

New Re-Review Process Available to Claimants

1. **Introduction.** Currently, a claimant who receives an Eligibility Notice may either accept the Notice or seek Reconsideration. Beginning on January 18, 2013, the Claims Administrator will implement a new Re-Review process to give claimants more options upon receipt of an Eligibility Notice. This Alert explains the new Re-Review process in detail.
2. **Summary of the New Re-Review Process.** The new Re-Review process will provide claimants with a potential extra review of their claim upon receipt of an Eligibility Notice or a Denial Notice. Upon receipt of either Notice, a claimant will have the following options:
 - (a) **Accept the Offer.** A claimant who chooses this option will forego the chance to seek another review of any type. If the value of the claim triggers BP's appeal rights and BP does not appeal, the Settlement Program will place the claim in line for payment. If BP does appeal, the appeal process commences.
 - (b) **Seek Reconsideration.** A claimant who selects this option believes:
 - (1) The Notice contains a calculation error;
 - (2) The Program failed to consider relevant information;
 - (3) The Program failed to follow a standard in the Settlement Agreement; or
 - (4) The Program incorrectly deducted an amount previously paid.

The claimant may submit additional documentation and the Claims Administrator will perform a full Reconsideration review and issue a Post-Reconsideration Eligibility Notice. However, if during the Reconsideration review the Claims Administrator finds that an error was made on the original review, we will issue an Amended Notice of Eligibility, which the claimant may accept or again seek Reconsideration.

- (c) **Request Re-Review.** If the claimant has additional documents to support the claim or wants to request Claimant Accounting Support ("CAS") reimbursement, the claimant may elect the new Re-Review option that will preserve their Reconsideration right. Below are summaries of the two Re-Review options:
 - (1) **CAS Reimbursement.** A claimant who selects this option is seeking a review only on the issue of Accounting Support Reimbursement. The claimant may, but is not required to, upload Accounting Support documentation. CAS reimbursement is only available to a claimant if he/she has submitted an eligible IEL, BEL or Seafood claim.
 - (2) **New Review Because Additional Documents Exist to Support the Claim.** A claimant who selects this option is affirmatively telling the Claims Administrator that the documents on file, even though sufficient to support a determination, were incomplete and that there are additional documents that could affect the eligibility or

value of the claim. Claimants who select this option must upload or send in additional documents.

3. Highlights of the New Re-Review Process.

- (a) **Post-Re-Review Eligibility Notice.** Currently, if a claimant seeks Reconsideration, the Settlement Program reviews the claim again and issues a Post-Reconsideration Eligibility or Denial Notice. The next and only step then available to a claimant who is dissatisfied with the outcome is to appeal. With the new Re-Review process, the Program will issue a Post-Re-Review Eligibility Notice after it performs a Re-Review, and the claimant may then still seek Reconsideration. Furthermore, under the new process, if the claimant seeks Reconsideration and the Program discovers that it made an error in its first review of the claim, we will issue an Amended Eligibility Notice, which will give rise to a new Reconsideration right for the claimant. This prevents the claimant from being penalized if there is an error in the first review and preserves his/her Reconsideration right.
- (b) **Additional Documents Exist to Support the Claim.** A claimant who requests a Re-Review because there are additional documents available that could affect the eligibility or value of the claim must upload new documents as part of the Re-review request. As long as the claimant submits additional documentation with this request, the claimant will receive a Post-Re-Review Eligibility Notice following review and will preserve his/her Reconsideration rights. If the claimant does not upload additional documents, the Settlement Program will deem the claimant's actions to constitute a Reconsideration request, and we will perform a Reconsideration review, from which the claimant's only remaining option will be an appeal if he/she remains dissatisfied with the review result or Award Amount.
- (c) **CAS Reimbursement.** The new process will allow claimants who seek only CAS Reimbursement to request a Re-Review of just that portion of the claim. This allows the Claims Administrator to separate CAS reviews from other claims requiring re-review or Reconsideration, so that the CAS reviews are processed efficiently. The claimant will receive a Post-Re-Review Eligibility Notice following CAS review and will preserve his/her Reconsideration rights.
- (d) **Filing Multiple Re-Review Requests.** A claimant may ask for a Re-Review based both on additional documentation in support of the underlying claim *and* for a CAS Reimbursement review. Following review of both, the claimant will receive a Post-Re-Review Eligibility Notice and will only have the option to accept the offer or seek Reconsideration.
- (e) **Denied Claims.** The new Re-Review process is available to claimants who are denied for substantive reasons, such as not being eligible under the terms of the Settlement Agreement and class definitions. This will preserve the claimant's Reconsideration right if the claim remains denied after Re-Review.
- (f) **BP Appeal Rights.** As with a Post-Reconsideration Eligibility Notice, BP's appeal rights will be triggered anew with a Post-Re-Review Eligibility Notice after a Re-Review, or the

finding of an error during Reconsideration Review, which leads to issuance of an Amended Eligibility Notice.

4. ***The Difference between Re-Review and Reconsideration.*** The main difference between Re-Review and Reconsideration is that a claimant requesting Re-Review because he/she has additional documents that could affect the value or eligibility of the claim must submit additional documents, while a Reconsideration does not require the claimant to submit additional documents. To maintain Reconsideration rights, the claimant seeking Re-review because he/she has additional documents must submit new documents at the time of a Re-Review request. However, if the claimant only selects Re-Review for CAS Reimbursement, the claimant does not need to submit new documents, although he may upload required CAS documents if not already in the file.
5. ***Notices that Qualify for the New Re-Review Process.*** Re-Review is available for all Eligibility Notices and substantive Denial Notices.
6. ***How to Request Re-Review or Reconsideration.*** To request Re-Review or Reconsideration, the claimant must do the following on or before the Deadline for Re-Review or Reconsideration Request date listed at the top of his/her Eligibility Notice:
 - (a) **Re-Review or Reconsideration Request Form.** The claimant must complete the “Re-Review or Reconsideration Request Form” accompanying the Notice or complete the online version available on the DWH Portal; and
 - (b) **Documentation.** If the claimant selects a Re-Review because he wants to submit additional documentation, the claimant must submit all additional documentation he/she wants the Claims Administrator to consider at the same time the “Re-Review or Reconsideration Request Form” is submitted. Because submission of a Re-Review or Reconsideration request is the equivalent of asking for a new review of the claim, the outcome could change the eligibility of the claim, or the Award Amount may increase, decrease or stay the same.
7. ***Reconsideration Requests Following Re-Review.*** If the claimant is dissatisfied with the Re-Review outcome as documented in the Post-Re-Review Eligibility Notice or Re-Review Denial Notice, he/she will have the right to request Reconsideration and then have the right to file an appeal. If the claimant does not submit a request for Reconsideration, or submits a request after the deadline for doing so has passed, he/she will not be able to file an appeal.
8. ***Questions.*** If you have any questions about the information in this Alert, email Questions@dhecc.com.