the agents, with their expected time of arrival and clear details of their intended business onboard. All visitors should be instructed to report to the crew member assigned to gangway watch duties in the first instance.
- Be vigilant for any persons who may be trying to board the ship by mooring ropes or by small boat at the waters edge. This is particularly important when the ship is berthed at night.
- It is essential that the ship is searched prior to departure, including the rudder stock area and all other dark and difficult to access areas. This should include areas that are thought to be locked/secured. Empty bays on container vessels and empty holds on bulk/general cargo vessels should be searched. In some circumstances it may be prudent to engage an external search company to assist with a search prior to the ship's departure.

Steps to be taken in the event a stowaway is found

- Once the presence of a stowaway has been detected it is important to inform the Owners and the port agents. It is also essential to inform the P&I Club of the matter who can then liaise with the local Club correspondent, who will assist with the necessary processes for disembarking.
 - It is the responsibility of the agent to advise the local authorities of the stowaway's presence. If the nationality of the stowaway is known or suspected, then arrangements should be made for the stowaway to be taken to the relevant embassy to confirm their identity, in an attempt to procure emergency travel documentation.
 - It can be very useful to search the area where the stowaway was found for any additional information which may be of assistance, such as concealed documents, etc.
 - Also ensure that the stowaway's clothing has been searched to confirm he does not possess any items that may be a danger to himself or others around him.
 - The stowaway must be photographed and interviewed in an attempt to ascertain and document the following information:
 - a. Port of embarkation
 - b. Details of documents held, if any
 - c. Name
 - d. Date and place of birth
 - e. Address
 - f. Nationality
- NB. It should be remembered that stowaways frequently lie about their identities to delay their disembarkation, and so, if Masters suspect this to be the case, they should report it as such.
- Once the above information has been obtained, it should be reported to the Association and/or the local correspondent, who will then provide a comprehensive stowaway questionnaire for completion. These questionnaires are often specific to the alleged nationality of the stowaway and can help ascertain if it is correct.
 - While the stowaway remains onboard, the stowaway should be fed and allowed access to basic items such as a bed and toilet. The stowaway should also not be made to work at any time and should not be signed onto the ships articles.
 - It will be necessary for the stowaway to be kept secure at all times. If there is more than one stowaway, it may be necessary to secure them separately, if possible. The use of external guards may be necessary in some instances if the stowaway cannot be taken into police custody.

Information required by the Club in the event of a new stowaway claim

Number of stowaways found
Location on ship where found
Time and date when found
How discovered
Position of ship when discovered
Last port of call
Next port of call
Where believed to have boarded
How believed to have boarded
Any medical assistance required?
Suspected nationalities
Any documents or other personal belongings discovered?
Local agents' details at next port
Are these charterers or owners agents?
Local authorities at next port notified?
Are stowaways disruptive or violent towards the crew or ship?
Stowaways now secured in cabins?
Separate cabin available for each stowaway?
Any stowaway believed to be under 18 years old?
UK P&I Club stowaway questionnaire completed?

Where available, please attach copies of the following:

- Copy of applicable charter party
- Completed stowaway questionnaire
- Passport style photos of all stowaways
- Master's statement of fact
- Photos and/or copies of any documentation or other belongings found
- Photos showing area of ship where stowaways were found

Information required by the Club in the event of a new passenger claim

Passenger name
Passenger nationality
Passenger age
Details of illness/injury
Date of illness/injury
Position of ship at time of illness/injury
Location on ship of illness/injury
Was illness/injury reported on ship?
Was illness/injury investigated?
Names of any witnesses
Was medical attention sought onboard?
Details of any medical assistance provided on board
Was medical attention sought ashore?
If so, which port?
Details of medical attention sought ashore
Cruise itinerary
Date joined ship/cruise started
Price paid for cruise
Local agents' details
Repatriated to home country?
If not, date when can be repatriated?
Details of any medical assistance provided at home
Diagnosis
Prognosis
Expected treatment plan
Passenger legally represented? Name of law firm
Summons filed? Date received?

Where available, please attach copies of the following:

- Copy of passenger ticket
- Copy of accident report
- Copies of any medical reports issued to passenger
- Copy of summons or any legal correspondence received
- Terms and conditions of the ticket
- Photos of accident site
- Witnesses statements of fact

Information required by the Club in the event of a new deviation claim

Reason why ship deviated
Deviation start: Position (co-ordinates)
Deviation start: Date and time
Deviation start: Fuel remaining on board
Deviation end: Position (co-ordinates)
Deviation end: Date and time
Deviation end: Fuel remaining on board
Expected time for intended voyage
Actual time for voyage
Additional time for deviation
Expected fuel consumption for intended voyage
Actual fuel consumption for voyage
Additional bunkers for deviation

Where available, please attach copies of the following:

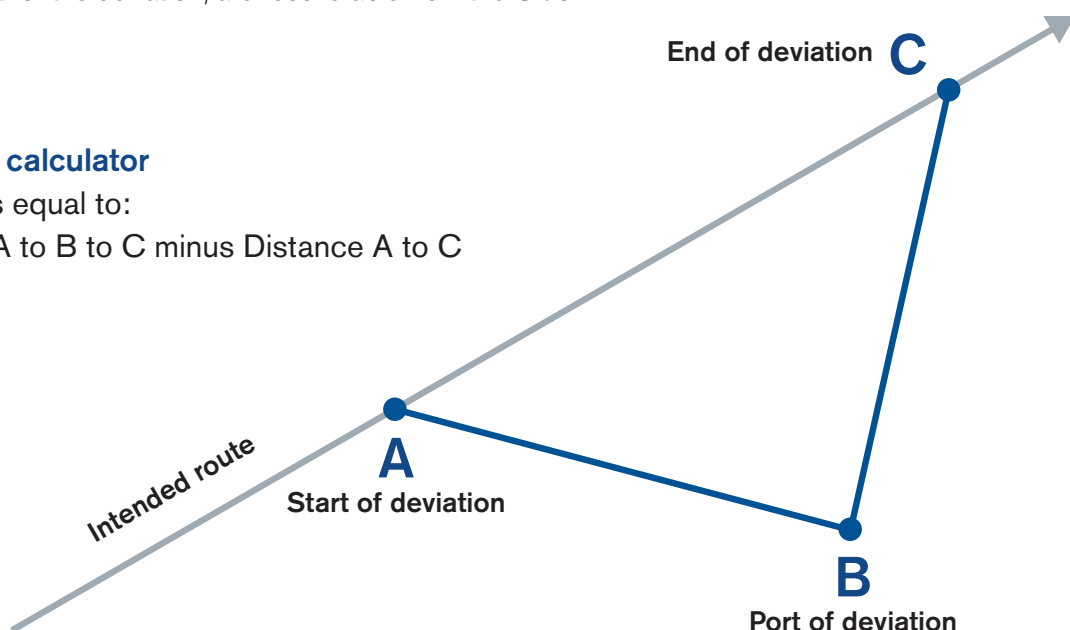
- Sketch to show intended voyage relative to actual voyage
- Copy of bunker receipt immediately prior to deviation
- Master's statement of fact / deviation statement
- Copy of passage plan or other to show the intended time and consumption for the voyage
- Copy of deck log book during deviation
- Copy of engine log book during deviation
- Itemised breakdown of the vessel's actual daily operational expenses

It should be noted that only Member's net losses, over and above such expenses as would have been incurred but for the deviation, are recoverable from the Club.

Deviation calculator

Net loss is equal to:

Distance A to B to C minus Distance A to C



UK P&I Club standard form for reimbursement requests

Ship name:		Port / Date:		
Crew name / rank:		Date joined ship:		
Nationality:		UK Club reference:		
Illness/Injury:		First notice to Club:		
Details of expenditure	Voucher No.	Currency	X/rate	\$US Amount
1. Medical expenses				
2. Pharmaceuticals				
3. Hospital account				
4. Crew transportation				
5. Hotel				
6. Repatriation airfare				
7. Substitution airfare and transportation				
8. Substitute hotel				
9. Agency fee/expenses				
10. Death/disability benefits (Attach receipt and release)				
11. Sickness wages @ \$US per week/month From to				
12. Deviation expenses a. Fuel b. Lub oil c. Daily running expenses (Attach itemised list)				
13. Other expenses				
14. Loss of personal effects				
15. Fines				
Gross total				
Applicable deductible				
Net amount claimed				

Payable to:

Bank:

Bank Address:

A/C Name:

A/C No:

Swift Code:

Routing Instructions:

Resources and useful contacts

WHO – The World Health Organization

Avenue Appia 20
1211 Geneva 27
Switzerland
Tel: + 41 22 791 21 11
Fax: + 41 22 791 31 11
www.who.int/en

MRCC – Maritime Rescue Coordination Centres

www.sarcontacts.info

The Ship Captain's Medical Guide

www.gov.uk/government/publications/the-ship-captains-medical-guide

Sailor's Society

www.sailors-society.org

UK P&I Club – Stowaway Assistance

www.ukpandi.com/loss-prevention/people-claims/stowaways



