



The following reminders were discussed in recent Special Master meetings with law firms representing VCF claimants.

### **Meeting held June 30, 2014**

- **Original Documents:** The only documents that must be mailed as originals to the VCF for PI claims are:
  - Exhibit A
  - ACH Payment Information Form
  - Client Authorization to pay the Law Firm Account

For claims for Deceased Individuals, we also need the originals of the order appointing a Personal Representative and death certificate before the claim will be authorized for payment.

*ALL other documents should be uploaded to the online claim when possible as this significantly speeds processing time.* When uploading documents to the claim, you only need to include a cover letter if the contents need explaining. If explanation is needed, a roadmap outlining the contents is helpful and will speed the VCF review.

- **Claims seeking compensation for Medical Expenses such as doctors' visits, prescriptions, transportation to doctors, etc.:** When submitting invoices and receipts, it helps speed the review of the claim and avoid the need for back-and-forth communications if you provide the following information:
  - Categorize the expenses by eligible condition
  - Explain very clearly what the expenses are for
  - Add the expenses up by category and make sure subtotals are correct
  - Confirm that the expense has not been paid by another entity (for example, insurance, prior health programs, workers comp)
  - If providing a list of pharmacy expenditures, the list must identify the actual prescription
  - If you are not sure if the expense is eligible, add a note to "flag" it for VCF review

If the expense is covered by the WTC Health Program, it is not eligible and should not be included. In addition, a list of pharmacy expenditures that does not identify the actual prescription will not be accepted.

Submitting receipts for expenses related to ineligible or unrelated conditions slows the review process and the expenses will be denied.

- **Tax Returns:** The regulations require all claimants to submit tax returns for a certain period of time. The VCF will accept tax transcripts, which are much easier to obtain. The Special Master will not hold a claim while waiting for the tax transcript or return, but the document will be needed for the claim file. The Special Master is reviewing the requirements to provide tax returns for non-economic loss only claims and will publish a future FAQ on the topic. If the claim is for non-economic loss only and you are waiting to get the tax return before submitting the claim, please submit the claim and the Special Master will provide guidance regarding the need for the tax return.
- **Replacement Services:** In order to provide loss for replacement services, you must demonstrate that the claimant performed the service prior to the eligible condition and that the eligible condition in fact now prevents the claimant from performing the service. Replacement services loss is intended to replace something that was lost – that is, something the claimant used to do and now cannot do because of his or her eligible condition. It is helpful if you submit a checklist of services (identifying hours per week) and/or a narrative statement. Please also review the [Compensation Form Tip Sheet](#) provided at the March 26, 2014 meeting.

### **Meeting held May 14, 2014**

- **Medical Records:** When submitting medical records, please highlight the relevant information in the records or include a cover memo with a list of where specific information can be found (i.e. which page or record). This helps the Special Master to easily find the pertinent information.



- **Pension and Benefit Plan Documents:** If you have pension and benefit plan documents, submit them with the claim. This helps to speed review. Please check FAQs #6.39 thru #6.41 – where the VCF lists the pension plans that it has already received. You do not need to submit those pension plan documents. Please also review the [Compensation Form Tip Sheet](#) provided at the March 26, 2014 meeting.
- **Private Physician Packages:** If you are submitting a Private Physician package for a deceased claimant, use the Deceased version of Exhibit A.
- **Claimed loss without Supporting Documents:** In order to render decisions quickly, the Special Master will issue loss decisions based on what has been submitted with supporting documents. As an example, if out of pocket expenses are claimed without any documents to support the expenses, a decision will be rendered based on the information on hand and the claimant may request to amend or appeal the decision once the Loss Calculation letter is issued. Please also review the [Compensation Form Tip Sheet](#) provided at the March 26, 2014 meeting.

### **Procedures for Appealing and Amending Claims**

The following message was sent via email on July 1, 2014 by the Special Master's Office to contacts at law firms representing claimants.

*In recent meetings, we were asked whether we could extend the deadline for notifying the VCF of an appeal of a decision on a claim. We were advised that it could well take longer than the allotted 30 days to confer with a client and analyze a compensation calculation. While the SMO is sympathetic, the 30-day time period is mandated by the regulations. To accommodate the concerns expressed, the VCF is modifying the appeal procedure pursuant to the below process. Please note that the following procedures will be implemented as of July 1, 2014. Although we had indicated recently that the VCF would contact law firms to set up appeal hearings, we have found that this process can be time consuming. The VCF requests that, consistent with the procedures outlined below, law firms contact the VCF to identify claims ready for a hearing so that we may schedule the hearing.*

#### **Appeal Procedure**

- 1) You must submit a Claimant Appeal Request Form within 30 days of the date of the loss calculation letter. However, you should not submit a Pre-Hearing Questionnaire or provide any other information about the appeal at that time. The Claimant Appeal Request Form will simply serve to confirm that a timely appeal was filed.
- 2) The VCF will not take any action on the Claimant Appeal Request Form. If the claimant determines to go forward with an appeal, then the claimant must submit the Pre-Hearing Questionnaire, which will "activate" the hearing. When the claimant is ready to schedule the hearing, he/she should call the VCF Helpline to schedule the hearing.
- 3) If, after filing the Claimant Appeal Request Form, the claimant determines not to go forward with the appeal, you must so notify the VCF so that we can update our records.
- 4) Any Claimant Appeal Request Form that has not been "activated" after 6 months from its submission will be considered abandoned.

#### **What is the difference between an appeal and an amendment?**

- 1) Appeal: You would file an appeal if you disagree with any component of the economic loss calculation or if you have been found ineligible. For example, you would file an appeal if you believe that the VCF used an incorrect number for past earnings or did not include benefits information in the calculation.
- 2) Amendment: You would file an amendment if you want to change the type of claim you are submitting or have a change in circumstances. For example, you would file an amendment if you filed a claim for non-economic loss only and you now want to file for economic loss. Or, if you filed a claim for economic loss but did not include a claim for a component of the loss (e.g., replacement services), then you would file an amendment to add that loss claim. Please see FAQ 4.16 for additional information on filing an amendment.