

COMMANDER
MILITARY SEA TRANSPORTATION SERVICE
PACIFIC AREA
San Francisco 7, California

MSTSPAC-5890.1A
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9 August 1960

MSTSPAC INSTRUCTION 5890.1A

From: Commander Military Sea Transportation Service, Pacific Area
To: Distribution List

Subj: Affirmative claims for stevedore damage to MSTs ships (USS and USNS) (MSTSPAC Form and Report 3040-1)

1. Purpose. To delineate the responsibilities of the Commanding Officers of MSTs Offices and MSTs Representatives under COMSTSPACAREA with regard to claims arising from damage caused by contract stevedores to MSTs ships (USS and USNS).

2. Cancellation. MSTSPAC INSTRUCTION 5890.1 is cancelled and superseded by this Instruction.

3. Scope. Cases of damage by Government-employed stevedores are not within the scope of this Instruction since no affirmative claims can arise in such cases.

4. Directive. Commanding Officers of MSTs Offices and MSTs Representatives under COMSTSPACAREA shall comply with paragraphs 5, 6, and 7, below, and, in addition, shall implement this Instruction by developing local procedures to ensure that they are informed of all instances of contract stevedore damage to MSTs ships (USS and USNS) and that appropriate action is taken.

5. Survey.

a. Upon receipt of notice of contract stevedore damage, an immediate survey shall be arranged and due notice in writing, fixing the date, time and place of survey, shall be given to the damaging stevedores and representatives of the shipper service involved.

b. This survey shall be attended on behalf of MSTs by qualified technical representatives of the command and the Master, Commanding Officer or other representative of the ship. Every effort shall be made to see that representatives of the stevedores and the shipper service are present.

c. The purpose of this survey shall be to determine the nature and extent of the damage resulting from the incident,

d. The results of the survey shall be reduced to writing and signed by all representatives who participated. If any representative declines to sign, a notation to that effect shall be made on the report, with a statement of the reason for refusal to sign.

6. Investigation. A prompt investigation shall be instituted to develop all facts relevant to the reported damage. Such investigation should include:

a. Where liability for the damage is admitted by the stevedores, a statement of the facts which establish the liability and the signature of an authorized agent of the stevedores admitting the facts and assuming liability thereon.

b. When liability for the damage is denied by the stevedores, a statement of the facts and allegations on which the demand is based and an acknowledgment by an authorized agent of the stevedores of the existence of the damage and of notice as to liability.

c. Signed statements from all ship's officers and crew members who have any knowledge of the facts.

d. Wherever there is an allegation or possibility that faulty or improper ship's gear or equipment caused or contributed to the damage, said gear or equipment shall be carefully examined and, when considered feasible, parts removed should be preserved or photographs taken.

7. Reports. Occurrence Report (MSTSPAC Form and Report 3040-1), the report of investigation and survey, shall be forwarded to COMSTSPACAREA. Office of Counsel will prepare a report of the incident and forward it together with a bill for repair costs, via the office concerned, to the shipper service having the contract with the damaging stevedores. This report will be accompanied by a request to the shipper service to effect collection from the damaging stevedore contractor. The proceeds of collections shall be forwarded to the Office of Counsel, COMSTSPACAREA.

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8. Extent of investigations. The extent of surveys and investigations of minor damage incidents is left to the discretion of the office involved.

E. B. McKINNEY

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