



The following topics were discussed during a conference call held with law firms on December 6, 2019. The meeting covered important updates and reminders about the VCF.

- **General Announcements:** As announced on November 21, 2019, in a [message from the Special Master](#), Deputy Special Master and Director of the New York Office, Jordy Feldman, has left the VCF to accept a position to design and administer a proposed claims resolution program intended to help victims of sexual assault.

The VCF has successfully transitioned Jordy's responsibilities to ensure that her departure does not impact the smooth operation of the New York office and, more specifically, the hearings process. Several trusted members of the VCF's leadership team have accepted new responsibilities, leading the Appeals/Hearings Team and providing support to our law firm liaisons.

We have completed the restoration of awards in all claims that received reduced awards and are able to be paid. As of November 30, the VCF has issued awards to almost 26,000 individuals, totaling over \$6 billion. In total, the VCF has made over 35,000 compensation determinations (including decisions on amendments and appeals). Year-to-date in 2019, the VCF has conducted 573 appeal hearings, and will pass 600 before year's end. We have also approved over 450 expedite requests in 2019. We have approximately 14,000 claims in eligibility review, 500 claims in compensation review where eligibility has already been approved, and just over 2,500 amendments pending review. We are currently deciding claims filed in mid-2018; claims filed in late 2018 are under review; and claims filed in early 2019 will come under review soon. We continue to add resources to our eligibility and Fast Track teams, as we continue to see high volumes of claims filed for non-economic loss only. Our monthly average of new compensation forms continues to range between 600 and 700, which is consistent with the historical rate of claim filings over the last few years, but higher than what we might have expected, particularly considering the influx of claims filed between October 2018 and January 2019.

With the Permanent Authorization Act firmly in place, we have turned our attention to policy and administrative changes that will further streamline the claim review process as we transition from a program that was set to end next year to what is essentially a permanent program.

- **Policy Updates:** Listed below are several policy updates. We continue to evaluate our policies in light of the Permanent Authorization and will post updated information to our website as additional changes are implemented.
 - **Registration Deadlines and Timeliness:** The changes made by the Permanent Reauthorization Act have provided the VCF with an opportunity to change our timeliness policy to benefit the 9/11 community. **Under the new policy, all claims will be considered timely if registered within two years of July 29, 2019, the date the VCF became permanent.** The revised policy is intended to address the concerns about claimants who missed prior deadlines because they did not know that the VCF existed or was open to them, did not know that their condition (or the death of their loved one) was related to 9/11 exposure, or did not realize that they were eligible to file a VCF claim or that the VCF would be in place beyond the previous 2020 end date.

As of December 6, 2019, every claim currently on file is timely, and every future claim that is filed prior to July 29, 2021, will be timely. This policy change presents a tremendous opportunity to take steps over the next year or two to find every potentially eligible claimant and ensure they register before July 29, 2021.

Next Steps: The updated policy applies retroactively. We are identifying claims denied solely for a timeliness issue, and will issue a revised eligibility decision as appropriate.



You do not need to take action for a claim that was previously denied solely on the grounds of timeliness.

For claimants who were denied because of a timeliness issue and another eligibility issue, we ask that you go back to those claims and see if you are able to cure the other reason(s) for denial. If so, you should amend the claim and we will pick it up for review. In these instances, the original compensation submit date will still apply for purposes of determining the priority by which the claim will be assigned for review.

For claims on appeal, if a claim has an active appeal raising only a timeliness issue, we will contact the claimants to cancel the pending hearings and will not be scheduling any going forward. We will review these claims and issue a revised eligibility decision. No action is needed from claimants on these claims until you hear from the VCF. For claims on appeal where timeliness and some other eligibility issue resulted in denial, these claims will go forward to hearings on the other eligibility issue.

- o Documents in Support of Presence at the Site: The VCF is keenly aware of the concerns about documentation to support future claims as a result of the VCF's now permanent status. We have been considering ways in which to receive presence information so as to minimize the impacts that the passage of time can have on a claimant's ability to file adequate claims, keeping in mind that we have responsibilities to both ensure that the claimants are truly eligible for compensation, and to do what is necessary to identify and deter opportunities for fraud.

In January 2020, we will be launching two new forms to support proof of presence: a template for affiants and a template for claimant supplemental statements. Using and fully completing these two forms will help provide additional detail and information the VCF can use to support the claimant's proof of presence ***in those instances when independent, third-party documents or verification are not available***. It is our expectation that claimants will continue to try and locate independent sources of presence and use these forms only as a last resort.

These forms are being created to address one of the biggest roadblocks to our ability to verify a claimant's presence – the failure of affidavits to provide the necessary detailed information to support presence, which requires us to try – often unsuccessfully – to contact affiants. We do not want nor expect to have to call every affiant, but we often need to do so because the affidavits submitted are not sufficiently detailed or specific enough for the VCF to rely upon them. All claimants are encouraged to submit the supplemental statement template, and it is especially intended for those who may have difficulty verifying presence via employment or with other third-party documents. We are working on finalizing the forms and when they are ready, we will post them to our website with specific directions for completing and submitting the forms.

Please look through your claims and be sure the affidavits that have been submitted meet the VCF's very specific requirements. Insufficient affidavits – affidavits that do not meet the specific criteria outlined in the Policies and Procedures document – will result in a Missing Information letter. If the insufficiency is not cured within the 30-day timeframe, and additional presence documentation is not sufficient, the claim will be denied. The VCF does **not** call affiants in an effort to "cure" an affidavit or to make an insufficient affidavit sufficient. Affiants are called when we need to understand an inconsistency, confirm what appears to be an error (such as 2011 instead of 2001), or to verify information already contained in the affidavit.



Submitting Presence Documents at Registration: The VCF has been asked about accepting presence documents in advance of a claim form submission, in essence, “storing” the documents for those who are not yet sick or ready to file a claim, but may do so in the future. The online system has always supported the upload of supporting documents to a Registration-only claim. You can upload presence-related documents and affidavits to a registration at any time after the registration is submitted. ***Please keep in mind, however, that VCF staff will not be reviewing these documents for sufficiency until the claim is submitted,*** so you should be very careful when using the new template to ensure that the affiant completes it with as much specific information as possible, and you should review it in detail to confirm it meets all VCF requirements. The concern that many individuals have raised – about how the VCF will interview affiants years from now after the claim is submitted – is one that can be addressed now – by securing affidavits that are sufficiently detailed and meet the specified criteria.

Expanding Information/Data Exchanges: The VCF continues to establish relationships with partner entities, employers, and other organizations as part of our outreach efforts, and is working on potentially expanding our current information exchanges specific to presence. We will post updates to our website when we have additional information on this topic.

School or Day Care Records and Transcript: School or day care records and transcripts confirming enrollment or attendance during the relevant time period either should be certified or accompanied by a letter from an employee of the school or day care facility, and/or from the claimant’s legal counsel, that certifies the accuracy of the information contained in the transcript, report card, or other record. If school or day care records are either certified themselves or submitted with a certifying letter, no additional proof is required to prove presence, unless requested by the VCF.

- o **Medical Records in Support of Non-Economic Loss:** When making a non-economic loss award based solely on the WTC Health Program certification, the VCF awards at the lowest end of the range for the applicable eligible condition. If medical records, supported by impact statements, are provided to demonstrate the severe impacts of the eligible condition on an individual’s life, the non-economic loss award may be increased above the low end of the range.

When reviewing medical records in support of non-economic loss awards, the VCF focuses on **recent** medical records for the purpose of assessing severity. “Recent” medical records are from treatment, hospitalization, surgery, etc. within three years of the claim submission date. For example, if a claim is submitted on January 1, 2020, recent medical records are records that are no older than January 1, 2017. If the medical records submitted with the claim meet the three-year timeframe, you do not need to continue to submit medical records on the claim unless the VCF requests them.

The time to provide medical records is when you submit the claim. **Because you should have the medical records that are needed at the time you submit the claim, you will no longer be able to appeal a non-economic-loss-only award if medical records were not submitted with the claim, and the award letter will not include the option to appeal.** You may amend the claim to submit medical records after an award determination and the amendment will be considered in the normal course. The decision on the amendment will include an appeal right.

Necessity of medical records for Prostate Cancer claims: The VCF has received many questions about the need for medical records for prostate cancer claims in order to demonstrate the severity required for a higher non-economic loss award. Our



consultation with WTC Health Program medical staff confirms that complications from prostate cancer surgery and treatment, while relatively common, can be temporary. Because temporary complications should not result in higher awards, we will continue to require medical records demonstrating permanent complications, recurrence, or metastasis of prostate cancer in order to qualify for the higher \$250,000 award.

- **Special Master Authority to Award Non-economic Loss above the Statutory Cap:** When considering the authority provided in the Permanent Authorization Act to issue non-economic loss awards above the statutory caps in special circumstances, the Special Master's intention (which is consistent with the intent of Congress) is to exercise this authority in very limited and unique circumstances, and only for non-cancer claims. The \$250,000 cap for a single cancer condition will not be exceeded under this authority.

The exception will be made only in the handful of non-cancer claims where the claimant has an interstitial lung disease (ILD) (or other pulmonary illness) where the effects of the condition are so severe that they are similar in all relevant respects to what a claimant with lung cancer might suffer. These claimants might require lung transplants, sometimes double lung transplants, or significant mechanical respiratory assistance on a daily basis. The Special Master will interpret the statutory language to allow compensating these limited number of severe non-cancer claimants in the same way that a cancer claimant would be compensated – meaning, \$250,000 for a single condition, and a maximum award, under current policy guidelines, of \$340,000 for multiple severe conditions. This is the bar by which the Special Master will measure the appropriateness of an increase above the cap, and it will be done in consideration of all other circumstances of the claim and the totality of the award. If you have a claimant who you believe meets this threshold, you should request “special circumstances” consideration **on appeal**. If you have a prior claim that has already been decided and paid, and you believe the claimant should be considered for the exception, please amend the claim to submit the request for review.

- **Amendments:** Regarding the criteria for amendments – when an amendment will result in an increase and when it is not appropriate to file the amendment – we ask that you use your judgment when deciding whether to file an amendment, and consider whether amending your claim will result in a change in the award. Section 5 of the [Policies & Procedures document](#) has detailed information about when it is appropriate – or not appropriate – to amend a claim, and this information has not changed.

Changes to Amendments for Deceased claims: Because **all wrongful death losses should be known to the claimant at the time the initial claim is filed** and should be included as part of the original award determination, the VCF is changing the policy specific to amendments for Deceased claims as explained below. Unlike in a personal injury claim, the circumstances of a Deceased claim do not change, and the amendments should not be necessary.

- **New Deceased claims:** For any new Deceased claim **filed on or after December 9, 2019**, you must claim all losses and submit all supporting documentation when you file the initial claim or before a substantive determination on the claim is made (i.e., it moves to “Determination Made: Processing” status in the claimant portal). For deceased claims filed on or after December 9, 2019, once the VCF completes substantive review of the claim, the VCF will not accept any further amendments, nor will we review documents with new information that are uploaded to the claim late in the review cycle.



- **Pending amendments:** If you have filed an amendment on a Deceased claim on which a substantive determination has already been made, and it has not yet been reviewed by the VCF, the amendment will be reviewed per current procedures.
- **Pending deceased claims:** If you currently have a Deceased claim in the system for which the VCF has not yet issued an initial award, any supplemental information must be submitted as soon as possible, and in any event, before the VCF makes a substantive determination on the claim. Any information submitted after a substantive determination will not be reviewed and no further amendment will be permitted.
- **Deceased claims with awards issued:** If you have already received an award on a Deceased claim and you have not claimed all losses, there is a **one-time, 90-day grace period (March 6, 2020) to submit an amendment**. While the VCF will make some exceptions to allow amendments on Deceased claims that are very close to determination today, as a general rule, once the Deceased claim has been substantively determined (i.e., it moves to “Determination Made: Processing” status in the claimant portal), any amendment filed on such a Deceased claim will be dispositioned without substantive review.

As is VCF practice today, if you upload a document with new information to a Deceased claim late in the review cycle, the award letter will state if the document was not reviewed. Unlike today, however, where the letter also advises you to amend the claim if you want the VCF to review that new information, the letters for Deceased claims will not mention future amendments as late-filed documents will not be reviewed in these claims.

- **PI-to-Deceased Scenarios:** This change does not affect the filing of new Deceased claims in situations where there is a personal injury claim and the victim then passes away.
 - **Claims where wrongful death losses were not awarded:** This change also does not affect the filing of amendments in claims where the VCF did not award wrongful death losses because there was insufficient evidence that the victim’s death was related to an eligible condition. If you file a claim for wrongful death losses and the VCF finds that there is not enough evidence that the victim died of an eligible condition, you will still be able to amend to provide additional evidence that the cause of death was related to an eligible condition.
- **United States Victims of State Sponsored Terrorism Fund (“USVSST”):** On November 21, Congress passed an interim Continuing Resolution that included the United States Victims of State Sponsors of Terrorism Fund (“USVSST”) Clarification Act, which makes certain changes to eligibility for the USVSST. The changes are designed to make 9/11 victims, widows, and dependents – all of which are defined terms in the Clarification Act – eligible to make USVSST claims and receive USVSST awards even if they had already applied for or received compensation from the VCF, whether in the first iteration of the VCF (“VCF1”) that operated from 2001-2004, or the current iteration of the VCF (“VCF2”). For some VCF1 and VCF2 claimants, this is a legislative reversal of the USVSST’s Special Master’s prior determination that some of these claimants would not be compensated by the USVSST. For specifics on USVSST eligibility, information on how to make a USVSST claim, or the time frame in which do so, consult the materials provided by the USVSST on their website.

There are several areas of interest for those who have claims in the VCF and the USVSST:

- **Claims that were withdrawn “with prejudice” from VCF2 so that the claimant could pursue a claim with the USVSST:** In view of the new law, the VCF will not enforce these “with



prejudice” withdrawals. Instead, the VCF will take the action to re-open these claims and move them back into the review process, with the priority date for review as it was at the time of the withdrawal. Claimants in this situation will receive a letter confirming that the claim has been reactivated and explaining the next steps based on the claim status prior to withdrawal. For those who received an award letter and withdrew the claim before payment was processed, the VCF will be reviewing these claims to determine if additional information is required before issuing the payment.

- **Collateral Offsets:** Specific to VCF claimants, the USVSST has said that it will not offset any VCF payments – either VCF1 or VCF2 – from USVSST payments. The VCF, however, is required by law to offset any benefit paid by other collateral sources relating to the 9/11 attacks. USVSST awards paid to victims who are also themselves eligible for compensation from the VCF, therefore, will be subject to offset by the VCF. Unfortunately, because of the way the USVSST works, the VCF will not know the ultimate value of any USVSST payment for some time, and as a result, the VCF will not be able to pay any claimant who also simultaneously has a USVSST claim on his or her own behalf.

To be very clear, the VCF is required to offset USVSST awards paid on account of 9/11-related injuries **to the same victim**. If the VCF victim and the USVSST victim are **not** the same person (e.g., the USVSST qualifying judgment is for damages entered due to the death of a spouse, parent, sibling, or child, but the VCF claim is for personal injury to a different victim), even if the **claimant** is the same person, the VCF is not required to apply the offset as any USVSST payment to be made is not collateral to the VCF claim.

- **VCF2 paid claims:** If you have already received payment on a VCF2 claim, and you have a claim with the USVSST for the same victim, you must submit a [Collateral Offset Update Form](#) to the VCF within 90-days of the date the USVSST judgment is entered. The VCF will then decide how to proceed in terms of any impact to your VCF2 award.
- **VCF1 paid claims:** If you received a payment in VCF1 and do not have a claim in VCF2, you do not need to notify the VCF of any information related to a USVSST claim.

- **Reminders and Updates - Claims Submission and Review Process:**

- **Electronic Signatures:** Although the VCF has not had public guidance on Electronic Signatures, we do not accept these signatures, partly because they are difficult to verify, and partly because the various entities with which we exchange data, such as NIOSH and FDNY, will not accept them. We will be updating our Policies and Procedures to reflect this in the next round of updates. If you know you have submitted signature pages, exhibits, client authorizations, or other documents with an electronic signature, please submit new ones now so we can keep the claim moving through the review process.
- **Employment Verification Form and Third Party Verification Letters:** There are a few reasons why the VCF may ask for additional proof of presence, even though there are employment verification documents in the claim file. First, VCF practice has always been to independently verify and authenticate documents submitted in support of presence. This is clearly stated in the Policies and Procedures. Confirmation of presence that is sent directly to the VCF from the employer, with specific dates and locations, is usually sufficient to verify presence. However, if an Employment Verification Form or Third Party Verification Letter does **not** provide sufficient detail regarding the victim’s presence (i.e., the victim’s actual work location and confirmation that he/she was present at that location at some point during the requisite time period), the VCF will contact the employer in an attempt to obtain additional details. If the VCF is unable to confirm presence by speaking with the employer, and the



other presence documents, if any, are insufficient, the VCF will request additional proof of presence.

Additionally, if the document verifying employment was provided to the VCF by the claimant or the law firm, the VCF will verify the contents of the document by either calling the employer or sending a Third Party Verification request letter asking the employer to provide information regarding the victim's presence. If you are seeking to establish presence with the use of an Employment Verification Form, or a letter written by the employer on company letterhead, the VCF strongly encourages you to have the letter or form mailed directly to the VCF by the employer. Please remember that the letter should provide confirmation of the victim's specific work location and of the victim's presence at that location on specific dates during the requisite time period.

- Claims for minor children and claims filed by parents of young adults: The VCF recently identified a number of claims that were filed by parents of children who were not minors at the time the claim was filed. In addition, given that 18 years have now passed since 9/11, many of the minor children whose parents filed claims on their behalf are now reaching 18 years of age. These claims prompted a reassessment of VCF procedures for handling claims for "minors who have aged out" – meaning a minor child victim who has reached the age of majority – as well as the handling of claims filed by parents for adult children.

The updated process for claims that fall into these categories is focused on putting control of the claim into the victim's hands, and ensuring the VCF has the correct contact information; and properly signed Signature Page, exhibits, and sufficient payment information as directed by the now-adult victim. The VCF is taking action on these claims proactively to remove the parent as the Authorized Representative. The parent will receive a letter explaining the change, and the now-adult victim will also receive a letter explaining the change and next steps, including information on how to add the parent as an Alternative Contact if the victim still wants the parent to assist with the claim. The claim will be made inactive until the properly signed documents are submitted by the victim. The VCF will **not** remove the law firm associated with the claim unless the now-adult victim asks that we do so, meaning the law firm of record will continue to have access to these claims and receive copies of the correspondence unless the attorney or the victim notifies the VCF that the firm no longer represents the now-adult victim.

- Submitting Complete Claims: The VCF recently published an edition of its periodic newsletter for law firms – "[Did You Know](#)" – which focused on submitting a complete claim that the VCF can move forward through the review process the first time it is picked up for review. The Special Master has long stated that her goal is to decide a claim within one year of when it was filed. That cannot be done if the VCF is looking at claims multiple times due to the lack of supporting documents that the attorney knew or should have known were missing when the claim was filed. This creates delays that fall squarely on those who we are all trying to help – our claimants. The VCF has 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.

The submission of incomplete claims – claims that do not have even the minimally required documents – is creating 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.

The VCF is requesting that you take immediate action to review all claims your firm submitted that are not yet under review to ensure they contain the "minimally required" documents to process the claim. These documents are clearly listed in multiple places on the [VCF website](#),



and in the “[Did you Know](#),” and there is no reason a claim should be submitted without these documents. 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 assign claims for review.

The VCF is also fully back to its long-standing policy that claims should not be submitted until the claimant is certified by the WTC Health Program for a physical condition. Exceptions were made to this policy while the potential for reduced awards existed, but with that issue fully resolved, please do **not** submit a claim until you have the required documents to support it AND the claimant is certified for a physical condition.

Also, please do not submit a claim until you have everything needed for both eligibility and compensation review. 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 (with all required supporting documentation) when you file the initial claim.

o General Reminders/Clarifications:

1. NIOSH certification BEFORE claim submission: As a general rule, claims should not be submitted until after a claimant has received a NIOSH certification. If a claim is submitted for a claimant who does not have a NIOSH certification, the VCF does not automatically send these claims to NIOSH to confirm the certified conditions unless a letter is uploaded indicating that the certifications have been made, or some other request is submitted that triggers the VCF to request the information from NIOSH. You need to let the VCF know when the claimant is certified so we know to ask NIOSH for the necessary information. But, again, the best practice is to not submit the claim until the claimant has already obtained a certification so that neither you nor the VCF has to reevaluate the readiness of the claim for substantive review multiple times.

2. Missing Information letters – 30-day timeframe: If you are in need of an extension to respond to a Missing Information letter, the VCF will allow a grace period if you call to request the extension and provide a date by which you expect to have the document. And – on the topic of Missing Information letters – the VCF is aware of, and looking into, a number of missing information requests specifically for presence documents that seem premature.

On a related note, the VCF has had some instances in FDNY claims where the FDNY provides an initial response to us that does not verify presence, and in those instances, we send a Missing Information letter. If you know that an active firefighter filed a Notice of Participation, and we contact you requesting proof of presence, it means FDNY did not verify it when we first asked. Please let us know that the NOP was filed and we will go back to FDNY for confirmation.

3. Exhibit A: Confirm that the claim contains an original, properly filled-out, signed, dated and initialed [Exhibit A](#). The VCF cannot take any action on a claim without this properly completed document.



4. Expedited claims:

- For expedite requests, make sure there are two pieces of presence documentation in the file, and for expedite requests that are also requests for the Private Physician process for claimants with cancer, upload the pathology report from when the cancer was diagnosed.
- When requesting that a claim be expedited, whenever possible, submit a complete claim. There have been several instances lately of claims that are submitted for non-economic loss only with expedite requests, which have been granted, only to have an economic loss claim filed shortly thereafter. This is extremely inefficient for the VCF, and delays processing of all claims.
- Amendments on expedited claims: If an initial claim was expedited due to terminal illness, and you have submitted an amendment that you would also like to have expedited, you need to contact the Helpline to notify them that you submitted the amendment. This is necessary for the VCF to track the amendment so it can receive expedited processing. You do not need to upload another expedite request or additional documentation in cases expedited for terminal illness. Claims that were expedited for financial hardship **do** require a second request and adequate documentation to support the request for any subsequent amendment.

5. Private Physician Forms: Use the newest version of the [Private Physician forms](#) found on the VCF website, and be sure all of the information in the forms, such as exposure duration, is consistent with the other information in the claim and the claim form responses. The VCF will be posting PDF-fillable versions of the Private Physician forms within the next month.

6. Affidavits to support presence at the site: Please review the specific details in the Policies and Procedures to confirm that the affidavits you submit meet all of the criteria, and read the document you are submitting to determine if it meets VCF requirements as detailed in the Policies and Procedures document. The VCF is seeing a large number of affidavits that do not comply with the requirements. Please make note of the following key reminders of actions that should be taken **before** uploading an affidavit:

- Verify that the address(es) listed on the claim form and affidavits are actually located in the VCF's [NY City Exposure Zone](#).
- Ask affiants to be more detailed than "Ground Zero" and give specific addresses, landmarks, cross streets, etc. when discussing the location.
- Make sure that the affiant's name is legible.
- Verify that the affidavits are declared under penalty of perjury, or sworn and notarized.
- Ensure that there is contact information for affiants in the affidavit and verify that the contact information (phone numbers) is up-to-date.
- Encourage affiants to describe the nature of a claimant's presence in free written detail and without the use of pre-formatted/pre-populated phrases. The most critical information to include is the relationship between the affiant and the claimant, (how did they know each other, in what circumstances did they encounter each other), what the affiant and the claimant were doing at the time when they were together, and any landmarks, intersections, buildings, or addresses that will place the claimant at a particular location on a particular date.



- For non-English speaking affiants – prepare them and remind them that they may receive phone calls from the VCF and to please answer our calls and/or return our voicemails when they hear “VCF.” It is also helpful to identify the native language of the non-English speaking affiant so the VCF can have the proper interpreter available if needed.
- **Hearing/Appeals**
 - **General behavior at hearings:** Appeal hearings are a critical step in the process for many of our claimants, they are a forum in which the claimant has a chance to tell their story, to explain why their claims is valid, and to describe why standard assumptions or policies might not be best suited to deciding their claim. The VCF relies on hearings to help us make good decisions, and we do our level best to make sure that they are non-adversarial and that claimants feel that they are being listened to. Showboating by attorneys, or attorneys who are unprepared or disrespectful to the Hearing Offices or other VCF staff in the room, does not enhance the hearings process, so please stop doing it. The VCF makes every effort to treat claimants and attorneys both with respect and compassion; please do the same for us and do not waste our time by coming to hearings unprepared or by treating VCF staff and Hearing Officers in a disrespectful way.
 - **New guidelines for Appeals:** In order to provide clear timeframes and related deadlines for submission of appeals requests and related documentation, the VCF is implementing the “30/30” initiative. This addresses what has become a burden on the VCF’s resources in processing and reviewing incomplete appeal records and related inquiries. It also furthers ongoing VCF efforts to streamline the appeals process, provides for the VCF’s review of a complete appeal record prior to scheduling a hearing, and avoids unnecessary appeals, appeals that should have been amendments, and requests to consider documents submitted after a hearing has been scheduled, but prior to the hearing being held – after considerable work has been done to prepare for and schedule the hearing.

The VCF is creating new versions of the appeal request forms, to be submitted within 30 days of a claim decision. Claimants will then have an additional 30 days (from the end of the first 30-day period) to submit an “explanation of appeal” (i.e., an appeal brief) – complete with ALL supporting documentation for the appeal, even if previously submitted for initial claim review.

How will this work?

- As is done under current policy, an appeal request submitted outside of the initial 30-day period will not be considered and payment will be processed.
- Once the new forms are available, **failure to submit an explanation of appeal by the end of the second 30-day period will result in summary denial of the appeal.**
- Once you submit your explanation of the appeal, the second 30-day period ends and the appeal is reviewed for scheduling. This means it is very important that your explanation of appeal is complete with all supporting documentation at the time of submission.

These changes will become effective once the forms are ready and made available. Until then, appeals falling under the current process will continue per current policy, but, in the spirit of the 30/30 initiative, we strongly encourage submission of complete appeal packages in the first instance.

We will be updating the Policies and Procedures document, the website, and our outgoing correspondence to reflect these changes.



- Hearing logistics: Due to changes that have taken place at the Ted Weiss Building, 290 Broadway, we have changed the arrival protocol for hearings in New York. We ask that you contact your client prior to the hearing day to let them know that they are to meet you in a designated area – preferably in the FBI lobby of the building – before going to the VCF offices. **Going forward, you will only be escorted up to the 13th floor when your entire group is present in one place.**

To get to the FBI lobby, once you have cleared security, walk to the center of Atrium, then go down the corridor to the right. There is a seating area and a public phone in the FBI lobby. You should wait there until 10 minutes before your hearing time, and only when all parties are present, call the number in your Hearing Confirmation letter, and a VCF team member will come down to escort you, as a group, to the 13th floor. Please be respectful of other hearings that are taking place, and of our team's time, and only call once your party is complete, and when it is close to the time for your hearing.

- Interpreters at hearings: If you or one of the individuals you are bringing as a witness at your appeal hearing does not speak English, you should request on your appeal form that the VCF provide an interpreter for your hearing. The request for an interpreter needs to be made by checking the appropriate box on the appeal form and indicating the specific language. Please note that these interpreters are for the hearing only. If you need translation services before or after the hearing, you will need to provide your own translator. VCF hearing interpreters may not be used outside of the hearing itself.

- Additional hearing reminders:

- Submitting a complete hearing record prior to the hearing is critical to the process. You cannot expect that late-submitted documentation will be reviewed prior to hearing, and you should be prepared to discuss any new document and its relevance to the appeal as part of your overall argument. If you are bringing documents to a hearing and they are new to the claim (which, should NOT be happening on a regular basis), please be sure to bring copies of those documents for the VCF.
- Be prepared to make your argument on appeal and explain all documentation submitted.
- The law firm liaisons and the members of the appeals team who talk to you about the appeals process are prepared to help you understand the underlying rationale for a particular decision. Their role is **not** to assist you in determining whether your client should file an appeal, whether an appeal will be successful, the substantive merits of an appeal, or the sufficiency of documentation submitted in connection with an appeal (or a potential appeal). Please do not call with these types of questions or to ask if your hearing will be cancelled in light of a new document submission.

Instead, once a hearing is scheduled, assume it will proceed unless the VCF contacts you to communicate otherwise. While there are cases where hearings are better cancelled in favor of the VCF processing a correction to the claim determination, or converting the appeal to an amendment, the VCF will notify you if it decides to exercise its discretion to cancel a hearing after it has been scheduled.

- Rescheduling Hearings: Any request that a hearing be rescheduled must be made in writing and accompanied by documentation to support the reason for the request. Requests to reschedule in order to accommodate other appointments that themselves can be rescheduled will be denied in the absence of a showing that rescheduling such appointment was not possible. Urgent requests made on the hearing day will be addressed on a case-by-case basis. Requests to swap out hearings (e.g., expedite requests) should include your proposal to swap with one of your own scheduled hearings.



- **Closing Remarks:** Thank you for your attention, and for our ability to work collaboratively on behalf of the 9/11 community. These calls are a very important opportunity for the VCF to share information across the law firm community, and to ensure that everyone is getting the same information and has equal access to the office of the Special Master. Another great source of information are the “Did You Know” emails that the law firm liaisons are sending to you, and that are posted to our website. Please take the time to read this newsletter, as it is an important resource for clarification of policy, as well as requests for your help in making the claim review process run smoothly, allowing us to get decisions made in the most timely way possible.

There will, we know, be additional changes and updates in the months ahead, as we continue to transition to an effectively “permanent” program, and you can be assured that we will share these changes as soon as they are made. We remain committed to our tradition of refining and clarifying our existing policies when it makes sense to do so in order to ensure that the VCF is operating consistent with our guiding principles, i.e., in a manner that is fair to claimants, consistent with the law, and accountable to the taxpayers.

Questions: The following questions and answers were discussed during the call:

1. **Question:** What is the deadline for filing the new deceased claim amendments as it refers to December 9, 2019?

Answer: For deceased claims with pending amendments, they will be reviewed in normal course; any supporting documentation must be submitted before a substantive determination is made on the claim or it will not be considered. For Deceased claims that have already received awards, but not all losses have been claimed, there is a **one-time, 90-day grace period (ending March 6, 2020) to submit any amendment**. Please review the information above for additional details regarding the changes to amendments for Deceased claims.

2. **Question:** What happens to an inactive claim when it is reactivated in terms of its priority for review?

Answer: The claim will be assigned for review based on the date the claim form was submitted. (i.e., it does not go to the back of the line).