
UIIA BINDING ARBITRATION PROCESS FOR DISPUTING PER DIEM INVOICES

STEP 1: DISPUTING PER DIEM INVOICES

- The Motor Carrier (MC) will first need to dispute the invoice in accordance with the dispute resolution process contained in the specific Equipment Provider's (EP) addendum. If there is no dispute resolution process in the EP's addendum, the default dispute resolution process under Section H.1 of the UIIA must be utilized.

Section H.1. of the UIIA outlines the following timeframe on disputing an invoice with the EP:

- The MC has 30 days from the date of receipt of the invoice to dispute the charges with the EP.
- The EP has 30 days to respond to the MC's dispute.
- The MC has 15 days from the date of the EP's response to either pay the claim(s) or seek arbitration.

STEP 2: PUTTING YOUR CLAIM TOGETHER TO SUBMIT FOR BINDING ARBITRATION

- MC should provide all backup documentation in the order as listed below:
 - o *Basis of dispute* – a brief narrative describing the issue that would also include the following information:
 - Invoice date, Invoice number and the amount being disputed.
 - The date your company disputed the invoice with the EP.
 - The date the EP responded to your dispute.
 - The provision of the UIIA on which you are basing your claim/argument.
 - Details on when (date)/where (terminal name) the unit(s) were picked up and when/where the unit(s) were dropped off.
 - o Copies of the Invoice(s) that are under dispute.
 - o Copies of the in and out-gate EIR's for each invoice.
 - o All e-mail communications showing that the invoice(s) were properly disputed with the EP. Please provide e-mail communications in a Word document and in date order.
 - o Please provide any other documentation that supports the basis of your dispute. Some examples of supporting documentation could be: **[Note: All supporting documentation should be specific to the period covering the interchange dates regarding the disputed charges and specific to the facility where the interchange occurred.]**
 - Copy of eModal or EP e-mail communications showing terminal closures, row closures within the facility, refusal of empty returns for specific EPs, last minute notification of re-direction of equipment.
 - Dispatch records that show driver's attempt to gain access to the facility, in the event that he/she was turned away either before getting to the gate or at the gate.
 - Copy of turn away tickets if provided by the facility.
 - Any other documentation/evidence supporting the impacts of congestion on your ability to pick up or return equipment.

STEP 3: SUBMITTING YOUR CLAIM FOR ARBITRATION

- Complete the Notice of Intent to Seek Binding Arbitration Form along with the filing fee form. **All claims related to the West Coast port congestion issues will only be charged the initiation fee of \$50 per claim. The arbitration filing fee of \$250 will be temporarily waived for these types of claims.**

Motor Carriers may submit multiple per diem invoice disputes under a single binding arbitration claim as long as all of the invoice disputes involve the same EP.

Notice of Intent form along with the information outlined in Step 2 should be submitted to the UIIA office via e-mail to: Sherry.Parnell@intermodal.org or via fax to: (253)322-9985. Alternatively, information may be mailed to the UIIA office at the following address: IANA, 11785 Beltsville Drive, Suite 1100, Calverton, MD 20705.

STEP 4: PROCESSING ARBITRATION CLAIM

- Your claim will be reviewed by IANA staff to determine if it meets the criteria under Exhibit D of the UIIA (binding arbitration guidelines). The Moving Party will be notified if any additional information is needed. Claims may be rejected for any of the following reasons:
 - Charges were not initially disputed with the EP within the established dispute resolution timeframe set forth in the EP's addendum or absent a dispute resolution process in the EP's addendum the thirty day timeframe set forth in Section H.1. of the UIIA.
 - Binding arbitration claim was not submitted to the UIIA within 15 days of the EP's response to the Motor Carrier's dispute.
 - Supporting documentation was not submitted with the Notice of Intent to Seek Binding Arbitration form.
 - Claim involved charges other than per diem and/or maintenance and repair charges.
- IANA staff will assemble all information and initiate the claim by forwarding this information to the Responding Party for comment. Arbitration claims will be assembled as quickly as possible depending on the amount of documentation that has to be reviewed with each claim. Once the claim is forwarded to the Responding Party, it will have 15 days to submit comments. Upon receipt these comments the claim will be added to the case file.
- The claim will then be forwarded to the arbitration panel for review. The panel has 45 days from the date they receive the claim to render its decision.
- Both the Moving & Responding Parties will be notified via e-mail once a decision has been reached.

The cost of the filing fee is assessed against the party against whom the decision is rendered. Should the filing fee have been paid by the prevailing party, it is entitled to reimbursement of the fee by the losing party.