

VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS (Updated January 21, 2004)

Section 10 –Application Process

10.1 How does the process work?

The regulations provide claimants with a choice of two Procedural Options: Track A or Track B.

- If a claimant selects **Track A**, the Claims Evaluator and Special Master’s office will review the claim, determine eligibility and determine if the claim is substantially complete. The Special Master will then send a letter to the claimant stating that the claim is substantially complete. Subsequently, the Special Master will notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a hearing before the Special Master or his designee. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary meeting(s) the claimant had to ask questions or review his or her claim does not constitute a hearing. If a claimant opts for a hearing, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.

- If the claimant selects **Track B**, a Claims Evaluator and Special Master will review the claim and determine eligibility. The Special Master will then send a letter to the claimant stating that the claim is substantially complete. Subsequently, the Special Master will notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing. Hearings may be decided on the papers, telephonically, or in person. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary meeting(s) the claimant had to ask questions or review the claim does not constitute a hearing. At the hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

10.2 When should I file the forms?

You can file the forms at any time up until two years after the date of the Interim Final Rule. The Interim Final Rule was effective on December 21, 2001. This means you must file on or before December 22, 2003.

10.3 What is required to comply with the “notice” provision of the Compensation Form for Deceased Victims?

The notice provision requires the claimant to complete a separate “Notice of Filing of Claim” (attached as Exhibit A, to the Compensation Form for Deceased Victims) for each person who you are required to provide notice to. If you are a Personal Representative applying for Advance Benefits, you must check the box at the bottom of Exhibit A so that those being notified know that you are applying for Advance Benefits.

The claimant must either personally deliver a copy of the completed Notice or send a copy of the Notice by certified mail, return receipt requested to each such person.

Those persons to whom notice must be provided are:

- The immediate family of the decedent including, but not limited to, the decedent’s spouse, former spouses, children, other dependents, siblings, and parents;
- The executor, administrator, and beneficiaries of the decedent’s will and life insurance policies; and
- Any other persons who may reasonably be expected to assert an interest in an award or have a cause of action to recover damages relating to the wrongful death of the decedent.

When submitting the Compensation Form to the Special Master, the Personal Representative must also attach a completed copy of Exhibit B, “List of Individuals Notified of Claim Filing.” This lists each individual provided with the Notice, their relationship to the decedent, their address and Social Security Number (if available) and the manner in which the Notice was communicated to each recipient.

10.4 What if I need more space to write or have more documents to send?

You may attach additional pages if you need more space for your answers. You may also attach any additional documents you wish to provide. Please remember to put the Victim’s Social Security Number or national identification number on each page. For deceased Victims, the Personal Representative’s SSN or national identification number must also be on each additional page.

10.5 How will I know that my claim has been received?

You will be notified by mail.

10.6 How will I know that my Compensation Form is complete?

You will receive a letter that your claim is “substantially complete” and that the 120-day review timetable begins.

10.7 How can a Personal Representative get copies of federal tax returns for a decedent?

The "Request for Copy or Transcript of Tax Forms" is found on IRS Form 4506. Requesters other than the taxpayer will also need to submit another form. This will either be a "Power of Attorney and Declaration of Representative" found on Form 2848 or a "Notice Concerning Fiduciary Relationship" found on Form 56. The IRS has a toll free number, 800-829-1040, available for any questions. The IRS website can be accessed at www.irs.gov. All of the forms discussed above are available from the IRS website.

In addition, the Internal Revenue Service (IRS) is providing special help for those affected by the September 11th terrorist attacks, as well as the survivors and Personal Representatives. The IRS has set up a special toll-free number for people who may have trouble filing or paying their taxes because they were affected by the terrorist attacks, or for people who have other tax issues related to the attacks. Call 1-866-562-5227 Monday through Friday, 7:00 am to 10:00 pm local time for English, 8:00 am to 9:30 pm local time for Spanish.

10.8 What happens after I submit the Compensation Form?

First, you will be notified that your Compensation Form has been received. Next, the Special Master will review your package to ensure it is complete (you will be advised of any deficiency in your form and of any required documentation that is missing). Claims assistance will be available to you by calling the Helpline at [removed] or by visiting one of the Claims Assistance Sites. Once your package is complete, we will determine the amount of your award or conduct a hearing depending on the track you select.

10.9 When will the Special Master make his determination on my claim?

The Special Master will issue a determination no later than 120 days after it is determined that either the "Personal Injury Compensation Form" or the "Compensation Form for Deceased Victims" is substantially complete.

10.10 What is the difference between Track A and Track B?

The regulations provide claimants with a choice of two Procedural Options: Track A or Track B. Regardless of what Track is chosen, the claimant can get an eligibility determination before his/her claim is deemed substantially complete and they receive the substantially complete letter.

- If a claimant selects **Track A**, the Claims Evaluator and Special Master's office will review the claim, determine eligibility and determine if the claim is substantially complete. The Special Master will then send a letter to the claimant stating that the claim is substantially complete. Subsequently, the Special Master will notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a hearing before the Special Master or his designee. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary

meeting(s) the claimant had to ask questions or review his or her claim does not constitute a hearing. If a claimant opts for a hearing, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.

If the claimant selects **Track B**, a Claims Evaluator and Special Master will review the claim and determine eligibility. The Special Master will then send a letter to the claimant stating that the claim is substantially complete. Subsequently, the Special Master will notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing. Hearings may be decided on the papers, telephonically, or in person. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary meeting(s) the claimant had to ask questions or review the claim does not constitute a hearing. At the hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

10.11 Can someone other than the Personal Representative submit information?

The regulations provide that any interested party may make a submission with respect to any Victim even if that person is not the Personal Representative. Individuals other than the PR will also need to complete a Statement of Interest Form for each submission. Please call the Helpline at [removed] to request this form.

10.12 Will claimants be notified if any objection is filed against their claim?

Yes. We will inform the claimant of the objection.

10.13 How do I submit supplemental information to a claim I already filed?

- For **deceased Victims**, write Victim's Social Security Number and Personal Representative Social Security Number on all documents, and include your claim number.
- For **physically injured Victims**, write the Victim's Social Security Number and your claim number on all documents.
- Mail documents to the following:
- (Regular mail) Victim Compensation Fund P.O. Box 18698 Washington, DC 20036-8698
- (Overnight mail) Victim Compensation Fund 1900 K Street, NW, Suite 900, Washington, DC 20006, [removed]

Please note: The Fund will mail you an acknowledgement approximately four to six days after the supplemental material has been received.

10.14 If the Victim's spouse decides not to participate in the program and decides not to sue the airlines, can another member of the family file with the fund?

Yes, if that person can be appointed as a Personal Representative.

10.15 When submitting a claim, is it necessary for me to provide all back up and supporting documentation?

Yes, it is imperative that you provide sufficient back up and supporting documentation when you submit a claim. This applies to the checklist items you may or may not need to submit (this will vary from claimant to claimant) in Part IV of the Death and Personal Injury Compensation Forms and any other supporting documentation you submit to support your claim.

For example, if you provide an economist report on projected future earnings of a decedent, we would like to see all supporting schedules that document your assumptions along with detailed calculations and analysis. Without sufficient back up and supporting documentation, the Special Master may not be able to understand your approach, conclusion(s), and recommendation(s), thus, not affording him the opportunity to properly review your claim.

If you do not provide sufficient supporting documentation as described above, the processing of your claim could be delayed.

10.16 Can I create an electronic Death or Personal Injury compensation form so that I can use my computer to enter the information requested right onto the electronic version the form(s)?

Yes. However, if you create an electronic Death Compensation and Personal Injury compensation form for claim submission, they should only be used to capture information requested on the forms. You still need you to send in the signature pages from the original forms as part of your claim submission.

Please note that if you do decide to create and use your own electronic form for "on-line or computer " data entry, processing could be delayed because your form may impact our normal document scanning / intake process.

We offer an electronic form option that accommodates data entry right onto the Death and Personal Injury compensation forms that can then be downloaded, saved, and printed from your own personal computer. Please visit the relevant "Forms" section of this website to access the electronic forms.

You can obtain an original Death or Personal Injury compensation form from this website, a Claim Assistance Site, or the Help Line ([removed]).

10.17 What Can I Do to Expedite the Payment Process?

There are several things claimants can do to expedite payments from the Fund:

- If you have a U.S. checking or savings account, direct deposit is faster than getting a check. Unfortunately, the Fund cannot make direct deposit payments to foreign bank accounts (see FAQ 5.62 or 6.10 for more details).
- Please provide the correct routing and account number – along with the correct bank name, address, and telephone number – for each individual who will receive payment via direct deposit. Please remember that the Fund can only pay into regular checking or savings accounts. The Fund cannot pay to money market accounts, brokerage accounts, or custodial accounts.
- Please provide the Social Security number (or national identification number) and date of birth for each individual who will receive payment from the Fund. The Fund needs this information to verify the identity of all individuals listed on the distribution plan.
- If payment is being made on behalf of a minor child, please provide the Fund information on which payment option you selected (see FAQ 5.61 for more details).

In addition, there may be a delay between when the final award amount is authorized and paid. On average, it takes the U.S. Treasury Department two-three weeks to process award payments.

10.18 What will happen if I submit only part of my application? Is there a deadline to complete the application?

Yes, there is a deadline to submit the required information. This deadline is necessary to enable the prompt processing of claims.

After you submit your claim, it will be assigned to a case manager who will conduct an initial review. The case manager will send you an initial contact letter listing any missing items that will be needed to complete the processing of your claim. You will have **30 days** from the date of the letter to get the needed items back to us. Starting on September 1, 2003 claims submitted will be sent to valuation at the end of this 30-day period and will be evaluated using all the information in the file at that time. Please understand that some missing items (i.e., certain signatures and attestations, original Personal Representative papers) do not affect valuation but will prevent us from paying the claim. Other missing items, such as details regarding income or offsets may affect valuation. If additional information becomes available after the initial evaluation is complete, it can be considered either at the subsequent review stage or on appeal.

If you have already filed a claim prior to September 1, 2003 but have not submitted all the information and if you have received a letter advising you to provide the requested information within 30 days, it is most important that you provide any missing information regarding the victim's compensation first. If you have additional information to provide regarding the victim's compensation but do not think you can get it to us within the 30 days, please let us know. We

will defer the valuation until September 1, 2003 to enable you to get the information to us. You will also have the ability to supplement your file while it is in the review process and, as noted above, on appeal.

The Special Master has established this procedure to assist in the timely and orderly evaluation of claims. Although the Fund has to date attempted to give extensions to claimants, it is impossible to continue this policy in light of the upcoming program deadline. If you are having difficulty obtaining some information, please contact the Fund and we will assist in any way we can.

If you have additional questions, please feel free to contact your case manager or the Helpline ([removed]) for assistance.

10.19 Is the January 22, 2004 a statutory deadline?

The January 22, 2004 deadline has been established to ensure that we are able to process claims and issue payments in a timely manner.

10.20 I cannot get everything you requested by the deadline listed in my contact letter or January 22, 2004 (whichever applies), can I get an extension?

You do not need to request an extension. We will begin processing your claim the day after the deadline. First, you should send in any materials / documents you have or when you get them. Do not wait to gather all the materials. In many instances, we can proceed with your claim even if some documents are still missing. Second, make sure you send in a signature to authorize the Release of Information (e.g., Deceased Victim Compensation Form – Part III.a, pg. 15 or Personal Injury Victim Compensation Form - Part III.d, pg. 17) as soon as possible.

We will consider any information you submit while the claim is being processed, generally any time up until a Presumed Award letter is sent or a Track B hearing is held. You can also submit information before a hearing. Remember, send us what you have now or when you get it. For example, if you are only waiting on an economist report or some other type of specialized analysis before you submit your claim, please do not wait. The Special Master's Office does not review specialized data such as economist reports until the end of the process.

We intend to move claims forward and will consider the requested information when we receive it. The sooner you get it in the sooner we can put it with what you have already submitted for continued claim evaluation.

Given our approach to claims processing post January 22, 2004, it is imperative that you get all requested document to us as soon as possible to help us ensure efficient processing of your claim.

10.21 I sent documents to you after January 22, 2004 will they be considered in the review of my claim?

We will start processing claims on the day after the deadline we gave you in your letter or January 22, 2004 (whichever applies). Your claim will then be in processing mode. Once in this

mode, if you submit more information before you receive a Presumed Award letter or a Track B hearing, it will be considered. If you submit information after you receive a Presumed Award or an eligibility determination letter, we will consider it at that stage in the process. If you nearly have all of the requested information we need before the deadline in your letter or January 22, 2004 (whichever applies), but are waiting for one more piece of information before you send us all the information, do not wait. Just send us what you have at that time. For example, if you are only waiting on an economist report or some other type of specialized analysis before you submit your claim, please do not wait. The Special Master's Office does not review specialized data such as economist reports until the end of the process.