



This edition of “Did You Know” is focused on a topic that is particularly timely and important: submitting a complete claim that the VCF can move forward through the review process the first time it is picked up for review. As you all know, the Special Master has long stated that her goal is to decide a claim within a year of when it was filed. But that cannot be done if the VCF is looking at claims multiple times due to the lack of supporting documents that you knew or should have known were missing when you filed the claim. This creates delays that fall squarely on those who we are all trying to help - our claimants. We have seen a surge of incomplete claims filed in the latter part of 2018 and early 2019, which we understand is related to last year’s announcement of the anticipated Reductions Due to Insufficient Funding, but which we now need you to address.

As you know from our messages earlier this year, we received over 8,100 new claims between October 2018 and January 2019, which is more than we have historically received in one year. In January 2019 alone, the VCF received over 4,100 claims, which is almost seven times the historical monthly average submission rate. The majority of these claims, however, are incomplete – meaning they do not have the basic, minimally required documents to get through our Pre-Screen process, requiring the VCF to send letters identifying missing information that is required at submission, deactivating claims, reviewing them repeatedly as information that should have been previously submitted comes in, and then reactivating the claims for further review. This has created an enormous amount of extra work for the VCF, and is causing delays in claim review that can, and should, be avoided. It is your responsibility to your clients to submit claims that contain all of the required documents.

**We are requesting that you take immediate action to review all claims your firm submitted between October 2018 and the end of January 2019, to ensure they contain the “minimally required” documents to process the claim** (listed below and on the “VCF Document Checklists”). Per the Special Master’s direction, claims submitted during this time will enter Pre-Screen review approximately one year from the date they were submitted, and we expect that the claims will be complete when this review begins. The recent update to the online claims management system provides you with the “Comp Form Submit Date” for each of your claims. Please review each claim submitted during the October 2018 to January 2019 timeframe with a critical eye to confirm you have fully supported each element of eligibility and each claim for compensation. **You should review the oldest claims first, based on the date the compensation portion of the claim was submitted, as that is the order in which the VCF will pick them up for review.**

**“Minimally Required” Documents to Process the Claim:**

Eligibility:

- a. Original Exhibit A, mailed to the VCF
- b. Claim Form Signature page
- c. Some form of presence documentation
- d. Original client Authorization to pay law firm account
- e. Certification from the WTC Health Program for a physical condition, or a complete Private Physician packet with required supporting documentation if the victim is approved for that process (NOTE: you do not need to submit a Certification Letter unless requested by the VCF as we will get the certification information directly from NIOSH)

Compensation (where applicable):

- a. Exhibit 1 (if claiming loss other than non-economic loss only)



- b. Medical records showing severity of the condition if you are seeking an increase in non-economic loss beyond the lowest end of the applicable range
- c. Disability Determination (if claiming economic loss)
- d. Pension Records (if claiming economic loss)
- e. Information about collateral source payments

For deceased claims, the following additional minimally required documents must also be submitted:

- a. Original or certified copy of the Court Order or Letters of Administration showing appointment as the Personal Representative, the Executor of Will, or the Administrator of the Estate
- b. Original or certified death certificate showing the cause of death
- c. Information about life insurance

**Going forwards, please do not submit a claim until you have everything we need for both eligibility and compensation review.** While we are delaying Pre-Screen for the claims submitted between October 2018 and January 2019, that is a concession to the large influx of claims filed during that period. We cannot wait that long to commence the first stage of preliminary review of claims going forwards if we are to meet the Special Master's goal of deciding claims within a year of when they were submitted. Claims must be complete and ready to be routed into substantive review on a timelier basis, and we are relying on you to help us make this goal a reality for the benefit of all VCF claimants. Therefore, ***you should not click "Submit" in the online system for any new claim without first putting the original Exhibit A and Client Authorization in the mail to the VCF, and uploading the other required documents to the claim.*** You may register the claim for timeliness purposes, and you may enter information into the claim form and save it, but you should not submit the claim form until you have the complete set of documents necessary for the claim to be substantively reviewed.

Filing a complete claim also includes claiming all loss at the time you submit the claim. If you are going to seek economic loss on a claim, absent extreme circumstances, you should do so when you file the initial claim. A large number of the claims already filed are for non-economic loss only. **If you know you are going to claim economic loss on these claims in the future, submit an amendment seeking this loss immediately.** This includes lost earnings, replacement services, and, in a wrongful death claim, burial expenses. Making the full extent of the loss claimed clear to the VCF up front allows us to route the claim appropriately for review at all stages of our process and eliminates delays in claim determinations.

As always, if you have questions or concerns, please contact our Attorney Outreach Team: Peter Offen or Catherine Doctor.