



The following topics were discussed in the December 8, 2015 conference call with law firms representing VCF claimants.

- **Reminders - WTCHP Disability Evaluation Process:** Any requests that claimants be considered for a disability determination through the NIOSH disability evaluation process must be sent via email directly to Debby Greenspan at Deborah.Greenspan@usdoj.gov. **Please do not use the amendment process to make the request for consideration.** The email should be sent in addition to uploading a letter with the request and any supporting documents to the claim. Please do not include supporting documents as attachments to the email. You should not start an amendment specific to the disability process until the claimant has been evaluated and you have received a report from the WTC Health Program physician. Once the determination is received, please amend the claim and upload the report.

When asking for a claimant to be considered for the process, please include the information the VCF needs in order to assess the claimant's eligibility for the process. This includes information that demonstrates the claimant meets each of the [required criteria](#). It is also very helpful if you identify the condition you think is disabling.

- **Reminder re: hearings/appeals for claims denied for presence:** We are still encountering many instances where a hearing is scheduled, presence is the sole issue being appealed, and on the day of the hearing (or the day prior), presence documents are submitted and the hearing is cancelled. Please look for the presence documents before the hearing is scheduled. It is very costly and time-consuming for us to schedule and cancel hearings, especially in the days immediately prior to the hearing. Please remember that if you have a document that you believe can be used to prove presence at a 9/11 site and it does not meet one of the categories listed on the VCF website, you should still submit the document to the VCF to be reviewed. Sometimes, supporting documents related to compensation may also have information that can be used to establish presence. Please consider what your client may have that could potentially be used to demonstrate presence before appealing and beginning the hearings process.
- **Personal Representatives for Deceased Claimants:** The documents and information needed to support claims for deceased individuals can often be confusing. Please review these important reminders:
 - **Exhibit F:** This is the exhibit that must be completed to demonstrate that the proper individuals were notified of the filing of the claim on behalf of the decedent. Each section **must** be filled out affirmatively. We cannot accept "Not Applicable" or blank fields. If a specific type of individual is not applicable to the decedent, please write something such as "No Spouse" (meaning the decedent never had a spouse) or "Spouse Deceased." We must have information that addresses each type of individual listed on the form.
 - **Cause of Death:** We need to know the cause of death in order to know if it was due to an eligible condition. Please help us by providing documents that explain the cause of death in a way we can easily understand. Sometimes, the longer form death certificate can provide the information, or you can provide medical records leading to the death or a letter from the doctor explaining the cause. We need to know whether or not the death was related to 9/11 so please consider this as you are compiling information for the claim. Please look at what you are submitting, and if it doesn't tell the "true cause," please look for other documents that may better explain what led to the decedent's death.
 - **Letters of Administration ("LOAs"):** Sometimes, LOAs have restrictions or limitations. These are important to the VCF. There is some flexibility if the letters are from New York and the cause of death was 9/11-related, but depending on the circumstances, we may need more information or there may be an impact to how the claim is processed. There are a lot of variations and we will work with you to try and get through whatever is needed to get the claim processed. Please read the letters before submitting them to the VCF and consider whether or not you should go back to the court to get new letters. The VCF did not create this situation and we are trying to work within the standards set by the states and work with you for the benefit of the claimant.

If you are waiting on a court for letters of administration and it is taking a long time, please do not use that as the basis to request the Special Master appoint a Personal Representative. You



should go back to the court and ask about the delay.

- **Reminders about claims for Deceased Individuals:**

- **Differences in offsets:** It is important for the VCF to know who the beneficiaries are for insurance payments in order to determine if an insurance payment is or is not an offset. When you submit the Compensation Form, please provide information about premiums paid and identify who received how much of each potential offset payment.
- **Distribution issues:** We have seen some claims where the proposed distribution is not in accordance with state law. Please check state law before submitting the proposed distribution plan to confirm the plan complies.
- **Dependents and household size:** If a dependent is not listed on the decedent's tax returns and should have been, please highlight this for us very clearly in the claim. It is important for us to know the true number of dependents, as well as the household size and composition, in order to properly calculate the loss amount.
- **Claims when a Personal Injury claimant passes away:** Please review the information on our website that explains which forms are needed when a Personal Injury claimant passes away. Please follow the [instructions](#) to be sure you submit the proper documents.