



# Advanced MEL

Webinar

2 December 2020

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LIG MARINE MANAGERS, INC. | ST PETERSBURG, FL

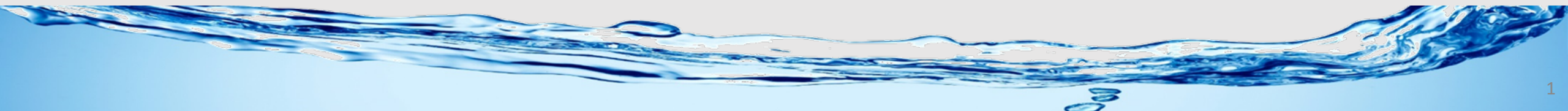
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# MEL is a Kitchen Sink of Coverages

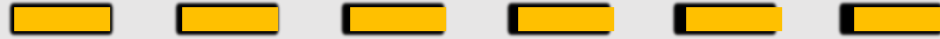
- TWM&C – Transportation, Wages, Maintenance, Cure
- Death On the High Seas Act (DOHSA) ‡
- Wrongful Death
- Jones Act \*
- Unseaworthiness



\* We'll come back to these in a bit  
‡ can be added by endorsement



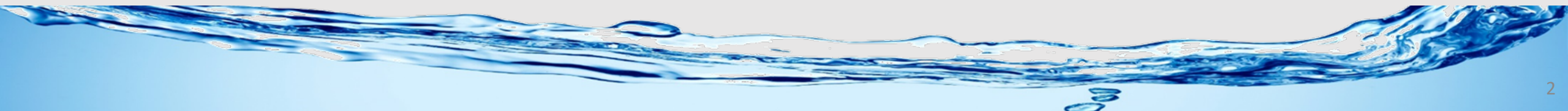
# Death on the High Seas Act (D.O.H.S.A.) 1920



Seaman and non-seaman

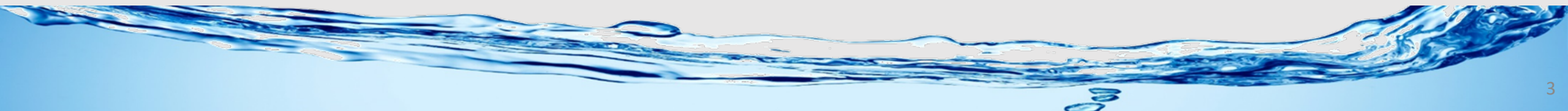
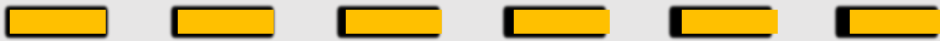
Limited to monetary damages

No punitive



# Wrongful Death Under General Maritime Law

U.S. Supreme Court decision (*Moragne v. State Marine Lines*, 1970) established a remedy for wrongful death for the personal representatives of seamen or passengers of a vessel within territorial waters. (12 nautical miles (~13.5 land miles) from shore)



# Unseaworthiness

Must show proximate cause was a defective condition of the ship or its equipment

Hull, cargo handling equipment, hand tools, ropes and tackle, provisions, the method of cargo storage, the lack of certain types of equipment, and the competency and size of the crew.



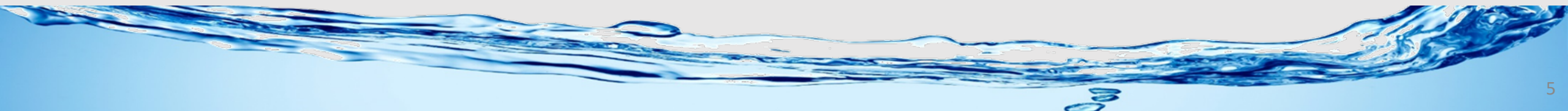


# Unseaworthiness

Seaworthiness is absolute & independent of negligence

Test for Unseaworthiness = reasonably fit for intended use. Not required to prove perfect condition, nor “accident free”. Merely, that it be reasonably suited for its intended use

Warranty of seaworthiness owed only to seaman



# Jones Act

Benefits :

- TWM&C
- +
- Loss of Future Earnings
- Pain and Suffering



# Who is a Jones Act Sailor

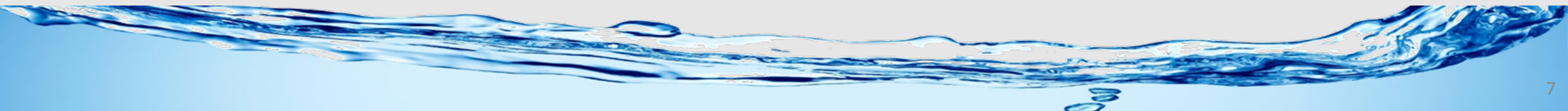
From a post [McDERMOTT v. WILANDER](#) Perspective

Summary:

Respondent Wilander, a paint foreman injured at work while assigned to a “paint boat” chartered by petitioner McDermott International, sued McDermott under the Jones Act.

Ruling:

1. The worker must have an employment related connection to a vessel in navigation &
2. Must contribute to the function of the vessel or to the accomplishment of its mission





# This created the 5 tests currently

1. Connection to a Vessel In Navigation\*
2. Course of Employment
3. Contribute to the function of the vessel
4. Substantive Connection to the Vessel
5. Vessel of Part of an Identifiable fleet

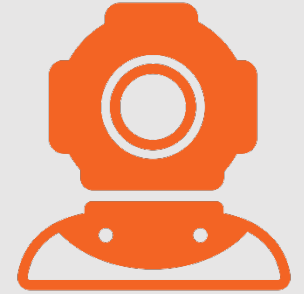


\* The Jones Act Situs test



# Diving Special Thoughts

## Getting the coverage right

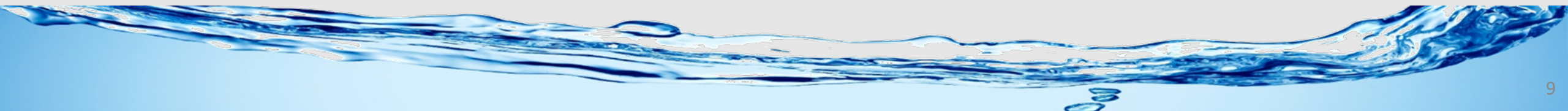


Mirror the P&I exclusion when possible.

- Give your MEL underwriter the P&I diving exclusion.
- You might be better suited to cover employees who dive their entire time

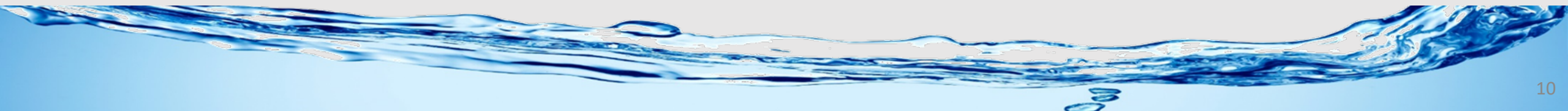
Insureds might not know where they dive from

- From a vessel is Admiralty Exposure
- From Land is Longshore Exposure



# Common Endorsements

- Blanket Additional Insured, Waiver of Subrogation.
- Alternate Employer
- Removable exclusion A for owned vessels
- Adding Diving Wording
- Gulf of Mexico
- DOHSA
- TRIA - TRIPRA

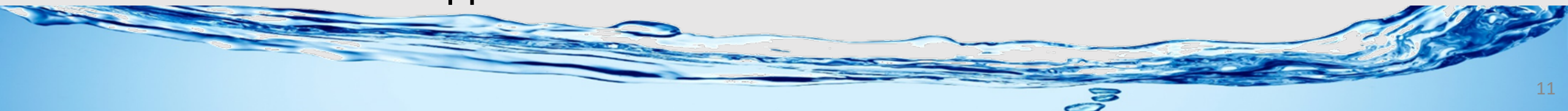


# Mark's Rules\* for Coverage

1. If your employees go on a vessel buy MEL<sup>‡</sup>
2. If you have at least situs buy Longshore
3. If you go on rigs of any kind. Get OCSLA.
4. Give your underwriter the full story. Let them Craft the coverage for you.

\* Guides

‡ Or P&I Crew if applicable



# Questions?

