



The following topics were discussed during the July 22, 2015 conference call with law firms representing VCF claimants.

• **Administrative Items:**

- A conference call will not be held in August. The next call will be in September.
- The VCF quarterly report with updated statistics was posted to the VCF website on July 20. This report includes new information on the number of registered claimants by state.
- The VCF continues to focus on streamlining processes in anticipation of the October 3, 2016 deadline and is considering a “fast track” process for claims seeking only non-economic loss. More information will be forthcoming about this potential new process.
- Law firms are encouraged not to wait to file claims. Once the October 3, 2016 is reached, the approach to claims processing will be very different and there will not be any opportunity to provide missing information, amend a claim, or take any other action to submit documents to the VCF.
- We appreciate the estimates many law firms sent regarding expected claim filings. The information is very helpful for our shutdown planning. Please continue to provide updated information if your estimates should change.
- Law Firm office hours will be held in August for one day in our NYC office. An email will be sent with details of the date and how to schedule an appointment.

- **Update on WTC Health Program Disability Evaluation Process:** A total of 115 claimants have been identified thus far as potential participants. The VCF has mailed letters to 55 of these individuals explaining the next steps in the process. Some individuals are not eligible for the process and are being contacted. Approximately 35 claims are still under review and require additional information in order to determine if the claimant is a candidate for the program. We appreciate you responding to our requests for additional information as quickly as possible.

As a reminder, to be considered a candidate for the process, the claimant must already have at least one VCF eligible condition and must be a WTC Health Program member. A claimant is not eligible for the program if he/she has already been deemed 100% disabled. However, you should notify the VCF if the claimant does not have a disability evaluation from a third party. Claimants are also generally not eligible if they are continuing to work full-time. **Please see the [law firm call notes](#) from April and May 2015 for a more detailed explanation of the disability evaluation process.**

Once a claimant has the evaluation appointment and receives the physician’s report, you should **amend the claim** and upload the report so we know the claim is ready for review.

• **Reminders regarding Compensation claims processing:**

- We continue to request missing information when needed to calculate loss. However, while waiting for the information, we will use default standard values in order to render a decision and make the first payment as quickly as possible. Once the requested information is available, please **amend the claim** and upload the information and we will know the claim is ready for additional review.
- **Pension Loss:** If you have a claimant who you know worked for an entity with a pension program, or who has a disability pension, we need certain documents in order to process the claim. We have posted a lot of information on our website regarding specific employers and unions who have provided us with details on the documents needed to support claims with pension benefits. We have also included generic guidance in [FAQ #6.41](#) for claimants whose employer/union is not listed. Please refer to the information on the website when compiling pension information to submit with your claims. There are two kinds of pensions and it is important to keep them distinct for purposes of VCF claims:
  1. **Lost pension:** This occurs when the claimant was not able to work to the point of maximum pension benefits and therefore lost some of the value of his/her pension. The lost value is considered as part of the economic loss calculation.
  2. **Disability pension:** These are payments the claimant receives due to his/her disability due to an eligible condition. These payments are considered an offset to the claimant’s economic loss. If we do not have the information necessary to know whether or not the



pension is due to the VCF eligible condition, we will render a decision for non-economic loss only until the additional information is received. You can amend the claim at a later date once the additional details are available.

When you file a claim and you know the claimant is receiving a disability pension, please provide details of the pension information with the claim. If you know there is a pending disability application, please provide any information you have on the timing of the application, where it is in the process, etc. We will not hold a claim while waiting for a disability decision but will move forward with the information submitted. You can amend the claim once the information is available.

If we don't have any pension information and we know that the claimant would typically have been entitled to a pension based on the employment information, we will not compute the amount of lost pension but will apply the standard VCF default values for a defined contribution plan – essentially a default value for an employer contribution to a 401k plan. If there is reason to believe that the claimant is receiving a disability pension (or other payments based on disability) and we cannot determine whether the disability is based on an eligible condition, the VCF will issue a non-economic loss determination only.

- **Appeals vs. Amendments:** Please be cognizant of the difference between an amendment and an appeal. When you appeal a decision and submit the Pre-Hearing Questionnaire, we review the information to see if the request is really an amendment rather than an appeal. If you can review the information before appealing, it will save work and provide faster review of the amendment. Please see [FAQ #9.1](#) on the VCF website for an explanation of the differences between an amendment and an appeal.
- **NIOSH Certification Letters:** We have been told that NIOSH is sending letters to each individual in the program with a list of conditions certified for treatment. If you know your client is **not** being treated by the WTC Health Program for one or more conditions, please complete and submit the [Private Physician](#) forms as early as possible in the filing process. By submitting the Private Physician information with the Eligibility Form, we are able to more quickly render a decision on the claim.
- **Non-Economic Loss only claims:** If you are filing a claim for non-economic loss only, please submit the Eligibility and Compensation Forms **at the same time**. We will combine our review of both forms and render a decision.