



Representatives from the September 11th Victim Compensation Fund (“VCF”) discussed the following questions and answers during the September 5, 2018, World Trade Center (“WTC”) Health Program Survivors Steering Committee meeting. The questions are grouped into three main categories: Registration and Filing Deadlines, Compensation, and Claims Processing. Additional [Frequently Asked Questions](#) (“FAQs”) about the VCF can be found on the [www.vcf.gov](http://www.vcf.gov) website.

### **Registration and Filing Deadlines**

**1. Should everyone who meets the VCF’s “presence” eligibility requirements register on the VCF website, regardless of whether they have 9/11 physical health conditions?**

Yes. Because there are statutory registration deadlines that must be met for a claim to be considered timely – which is a requirement to be eligible for compensation – we always recommend that individuals go ahead and register even if they are not sick. This way, if they do get sick, they won’t have to worry about the added stress of remembering to register in order to meet their applicable [registration deadline](#).

Registration is very simple and easy to do and takes just a few minutes. It can be completed online at [www.vcf.gov](http://www.vcf.gov), or over the phone by calling the VCF Helpline at 1-855-885-1555. Registration includes basic demographic questions such as name, contact information, date of birth, and Social Security Number. By registering with the VCF, you preserve your right to file a claim should you become sick. Registration does not commit you to filing a claim, and it does not waive any legal rights.

**2. Do claimants have individual deadlines, other than the December 18, 2020, final deadline? How are deadlines determined?**

Yes, all claimants must register with the VCF by the deadline that applies to their individual circumstances. The list of [registration deadlines](#) can be found on the “How to File a Claim” page of the [www.vcf.gov](http://www.vcf.gov) website.

In general, a claimant must register within two years of when he or she knew or reasonably should have known:

- (1) That the victim suffered a physical harm as a result of 9/11, and
- (2) That the claimant was eligible to file a claim.

For WTC Health Program members, the date that triggers the two-year registration period – the “Registration Start Date” – is either:

- (1) The date of the WTC Health Program certification letter, or
- (2) The date on which another government entity (such as Workers’ Compensation, FDNY, NYPD, or NYCERS) determined that the physical injury or condition was 9/11-related, ***whichever is earlier.***

Per VCF [Policies and Procedures](#), if registration is timely for any condition or injury, all eligible conditions may be considered for an award. For example, if a claimant was certified for asthma in March 2014 and missed the two-year deadline and then in March 2017 is certified for lung cancer, as long as he or she registers by March 2019 (and satisfies other eligibility criteria), the VCF can consider both the cancer and asthma when calculating an award.

All claimants, regardless of their applicable registration deadline, must submit their complete claim form and all supporting documents by December 18, 2020.



**3. What is the deadline for submitting documentation in support of a claim?**

The deadline to submit the claim form and all supporting documents is December 18, 2020, as set by the reauthorized Zadroga Act.

**4. What is the deadline for submitting an amendment to a claim?**

You can amend your claim to add a new condition, or to claim a new loss, at any time prior to December 18, 2020. The “[Forms and Resources](#)” section of the VCF website includes extensive information about how to amend your claim, along with guidance on when it is – and is not – appropriate to submit an amendment.

**5. What is the process for filing a deceased claim for an individual who was not in the WTC Health Program? Is there a deadline?**

Deceased claims are claims filed on behalf of a deceased victim when the death is believed to have been caused by an eligible 9/11-related physical injury or condition. For these claims, the registration deadline is two years from the date of death. This deadline does not change based on whether (or when) any government entity or individual determined that the cause of death was 9/11-related.

A Personal Representative (“PR”) is the individual who is authorized to file the claim on the deceased victim’s behalf. When filing a claim for a deceased individual who was not certified for treatment by the WTC Health Program for the claimed condition, the PR must answer the questions on the claim form specific to treatment by a non-WTC Health Program physician. The VCF will then work with the WTC Health Program to verify the victim’s eligible conditions.

The VCF considers a claim to be a *deceased* claim only if the victim’s cause of death was an eligible 9/11-related physical injury or condition. If a victim has died due to causes unrelated to 9/11, the claim is considered a personal injury claim for purposes of the VCF program. In the latter case, the applicable registration deadline is the deadline for the personal injury claim, and the VCF will calculate loss for the personal injury portion of the claim up to the date of death.

A claimant only needs to meet the registration deadline one time. For example, if the claimant timely registered a personal injury claim, and then passed away as a result of an eligible 9/11-related condition, a subsequently filed deceased claim for the same victim will be considered timely registered, even if it was filed more than two years after the date of death.

**Compensation**

**6. If a claimant has only one WTC Health Program certified condition, such as GERD, as opposed to cancer for instance, is it worthwhile to file a claim?**

Yes. All eligible claimants who meet the VCF eligibility criteria – which includes having a physical condition certified for treatment by the WTC Health Program – will qualify for a non-economic loss award (less applicable offsets). These awards range from \$20,000 to \$90,000 for non-cancer conditions, and depend on the type and severity of the condition, and its impact on the claimant’s daily life. For more detailed information on how the VCF calculates awards, see the VCF [Policies and Procedures](#) document, which can be found under “Forms and Resources” on the VCF website.

**7. Should a survivor with WTC-certified GERD who develops Barrett’s Esophagus get that condition certified so that it can also be claimed? Does having a certified Barrett’s increase the award amount above WTC-related GERD?**



Barrett's Esophagus is one of the conditions that the VCF considers to be presumptively severe when calculating non-economic loss. This means that a claimant with a certification for Barrett's would generally receive a higher non-economic loss award than someone with mild or well-controlled GERD. You should note, however, that the WTC Health Program will not change a certification or add a certification for purposes of a VCF claim if the certification does not impact the course of treatment. The Health Program's primary focus is on treatment, not on processing additional certifications that do not have any impact on an individual's medical care.

**8. How are awards calculated? Why don't additional certified conditions always raise the award amount?**

Each award is calculated individually. As required by the statute, the award is calculated using this basic formula: Non-Economic Loss plus Economic Loss minus Collateral Offsets. Our review includes: determining non-economic loss; calculating economic loss, including past and future lost earnings (if claimed and supported by appropriate documentation); and confirming collateral offsets, including payments a claimant has received or is entitled to receive from other sources, such as pension funds, life insurance, the Social Security Administration ("SSA"), Workers' Compensation benefits, and settlements from 9/11-related lawsuits, for the eligible condition. The VCF [Policies and Procedures](#) document, found under "Forms and Resources" on the VCF website, includes a section with detailed information explaining how awards are calculated.

The amount awarded for non-economic loss (often referred to as "pain and suffering") varies by type, severity, and effect of condition(s) on life and is not tied to the number of certified conditions. It is possible that a victim with many relatively mild conditions would receive a non-economic award that is less than that of a victim who has only one condition that is severe. For example, a victim who has one respiratory condition that significantly restricts the victim's ability to participate in activities of daily living and recreation, or that is progressive and not effectively treated, may have a higher non-economic award than a victim who has multiple respiratory conditions that are well-controlled with medication and have not had a significant effect on his or her activities of daily living.

**9. What are the factors for calculating loss of income?**

For loss of past or future income to be considered, the victim must have an occupational disability due to an eligible condition based on a determination by a government agency, such as the Social Security Administration ("SSA"), NYCERS, FDNY, etc. When calculating loss of earnings or employment benefits, the VCF does not consider the type or severity of the condition that caused the disability, only that a disability has been found to exist. The calculation includes consideration of claimant-specific factors, such as age, income, percentage of disability attributable to the eligible condition, date of onset of the disability, employer-provided benefits, and other factors. The computation also takes into account certain assumed values regarding work-life expectancies, growth rates, tax rates, etc. The VCF [Policies and Procedures](#) document, found under "Forms and Resources" on the VCF website, includes a section with detailed information explaining how awards are calculated.

**10. Is life insurance factored in as an offset?**

Yes. By statute, benefits or payments received from other sources (including other federal sources) that compensated for the eligible injury must be deducted from a VCF award. This includes life insurance.

**11. In light of the time and effort required, is it practical to claim 9/11-related out-of-pocket medical expenses?**



In almost all cases, the amount of the out-of-pocket medical expenses is not enough to justify the time spent by the claimant to gather all the required documentation establishing that the claimed expenses were related to an eligible condition and that the claimant paid for the expenses out-of-pocket. If an individual decides to submit a claim for out-of-pocket medical expenses, it is VCF policy that these claims will only be considered as an amendment once the initial award has been determined, and only if the amount claimed is greater than \$2,000. We realize there are some situations where exceptions to these limitations are warranted, and we consider those on a case-by-case basis.

### **Claims Processing**

#### **12. If you make a claim and receive compensation for asthma and GERD, and later get certified for a new condition, are you then eligible to seek additional losses?**

Yes. Even if you have received payment from the VCF, you can amend your claim to seek additional compensation if you are later certified for an additional condition, such as cancer, until December 18, 2020. As noted above in Question 8, however, the amount awarded is not tied to the number of certified conditions and therefore, you may not receive any additional award even though you are certified for an additional condition. [Instructions for amending](#) your claim can be found under “Forms and Resources” on the VCF website.

#### **13. Does the VCF have a way to get certification letters from the WTC Health Program, or does the patient need to send the letter of certification to the VCF?**

The VCF does not need your WTC Health Program certification letter unless we specifically request it after reviewing the claim. In those cases, it is generally only needed to confirm your claim was registered by the applicable registration deadline.

All claimants who submit a claim form agree to have their information submitted to the WTC Health Program. Through our data exchange with the Health Program, we request and receive information regarding the conditions for which you are certified as part of our initial review of the claim. This data exchange provides everything the VCF needs in order to confirm that a condition has been certified and is eligible for compensation.

If your claim has been placed in “Inactive” status pending certification from the WTC Health Program, you can notify the VCF to reactive your claim for review by uploading the certification letter as soon as you receive it. You may also notify us of your certification by calling the VCF Helpline at 1-855-885-1555 and we will reactivate your claim and request your information from the WTC Health Program.

Please note that the VCF does not receive medical records from the WTC Health Program, only a list of a claimant’s certified conditions. If you intend to demonstrate the severity of your conditions for purposes of an increased non-economic loss award, you should provide the VCF with medical records and highlight the relevant parts of the records. For more information on when you should submit medical records to the VCF and what should be included in those records, please see [FAQ #1.10](#) on the VCF website.

#### **14. What is the current approximate length of time for VCF to process a claim?**

The VCF is currently deciding claims within 18 months of the day the claim was filed (assuming we have all information needed to decide a claim), and we continue to shorten that timeframe. As of July 2018, claims filed in early 2017 are receiving award decisions, while claims filed in mid-2017 are under review, and claims filed in late 2017 will come under review soon. We are hopeful that, at



our current rate of progress, we will soon meet our goal of deciding claims within one year of when they are submitted. Updated information regarding the timeframe for reviewing claims can be found in [FAQ #1.2](#) on the VCF website.

**15. Are there any circumstances under which the review of a claim can be accelerated?**

Yes. In cases involving terminal illness or significant financial hardship a claimant can request that the VCF expedite the processing of their claim. The VCF considers “significant financial hardship” to include an imminent or pending foreclosure or eviction proceeding, utility cut off, or other similar circumstances, as demonstrated by appropriate documentation. If you want to seek expedited processing of your claim based on a terminal diagnosis or financial hardship, you must contact the VCF Helpline at 1-855-885-1555 and upload any appropriate documentation to your claim. If you are represented by an attorney for your VCF claim, you should seek your attorney’s assistance. The VCF will review the request and notify you as to whether the request is granted or denied, typically within 48 hours. In claims that are approved for expedited processing, assuming all required documents have been submitted, the VCF can often process the claim, issue the award, and process the payment in as little as 3-4 weeks. In these instances, payment on the claim is issued as soon as the award letter is sent, but you retain your right to appeal within the 30-day appeal period.

**16. Are claims processed faster if the claimant is represented by an attorney?**

The speed at which a claim is processed depends on the type of losses claimed, the complexity of the claim, and the completeness of the claim. The VCF must have all necessary documents in order to evaluate the claim. We make considerable efforts to obtain information from third parties to support a claim, where possible, for both represented and unrepresented claimants, and our Helpline routinely reaches out to unrepresented claimants to ensure they understand the process and any requests for missing documentation. The type of losses being claimed and whether the claim is complete are the key factors that drive the amount of time it takes to process a claim, not whether a claimant is represented by an attorney or not.

**17. How would a survivor working without an attorney know when and how to make an amended claim?**

The VCF’s eligibility decision letters and award letters include language about how to amend your claim in the future if your circumstances should change. You can also call the VCF Helpline at 1-855-885-1555 and they can assist you.

**18. Does the VCF have a plan for claimants who do not receive a WTC Health Program certification by December 18, 2020?**

As the December 18, 2020, deadline approaches, the VCF will develop and post to our website the plans for handling claims that are filed near the deadline. This will include information regarding how we will work with the WTC Health Program to receive certification information for claimants. Our expectation is that as long as the claim is filed by the deadline, we will be able to get the certification information from the WTC Health Program within a reasonable timeframe in order to process the claim. The VCF is not required to complete our processing within a set timeframe, and we have estimated it will take approximately two years after the December 18, 2020, deadline to finish all processing and fully shut down. This allows time for the WTC Health Program to complete the certifications and provide the information to the VCF so that the claims can be processed.