



Information and Instructions: Steps to Take When a Claimant Dies After Filing a Personal Injury Claim

When a claimant who has filed a personal injury claim dies, the VCF will stop processing the claim and/or payment of that claim until a Personal Representative of the deceased claimant (“decedent”) is appointed and validated by the VCF. This protects the decedent’s personal information and ensures details about the claim are shared only with those who are authorized to access the information.

When the VCF learns that a claimant has passed away, we will send a letter to the decedent’s last known address that explains the current status of the personal injury claim, and the steps that need to be taken in order for the VCF to continue processing a claim for the decedent. Because each claim has unique circumstances, please review the correspondence you receive from the VCF and contact the VCF Helpline if you are uncertain how to proceed with the claim. *This document provides general information only.*

In all cases the steps below must be completed in order for the VCF to begin the process of validating the Personal Representative. If you are unsure if the decedent’s death was caused by an eligible 9/11-related condition, you should follow the steps specific to victims who are believed to have died as a result of an eligible condition. If the VCF determines that the cause of death is not related to an eligible condition, we will update the claim and process it accordingly.

Step 1. Identify the authorized Personal Representative. The Personal Representative is the only individual authorized to submit a claim or receive payment on behalf of a deceased individual. This is normally the individual who is appointed by a court, such as a state surrogate or probate court, as one of the following: (1) the Personal Representative of the decedent’s will or estate; (2) the Executor of the decedent’s will; or (3) the Administrator of the decedent’s estate.

Step 2. Submit the information the VCF needs in order to validate the Personal Representative’s authority.

- a. If the cause of death is not believed to be due to an eligible 9/11-related condition, the Personal Representative should submit a Personal Representative amendment on the decedent’s personal injury claim to identify him/herself as the Personal Representative. **Only amend the personal injury claim if the decedent’s death is not believed to be the result of an eligible 9/11-related condition.**
- b. If the cause of death is believed to be due to an eligible 9/11-related condition, the Personal Representative will need to complete and submit a new deceased claim by beginning a new registration with a new VCF number, and then completing all of the information in the eligibility and compensation portions of the claim. **Only register a new deceased claim if the decedent’s death is believed to be the result of an eligible 9/11-related condition.**

Need Help?

- Need online access to the personal injury claim? Call our Helpline at **1-855-885-1555**
- Visit www.vcf.gov for forms, instructions, Frequently Asked Questions, and other resources

All Personal Representatives must also submit the following documents:

- **Decedent’s Death Certificate:** A copy is sufficient. If possible, please submit the “long form” version of the death certificate, which lists the cause of death.
- **Letters of Administration, Letters Testamentary, or other Court Order showing the appointment as the Personal Representative, Executor of Will, or Administrator of the Estate.** A copy is sufficient, *unless you are filing a claim for lost earnings on behalf of a victim who was a member of the New York State and Local Retirement System (“NYSLRS”). For those claims, you will need to submit **original** Letters of Administration. For information about filing for lost earnings for NYSLRS members please see [section 2.2h](#) of the VCF “Policies and Procedures”.*
- **Proof of Decedent’s Cause of Death:** This may be included on the death certificate. If it is not included on the death certificate, other documents sufficient to show proof of cause of death may include a hospital discharge summary, or the decedent’s final medical records.

Step 3. Complete and submit the Claim Form Signature Page and any required Exhibits and/or supporting documents applicable to the claim.

- a. **If filing an amendment to the personal injury claim,** the Personal Representative must complete and submit a new [Claim Form Signature Page](#) and a complete [Claim Form Appendix A](#).
- b. **If registering and filing a new deceased claim,** the [Document Checklist](#) should be reviewed to identify the specific documents that must be submitted in order for the VCF to process the claim.

In both cases, if the Personal Representative is represented by an attorney, the attorney may need to submit an Exhibit C – “Attorney Certification of Compliance with Provision on Limitation on Attorney Fees” for the law firm if one is not already on file with the VCF





Step 4. Submit payment information for the Personal Representative. The Personal Representative should submit payment information so the VCF can process any payment on the claim. This may be a VCF ACH Payment Information Form or an authorization to pay a law firm account if the Personal Representative has such an agreement.

The VCF will review the Personal Representative information submitted and will send a letter confirming that the Personal Representative has been validated as the person authorized to represent the decedent for the VCF claim. The VCF will contact you to request any missing information and will notify you of any actions you need to take on the claim.

General Claim Processing Guidelines

The VCF has established several guidelines for the processing of claims when a claimant passes away:

- (1) **Stop the personal injury claim at the earliest point possible.** The VCF will place the claim “On Hold” or mark it as a “duplicate” claim in our system. The action taken will depend on the information available to the VCF at the time we are notified the individual has passed away. This is done to minimize confusion, reduce the risk of an incorrect action being taken on the claim, and ensure any communications about the claim are directed only to the individual who is authorized as the Personal Representative of the decedent.
- (2) **Issue any outstanding payment on the personal injury claim as soon as the proper Personal Representative is validated.** If the VCF previously sent a letter notifying the claimant of the amount of his/her award, but payment had not yet been made on the claim, the VCF will issue payment as quickly as possible once the Personal Representative is validated, and in accordance with any restrictions or limitations in the Personal Representative’s Letters of Administration.

NOTE: If the decedent’s death is **not** believed to have been caused by an eligible 9/11-related condition, the VCF will process the full payment of any amount due on the personal injury claim. If the decedent’s death **is** believed to have been caused by an eligible 9/11-related condition, the VCF will try whenever possible to issue payment of the non-economic loss portion of the award, recognizing that the economic loss must await review of the deceased claim. We are committed to trying to issue some payment to the family while waiting for the deceased claim to be submitted and processed.

- (3) **If a deceased claim registration has been submitted for the decedent, the VCF will assume the cause of death is believed to be the result of an eligible 9/11-related condition, and the deceased claim will move forward for processing.** In this situation, any open amendments on the personal injury claim will be reviewed as part of the deceased claim. The VCF will also close any Personal Representative amendments filed on the personal injury claim and will validate the Personal Representative during review of the deceased claim.

If a Personal Representative amendment is filed on the personal injury claim, and a deceased registration has not been filed for the decedent, the VCF will assume the cause of death is not believed to be the result of an eligible 9/11-related condition, and only the personal injury claim will move forward for processing. If you believe the cause of death is related to an eligible 9/11-related condition, but you do not intend to seek wrongful death losses (if, for example, you know the award would be negated by a large life insurance or a 9/11-related lawsuit settlement offset) and have therefore submitted a Personal Representative amendment to the personal injury claim, you should notify the VCF in writing of that decision.

During review of the documents provided to support validation of the Personal Representative, if the VCF believes the cause of death is different than what is indicated in the claim, we will contact you to confirm the actions to be taken on the claim.

Following these guidelines, the VCF will determine the appropriate actions to take on the claim based on the following:

- (1) Whether or not the death is believed to have been caused by an eligible 9/11-related condition;
- (2) The status of the claim at the time the VCF is notified of the decedent’s death; and
- (3) The information available to the VCF at the time of notification of the decedent’s death.

