



### **VCF Treatment of Letters of Administration or Other Court Orders Providing Limitations on the Authority of a Personal Representative**

In order to process a claim filed on behalf of a deceased individual, the Special Master must first “validate” the Personal Representative of the decedent. To validate the Personal Representative, the Special Master evaluates the letters of administration, letters testamentary, court orders or other similar documentation issued by a court. Many Letters of Administration and court orders contain limitations that affect the VCF’s ability to process or make payment on the claim. Below are examples of common types of limitations, what effect those limitations have on a VCF claim, and what action you must take in order for the VCF to process and/or pay your claim.

**Limitations on the Personal Representative’s Authority to File, Prosecute and/or Compromise Any Action or Claim on Behalf of the Decedent:** If there are limitations regarding the Personal Representative’s authority to file, compromise or prosecute a claim on behalf of a decedent, the VCF may accept the Letters in certain circumstances, described below.

- **Letters of Administration or court order issued by a New York State probate or Surrogate’s Court:** If you were appointed as Personal Representative by a probate or Surrogate’s Court in the State of New York, the VCF may process your claim *if* there is sufficient documentation in the file confirming that the decedent passed away as a result of his/her eligible 9/11-related conditions. We are able to accept letters of administration issued in New York with these limitations where there is documentation confirming that the decedent died due to his/her eligible conditions because of the specific provision in the NY Statute, EPTL 5-4.6. You may submit various types of documents to show cause of death. For example, a long-form death certificate might provide the relevant cause of death. Or, the cause of death may be documented with medical records (including a letter from the decedent’s physician).
  - If the VCF determines that the decedent’s death is related to his/her eligible conditions, the VCF will notify you by letter that you have been “validated” as the Personal Representative of the decedent for purposes of the VCF claim, and will continue to process the claim.
  - If the VCF determines that the decedent’s death is not related to his/her eligible 9/11-related conditions based on the documentation submitted, the VCF will notify you by letter that you must obtain revised Letters of Administration or a court order that does not contain such limitations. The VCF will not process the claim until you submit acceptable revised Letters of Administration or court order.
  - If it is not clear to the VCF whether the decedent’s death is related to his/her eligible 9/11-related conditions based on the documentation submitted, the VCF will notify you by letter to request clarifying documentation regarding the cause of death and to obtain revised Letters of Administration or a court order that does not contain such limitations. The VCF will not process the claim until you submit acceptable revised Letters of Administration or court order or sufficient documentation that the decedent died due to his/her eligible conditions.
  - If you know that the decedent did not die from an eligible condition, please provide that information to the VCF. This will help us to address the claim quickly.
  - If the Letters of Administration or court order specifically prohibits you from filing a VCF claim, you must obtain new Letters of Administration or a court order that authorizes the pursuit of a VCF claim. The VCF will not process the claim until you submit acceptable revised Letters of Administration or court order.



- **Letters of Administration or court order issued by a probate or surrogate's court outside of the State of New York:** If you were appointed as Personal Representative by a probate or surrogate's court outside of the state of New York, you must obtain revised Letters of Administration or a court order permitting you to pursue a claim with the VCF on behalf of the decedent. The VCF will not process the claim until you submit acceptable revised Letters of Administration or court order.

**Monetary Limitations:** If the Letters of Administration or court order limits the amount of money that the Personal Representative can collect, the VCF will generally accept the documents for purposes of evaluating the claim, but will not make any payment on the claim in excess of the dollar limit specified, without further order of the court. For example, if the Letters of Administration or court order restricts you from collecting more than \$25,000 and the VCF issues you a loss determination letter indicating a total loss of \$500,000, the VCF will only issue a \$25,000 payment without further court order. This policy applies regardless of the state in which you were appointed and regardless of the cause of death (in other words, this applies even if the Letters of Administration were issued in New York and the decedent's death was caused by an eligible condition).

**Time-Limited Court Orders/Letters of Administration:** If the Letters of Administration or court order contains an expiration date – that is, the documents indicate that they have expired or will expire before payment will be issued – you must obtain revised Letters of Administration or a court order that extends your authority to collect assets or administer the estate. This policy applies regardless of the state in which you were appointed and regardless of the cause of death (in other words, this applies even if the Letters of Administration were issued in New York and the decedent's death was caused by an eligible condition).