



The following topics were discussed in the November 3, 2014 conference call with law firms representing VCF claimants.

- **Annual Report and Program Statistics:** The [Third Annual VCF Status Report](#) was posted to the website on October 17, 2014. The report highlights the progress made in the past year and provides updated statistics on claims filed and decisions rendered. The VCF will soon begin posting weekly statistics on decided claims.
- **Loss Calculation Letter updates - new breakdown of loss amount:** The VCF began including the award breakdown information in loss calculation letters about two weeks ago. The information appears on a new page added to the end of the letter. However, the detail information is only available for claims for which the Special Master rendered the loss calculation decision starting in October. If you receive a loss letter that does not include the breakdown, the VCF can provide the breakdown upon request. We hope the breakdowns provide the information you and your clients need in order to better evaluate whether or not to appeal the calculated loss amount.
- **New letters identifying missing information needed in order to make payment:** As discussed on past calls, the VCF needs to make sure all required information is received for a claim before beginning the payment process. When the Special Master renders a loss calculation decision and a required document is still missing from the claim, we contact the law firm, explain what is needed, and then send a modified version of the loss calculation letter that includes reference to the missing document. This letter also notes that payment will not be processed until the item is received. Beginning last week, the VCF modified the letter to be sent in these situations. The new letter includes only the total amount of the loss calculation (not the component amounts) and explains what is still needed to pay the claim. Upon receipt of the missing document(s), the VCF will send the more detailed loss calculation letter.
- **Presence Hearings:** As discussed during the September 18, 2014 call, these hearings were originally intended to help those claimants who did not have any documents to establish presence. After conducting several of these hearings, we concluded that the process creates some inefficiencies in our system and can slow down the processing of the claim. When we have claims that have not been able to produce sufficient support for presence, we will issue a denial letter and the claimant can trigger a hearing by filing an appeal. This is a much cleaner way to move the claim forward so it does not linger and helps to preserve our resources. If you have a claimant who does not have presence documents but has an eligible condition, the presence issue can be addressed at an appeal hearing after the claim is denied for lack of presence. Please help us to strike the right balance in preserving these hearings only for those who have an eligible condition. For claimants who do not have proof of presence or an eligible condition, we will deny the claim for both reasons and the appeal would address both issues.
- **Disability evaluations by the WTC Health Program:** The VCF has been working closely with NIOSH to determine whether or not the WTC Health Program can provide disability evaluations for VCF claimants. We have agreed to a "pilot" to test the process using a small number of claims. This would only be an option for claimants already enrolled in the WTC Health Program. We are drafting a letter to be sent to claimants to explain who to call and how to request the evaluation. We will report back to the law firms after the pilot and discuss the potential for broader implementation.
- **Medical expense worksheet:** We have posted to our website a [worksheet](#) for law firms to use to help the VCF in reviewing invoices and receipts related to medical expenses. The VCF spends a lot of time reviewing and organizing the invoices and oftentimes, we find that many of the invoices are for expenses that are not related to eligible conditions. Law firms can help by organizing the expenses using the worksheet. Our goal is to speed the overall processing of the claims by using the completed worksheet to focus attention on the eligible expenses. You will still need to provide relevant backup information for claimed expenses when submitting the worksheet.



- **Paying law firm fees directly if a claimant changes firms or payment instructions:** As discussed in the past, the VCF is aware of situations where a claimant is “dropping” a law firm and/or notifying the VCF to make payment directly to the claimant rather than to a previously authorized law firm account. The Special Master understands the law firms’ concerns, particularly if the change is made after the loss has been calculated and the initial payment made. However, the VCF cannot prohibit a claimant from changing his/her representation on the claim, and if a claimant instructs the VCF to make a change in the account to which the payment is made, the VCF must follow those instructions. The VCF will notify law firms in writing if we receive a request to change payment instructions on a claim where the claimant previously authorized payment to the law firm account. We will also post a new FAQ on this topic.

#### General Reminders:

- **Using the most recent versions of VCF forms:** Current versions of all forms and documents are available on the VCF website under “[Forms and Resources](#)”. Please be sure you are using the latest version of any form or reference document by going directly to the website rather than relying on versions you may have saved on your computer or printed in hard copy.
- **Sensitivity to accidental sharing of PII:** Please be careful not to include one claimant’s personally identifiable information (“PII”) in another claimant’s claim materials. In particular, please do not list multiple claims in a single cover letter when uploading documents to a claim. In general, you only need to include a cover letter when mailing or uploading documents if the contents need explaining.
- **Uploading multiple versions of the same document:** If you have a document that serves multiple purposes (for example, it supports both eligibility and compensation), you only need to upload it to the claim one time. When uploading, pick one of the applicable document types and the VCF will determine the various places in our process where the document may apply. If you upload the same document more than once, the VCF must read it multiple times, thus slowing our overall review of the claim.

#### Information in response to questions asked during the call:

- **Claimant authorization to pay a law firm account:** The VCF does not provide the authorization form. Each law firm should develop their own authorization following the requirements outlined in [FAQ #8.9](#) on the VCF website.
- **Payments to claimants outside the U.S.:** If the VCF is paying a claimant directly and he/she resides outside the U.S., the payment will be made via check as required by the U.S. Treasury. If the claimant resides outside the U.S. but the payment is being made via a domestic law firm bank account (as authorized by the claimant), the payment will be made to the law firm account.
- **Medical records:** If you are providing medical records to demonstrate the severity of the claimant’s condition for purposes of non-economic loss, you only need to send the pertinent records. The VCF works directly with the WTC Health Program to get information on a claimant’s certified condition, but we do not get copies of the claimant’s medical records from the WTC Health Program. If you believe these records are needed to support a claim, you will need to request them directly from the WTC Health Program. The following FAQs on the VCF website include more detailed information on when medical records are needed in the evaluation of a claim: [#2.11](#), [#3.10](#), [#6.20.1](#), and [#6.32](#). In addition, [FAQ #11.11](#) provides information on attorney reimbursement for expenses related to obtaining medical records specifically for VCF claims.
- **Impact of disability determination on loss calculation:** The extent of a claimant’s disability affects the economic loss calculation. As an example, if a claimant is not disabled, there is no economic loss calculated for lost income. If the claimant is partially disabled, there may be some reduction in income for which the claimant could be compensated by the VCF. Please remember the disability must be caused by the claimant’s eligible condition. For more information on disability as a factor in calculating loss, please see the following FAQs on the VCF website: [#6.3](#), [#6.18](#), and [#6.31](#).