



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**In Re: Oil Spill by the Oil Rig  
“Deepwater Horizon” in the Gulf  
of Mexico, on April 20, 2010**

**MDL NO. 2179  
SECTION J**

**Applies to: *All Cases***

**JUDGE BARBIER  
MAGISTRATE JUDGE SHUSHAN**

**REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER  
HORIZON ECONOMIC AND PROPERTY DAMAGES SETTLEMENT  
AGREEMENT ON THE STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO.**

**38**

**DATE**

**OCTOBER 30, 2015**

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**REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER HORIZON  
ECONOMIC AND PROPERTY DAMAGES SETTLEMENT AGREEMENT ON THE  
STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO. 38, DATED OCTOBER 30, 2015**

The Claims Administrator of the Deepwater Horizon Economic and Property Settlement Agreement (Settlement Agreement) submits this Report to inform the Court of the status of the implementation of the Settlement Agreement as of September 30, 2015. The Claims Administrator will provide any other information in addition to this Report as requested by the Court.

**I. STATUS OF THE CLAIMS REVIEW PROCESSES AND CLAIM PAYMENTS**

**A. Claim Form Submissions.**

The Claims Administrator opened the Settlement Program with needed functions staffed and operating on June 4, 2012, just over 30 days after the Claims Administrator’s appointment. As of September 30, 2015, the Claims Administrator’s Office and Vendors (CAO)<sup>1</sup> have received 380,729 Claim Forms since the Settlement Program opened on June 4, 2012, as shown in the Public Statistics for the Deepwater Horizon Economic and Property Damages Settlement (Public Report) attached as Exhibit A.<sup>2</sup> References throughout this report to Claim Forms filed are affected similarly.

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<sup>1</sup> “Claims Administrator’s Office”, as used within this report, refers to the Claims Administrator and, where applicable, Court-Supervised Settlement Program vendors working with and under the Claims Administrator.

<sup>2</sup> The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.

Of the total Claim Forms submitted, 6.6% were filed within the Seafood Program, 16.0% were filed within the Individual Economic Loss (IEL) framework, and 38.1% were filed within the Business Economic Loss (BEL) framework (including Start-Up and Failed BEL Claims). *See* Ex. A, Table 2.

On December 8, 2014, the United States Supreme Court declined the request for a review of the Fifth Circuit's rulings upholding the District Court's Final Approval Order of the Settlement Agreement. Accordingly, the Effective Date of the Settlement Agreement was December 8, 2014, and the final deadline for filing all new claims occurred on June 8, 2015. As such, the Claims Administrator will close new claim submissions made after June 8, 2015.

**B. Claims Review.**

The CAO completed its first claim reviews and issued its first outcome notices on July 15, 2012, and its first payments on July 31, 2012. There are many steps involved in reviewing a claim so that it is ready for a notice. In addition to reviewing the claims, substantial communication to claimants or their representatives is performed via notices, emails, phone calls, interviews, and site visits to obtain clarification and/or additional information or documentation necessary for the Program to review claims.

**1. Claim Type Review Details.**

Table 1 provides information, by Claim Type, on the number of claims filed, the number of claims that have been reviewed to Notice, the number of claims remaining to be reviewed to Notice, and the number of claims reviewed to either a Notice or "Later Notice" to date. Table 1 divides the claims reviewed to a "Later Notice" into separate sections: (1) claims receiving a Notice based on CAO review following the submission of additional materials by a claimant in response to an Incompleteness Notice, and (2) claims receiving a Notice following a Reconsideration review conducted by the CAO.

**Table 1. Throughput Analysis of Claims Filed and Notices Issued.****A. Claims Reviewed to First Notice**

	Claim Type	Status of All Claims Filed				
		Total Claims Filed To Date <sup>3</sup>	Reviews Completed to Notice or Closed		Claims Remaining to Review	
1.	Seafood	24,938	24,721	99.1%	217	0.9%
2.	IEL	60,740	45,583	75.0%	15,157	25.0%
3.	IPV/FV	388	365	94.1%	23	5.9%
4.	BEL	132,044	92,619	70.1%	39,425	29.9%
5.	Start-Up BEL	7,567	5,979	79.0%	1,588	21.0%
6.	Failed BEL	5,451	4,306	79.0%	1,145	21.0%
7.	Coastal RP	42,038	40,043	95.3%	1,995	4.7%
8.	Wetlands RP	26,394	15,211	57.6%	11,183	42.4%
9.	RPS	3,061	2,006	65.5%	1,055	34.5%
10.	Subsistence	67,596	37,907	56.1%	29,689	43.9%
11.	VoO	8,959	8,912	99.5%	47	0.5%
12.	VPD	1,553	1,514	97.5%	39	2.5%
13.	<b>TOTAL</b>	<b>380,729</b>	<b>279,166</b>	<b>73.3%</b>	<b>101,563</b>	<b>26.7%</b>

**B. Claims Reviewed to Later Notice**

	Claim Type	Initial or Preliminary Incompleteness Response				Follow-Up Incompleteness Responses				Requests for Reconsideration			
		Total Responses	Claims with Later Notice	Remaining Claims		Total Responses	Claims with Later Notice	Remaining Claims		Total Requests	Claims with Later Notice	Remaining Claims	
				#	%			#	%			#	%
1.	Seafood	5,960	5,540	420	7.0%	2,873	2,688	185	6.4%	4,056	3,631	425	10.5%
2.	IEL	18,035	16,110	1,925	10.7%	9,393	8,373	1,020	10.9%	6,626	5,962	664	10.0%
3.	IPV/FV	112	103	9	8.0%	40	37	3	7.5%	45	40	5	11.1%
4.	BEL	48,132	34,424	13,708	28.5%	23,439	15,767	7,672	32.7%	13,739	10,368	3,371	24.5%
5.	Start-Up BEL	3,137	2,558	579	18.5%	1,954	1,479	475	24.3%	1,234	930	304	24.6%
6.	Failed BEL	1,405	1,116	289	20.6%	907	649	258	28.4%	829	683	146	17.6%
7.	Coastal RP	6,043	5,766	277	4.6%	1,720	1,672	48	2.8%	2,145	2,104	41	1.9%
8.	Wetlands RP	715	517	198	27.7%	160	128	32	20.0%	1,156	840	316	27.3%
9.	RPS	368	367	1	0.3%	130	128	2	1.5%	245	241	4	1.6%
10.	Subsistence	12,196	8,253	3,943	32.3%	4,818	3,311	1,507	31.3%	2,769	1,885	884	31.9%
11.	VoO	969	952	17	1.8%	406	393	13	3.2%	641	632	9	1.4%
12.	VPD	809	760	49	6.1%	371	353	18	4.9%	281	253	28	10.0%
13.	<b>TOTAL</b>	<b>97,881</b>	<b>76,466</b>	<b>21,415</b>	<b>21.9%</b>	<b>46,211</b>	<b>34,978</b>	<b>11,233</b>	<b>24.3%</b>	<b>33,766</b>	<b>27,569</b>	<b>6,197</b>	<b>18.4%</b>

<sup>3</sup> The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.

## 2. Claimant Accounting Support Reviews.

A special team handles Claimant Accounting Support (CAS) reviews. CAS reimbursement is available under the Settlement Agreement for IEL, BEL, and Seafood claims. After a claim has been determined to be payable and the Compensation Amount has been calculated, the CAS team reviews accounting invoices and CAS Sworn Written Statements submitted by the claimant. Table 2 includes information on the number of CAS reviews the CAO has completed to date, whether the Accounting Support documentation was complete, and the dollar amounts reimbursed for each Claim Type.

<b>Table 2. Claimant Accounting Support.</b>									
	Claim Type	CAS Review Results				Total CAS Review Results		CAS Dollar Amount Reimbursed	
		Complete		Incomplete		Since Last Report	Total to Date	Since Last Report	Total to Date
		Since Last Report	Total to Date	Since Last Report	Total to Date				
<b>1.</b>	<b>BEL</b>	952	21,338	123	2,838	1,075	24,176	\$1,212,515.62	\$28,866,574.84
<b>2.</b>	<b>IEL</b>	16	3,330	6	753	22	4,083	\$4,353.26	\$415,471.88
<b>3.</b>	<b>Seafood</b>	-4 <sup>4</sup>	3,938	8	847	4	4,785	\$7,639.52	\$1,622,152.66
<b>4.</b>	<b>TOTAL</b>	<b>964</b>	<b>28,606</b>	<b>137</b>	<b>4,438</b>	<b>1,101</b>	<b>33,044</b>	<b>\$1,224,508.40</b>	<b>\$30,904,199.38</b>

## C. Claim Payments.

### 1. Notices and Payments.

Tables 3 and 4 of the Public Report attached in Exhibit A provide detail on the notices and payments issued to date. As of September 30, 2015, the CAO has issued 106,794 Eligibility Notices to unique claims with Payment Offers totaling \$6.64 billion. As of that date, the CAO has made \$6.01 billion in payments on 99,827 claims.

<sup>4</sup> Seven Seafood claims were previously considered complete but were later determined upon further review in September to be incomplete, causing a negative Since Last Report number.

## **D. Re-Reviews, Reconsiderations, and Appeals.**

### **1. Re-Reviews and Outcomes.**

The CAO implemented a Re-Review process beginning on January 18, 2013, that provides claimants with the opportunity to request a Re-Review of their claim within 30 days of the issuance of an Eligibility or Denial Notice if the claimant has additional documentation not previously submitted to support its claim. Following a Re-Review, claimants receive a Post Re-Review Notice, from which they may then request Reconsideration if they wish. To date, there have been 122,235 Eligibility or Denial Notices issued from which claimants can or could seek Re-Review. Of those, the window to seek Re-Review has passed or Re-Review has been requested for 119,203. Of those, claimants have requested Re-Review of 14,051 claims. Thus, the rate of Re-Review from all final determinations is 11.8%. The rate of Re-Review from Eligibility Notices is 8.1%, while the rate of Re-Review from Denial Notices is 21.3%.

Table 3 summarizes the Re-Reviews the CAO has completed, the number of Post Re-Review Notices the CAO has issued, and whether the outcome of the Re-Review resulted in an award that was higher than ( ), lower than ( ), or the same as ( ) the outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Re-Review.

<b>Table 3. Re-Reviews.</b>					
<b>A. Re-Review Requests and Reviews</b>					
	Claim Type	Requests Received To Date	Notice Issued or Claims Closed	Claims Remaining to Receive Notice or Claims Closed	
				#	%
<b>1.</b>	<b>Seafood</b>	884	845	39	4.4%
<b>2.</b>	<b>IEL</b>	970	856	114	11.8%
<b>3.</b>	<b>IPV/FV</b>	14	13	1	7.1%
<b>4.</b>	<b>BEL</b>	4,822	3,893	929	19.3%
<b>5.</b>	<b>Start-Up BEL</b>	395	281	114	28.9%
<b>6.</b>	<b>Failed BEL</b>	281	233	48	17.1%
<b>7.</b>	<b>Coastal RP</b>	1,146	1,077	69	6.0%

<b>8.</b>	<b>Wetlands RP</b>	1,874		1,409		465		24.8%			
<b>9.</b>	<b>RPS</b>	114		112		2		1.8%			
<b>10.</b>	<b>Subsistence</b>	3,435		1,283		2,152		62.6%			
<b>11.</b>	<b>VoO</b>	64		63		1		1.6%			
<b>12.</b>	<b>VPD</b>	52		49		3		5.8%			
<b>13.</b>	<b>TOTAL</b>	<b>14,051</b>		<b>10,114</b>		<b>3,937</b>		<b>28.0%</b>			
<b>B. Re-Review Notices Issued</b>											
		<b>Outcome of Re-Review Notice</b>									
<b>Claim Type</b>		<b>Compensation Amount for Eligible Claims</b>						<b>Exclusions/Denials</b>			
								<b>Confirmed</b>		<b>Overturned</b>	
		<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>1.</b>	<b>Seafood</b>	437	51.7%	48	5.7%	242	28.6%	109	12.9%	9	1.1%
<b>2.</b>	<b>IEL</b>	207	24.2%	87	10.2%	269	31.4%	286	33.4%	7	0.8%
<b>3.</b>	<b>IPV/FV</b>	0	0.0%	0	0.0%	0	0.0%	13	100.0%	0	0.0%
<b>4.</b>	<b>BEL</b>	1,134	29.1%	134	3.4%	266	6.8%	2,330	59.9%	29	0.7%
<b>5.</b>	<b>Start-Up BEL</b>	32	11.4%	8	2.8%	6	2.1%	234	83.3%	1	0.4%
<b>6.</b>	<b>Failed BEL</b>	2	0.9%	4	1.7%	1	0.4%	225	96.6%	1	0.4%
<b>7.</b>	<b>Coastal RP</b>	54	5.0%	4	0.4%	127	11.8%	855	79.4%	37	3.4%
<b>8.</b>	<b>Wetlands RP</b>	35	2.5%	9	0.6%	38	2.7%	1,319	93.6%	8	0.6%
<b>9.</b>	<b>RPS</b>	1	0.9%	0	0.0%	3	2.7%	95	84.8%	13	11.6%
<b>10.</b>	<b>Subsistence</b>	747	58.2%	269	21.0%	205	16.0%	61	4.8%	1	0.1%
<b>11.</b>	<b>VoO</b>	7	11.1%	5	7.9%	17	27.0%	32	50.8%	2	3.2%
<b>12.</b>	<b>VPD</b>	20	40.8%	3	6.1%	13	26.5%	12	24.5%	1	2.0%
<b>13.</b>	<b>TOTAL</b>	<b>2,676</b>	<b>26.5%</b>	<b>571</b>	<b>5.6%</b>	<b>1,187</b>	<b>11.7%</b>	<b>5,571</b>	<b>55.1%</b>	<b>109</b>	<b>1.1%</b>

## 2. Reconsideration Reviews and Outcomes.

To date, there have been 226,977 Eligibility, Denial, or Incompleteness Denial Notices issued from which claimants can or could seek Reconsideration. Of those, the window to seek Reconsideration has passed or Reconsideration has been requested for 220,371. Of those, claimants have requested Reconsideration of 33,766 claims. Thus, the rate of Reconsideration from all final determinations is 15.3%. The rate of Reconsideration from Eligibility Notices is 5.1%, while the rate of Reconsideration from Denial or Incompleteness Denial Notices is 24.8%. Table 4 summarizes the Reconsiderations the CAO has completed, the number of Post-Reconsideration Notices the CAO has issued, and whether the outcome of the Reconsideration review resulted in an award that was higher than ( ), lower than ( ), or the same as ( ) the

outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Reconsideration.

<b>Table 4. Reconsideration.</b>											
<b>A. Reconsideration Requests and Reviews</b>											
	Claim Type	Requests Received To Date				Notice Issued or Claims Closed	Claims Remaining to Receive Notice or Claims Closed				
							#		%		
1.	Seafood	4,056				3,631	425		10.5%		
2.	IEL	6,626				5,962	664		10.0%		
3.	IPV/FV	45				40	5		11.1%		
4.	BEL	13,739				10,368	3,371		24.5%		
5.	Start-Up BEL	1,234				930	304		24.6%		
6.	Failed BEL	829				683	146		17.6%		
7.	Coastal RP	2,145				2,104	41		1.9%		
8.	Wetlands RP	1,156				840	316		27.3%		
9.	RPS	245				241	4		1.6%		
10.	Subsistence	2,769				1,885	884		31.9%		
11.	VoO	641				632	9		1.4%		
12.	VPD	281				253	28		10.0%		
13.	<b>TOTAL</b>	<b>33,766</b>				<b>27,569</b>	<b>6,197</b>		<b>18.4%</b>		
<b>B. Reconsideration Notices Issued</b>											
	Claim Type	Outcome of Reconsideration Notice <sup>5</sup>									
		Compensation Amount for Eligible Claims						Exclusions/Denials			
								Confirmed		Overturned	
		#	%	#	%	#	%	#	%	#	%
1.	Seafood	769	21.2%	177	4.9%	510	14.0%	1,773	48.8%	402	11.1%
2.	IEL	160	2.7%	115	1.9%	455	7.6%	3,680	61.7%	1,552	26.0%
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	39	97.5%	1	2.5%
4.	BEL	504	4.9%	193	1.9%	367	3.5%	4,792	46.2%	4,512	43.5%
5.	Start-Up BEL	11	1.2%	13	1.4%	15	1.6%	533	57.3%	358	38.5%
6.	Failed BEL	1	0.1%	7	1.0%	7	1.0%	540	79.1%	128	18.7%
7.	Coastal RP	96	4.6%	26	1.2%	427	20.3%	1,275	60.6%	280	13.3%
8.	Wetlands RP	37	4.4%	4	0.5%	66	7.9%	706	84.0%	27	3.2%
9.	RPS	1	0.4%	0	0.0%	4	1.7%	212	88.0%	24	10.0%
10.	Subsistence	198	10.5%	35	1.9%	74	3.9%	1,015	53.8%	563	29.9%
11.	VoO	59	9.3%	4	0.6%	125	19.8%	385	60.9%	59	9.3%
12.	VPD	48	19.0%	5	2.0%	16	6.3%	113	44.7%	71	28.1%
13.	<b>TOTAL</b>	<b>1,884</b>	<b>6.8%</b>	<b>579</b>	<b>2.1%</b>	<b>2,066</b>	<b>7.5%</b>	<b>15,063</b>	<b>54.6%</b>	<b>7,977</b>	<b>28.9%</b>

<sup>5</sup> Changes to the figures related to outcomes of Reconsideration Notices as compared to the previous outcomes are a result of multiple claimants receiving new Notices and subsequently requesting further Reconsideration, which resulted in the removal of the claims associated with these new Reconsideration requests from this Report.



### 3. Appeals.

#### (a) BP Appeals.

To date, the CAO has issued 27,459 Eligibility Notices that meet or exceed the threshold amount rendering them eligible for appeal by BP. Of those, BP has either filed an appeal or the deadline for BP to file an appeal has passed for 27,110 Notices. Of those 27,110 Notices, BP has filed 6,888 appeals, a 25.4% appeal rate. Table 5 provides summary information on the status of BP appeals.

<b>Table 5. Status of BP Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>BP Appeals Filed</b>	<b>6,780</b>	<b>108</b>	<b>6,888</b>
<b>2.</b>	<b>Resolved Appeals</b>	<b>6,470</b>	<b>129</b>	<b>6,599</b>
(a).	Resolved by Panel Decision	2,671	51	2,722
(b).	Resolved by Parties	1,085	44	1,129
(c).	Remand to Claims Administrator	198	11	209
(d).	Administratively Closed	423	0	423
(e).	Withdrawn	409	17	426
(f).	Inactive Under Reconsideration/Re-Review	239	6	245
(g).	Return for Review Under Policy 495	1,445	0	1,445
<b>B. Pending Appeals</b>				
<b>1.</b>	<b>In "Baseball" Process</b>		<b>170</b>	
<b>2.</b>	<b>Submitted to Panel</b>		<b>65</b>	
<b>3.</b>	<b>Under Discretionary Court Review</b>		<b>54</b>	
<b>4.</b>	<b>TOTAL PENDING</b>		<b>289</b>	

#### (b) Claimant Appeals.

Before a claimant may file an appeal, the claimant must request Reconsideration and receive a Post-Reconsideration Eligibility or Denial Notice. To date, the CAO has issued 11,008 Post-Reconsideration Eligibility and Denial Notices. Of those, the claimant has either filed an appeal or the deadline for the claimant to file an appeal has passed for 10,649 Notices. Of those 10,649 Notices, claimants have filed 2,401 appeals, a 22.5% appeal rate. Of the 2,401 claimant

appeals, 1,749 are appeals of Post-Reconsideration Denial Notices, while 652 are appeals of Post-Reconsideration Eligibility Notices. Table 6 provides summary information on the status of Claimant Appeals.

<b>Table 6. Status of Claimant Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Claimant Appeals Filed</b>	<b>2,272</b>	<b>129</b>	<b>2,401</b>
<b>2.</b>	<b>Resolved Appeals</b>	<b>1,849</b>	<b>31</b>	<b>1,880</b>
(a).	Resolved by Panel Decision	1,458	20	1,478
(b).	Resolved by Parties	91	0	91
(c).	Remand to Claims Administrator	92	0	92
(d).	Administratively Closed	68	9	77
(e).	Withdrawn	50	2	52
(f).	Return for Review Under Policy 495	90	0	90
<b>A. Pending Appeals</b>				
<b>1.</b>	<b>In "Baseball" Process</b>		<b>30</b>	
<b>2.</b>	<b>In "Non-Baseball" Process</b>		<b>212</b>	
<b>3.</b>	<b>Submitted to Panel</b>		<b>227</b>	
<b>4.</b>	<b>Under Discretionary Court Review</b>		<b>52</b>	
<b>5.</b>	<b>TOTAL PENDING</b>		<b>521</b>	

**(c) Resolved Appeals.**

As reported in the table below, 8,479 appeals have been resolved. Table 7 provides a summary of these resolved appeals by Claim Type. The comparison between the Post-Appeal Award Amount and the Award Amount within the original notice does not take into consideration the 5.0% increase in compensation that a claimant who prevails upon appeal receives.

**Table 7. Outcome After Appeal.**

Claim Type		Appeals Settled or Decided by Panel						With- drawn	Admin. Closed	Inactive Under Recon./Re- Review	Return for Review Under Policy 495	Total
		Compensation Amount Following Appeal Compared to That of Original Notice										
		Higher	Lower	Same	Denial Upheld	Denial Over- turned	Remand					
1.	Seafood	77	22	167	53	4	22	52	9	9	0	<b>415</b>
2.	IEL	28	69	126	111	15	51	15	23	8	0	<b>446</b>
3.	IPV/FV	0	0	0	1	1	0	0	1	0	0	<b>3</b>
4.	BEL	68	1,254	2,219	445	97	202	359	438	212	1,535	<b>6,829</b>
5.	Coastal RP	38	1	27	160	7	2	8	8	0	0	<b>251</b>
6.	Wetlands RP	3	10	6	56	2	0	3	12	16	0	<b>108</b>
7.	RPS	0	8	25	39	0	1	5	2	0	0	<b>80</b>
8.	Subsistence	1	1	11	3	0	5	0	3	0	0	<b>24</b>
9.	VoO	16	32	47	67	20	6	28	4	0	0	<b>220</b>
10.	VPD	2	29	32	20	0	12	8	0	0	0	<b>103</b>
11.	<b>TOTAL</b>	<b>233</b>	<b>1,426</b>	<b>2,660</b>	<b>955</b>	<b>146</b>	<b>301</b>	<b>478</b>	<b>500</b>	<b>245</b>	<b>1,535</b>	<b>8,479</b>

**(d) Incompleteness Appeals.**

The Appeal for Insufficient Documentation (Incompleteness Appeal) allows Economic Class Members to have their claims reviewed by a separate Documentation Reviewer when the CAO denies their claims because of insufficient documentation. The Documentation Reviewer reviews the claimant's documentation to determine whether the Settlement Program correctly denied the claim.

Before sending the claim to the Documentation Reviewer, the CAO reviews the appeal request along with any newly submitted documents. If the claimant has submitted the requested documentation and cured the incompleteness, the CAO issues the appropriate Notice. If the claimant still has not submitted the requested documentation, the CAO sends the claim to the Documentation Reviewer for review.

Before a claimant may file an appeal of an Incompleteness Denial, the claimant must request Reconsideration and receive a Post-Reconsideration Incompleteness Denial Notice. To date, the CAO has issued 8,151 Post-Reconsideration Incompleteness Denial Notices. Of those, the claimant's appeal deadline has passed or an appeal has been filed for 7,977 Notices. Of the 7,977 Notices eligible for appeal, 3,999 (50.1%) appeal requests have been filed. Table 8 provides summary information on the status of Incompleteness Appeals.

<b>Table 8. Incompleteness Appeals.</b>				
<b>A. Incompleteness Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Incompleteness Appeals Filed</b>	<b>3,755</b>	<b>244</b>	<b>3,999</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>2,362</b>	<b>98</b>	<b>2,460</b>
(a).	Withdrawn/Closed Claims	23	3	26
(b).	Cured	674	53	727
(c).	Incompleteness Denial Affirmed	1,577	21	1,598
(d).	Incompleteness Denial Overturned	88	21	109
<b>B. Pending Incompleteness Appeals</b>				
<b>3.</b>	<b>In Pre-Documentation Reviewer Process</b>		977	
<b>4.</b>	<b>Currently Before Documentation Reviewer</b>		562	
<b>5.</b>	<b>TOTAL PENDING</b>		<b>1,539</b>	

**(e) Fifth Circuit Appeals.**

As a result of decisions handed down by the United States Court of Appeals for the Fifth Circuit (the "Fifth Circuit") on May 8, 2015, the Parties now have the right to notice further appeals to the Fifth Circuit from rulings made by the District Court on discretionary review of individual claims. The CAO has substantially finalized procedures with the District Court to implement and facilitate the Fifth Circuit's rulings since changes were required with respect to the docketing of discretionary review requests and rulings, and the creation of appeal records.

**E. Seafood Supplemental Distribution**

The Settlement Agreement calls for BP to finance a \$2.3 billion Seafood Compensation Program Settlement Fund. The Settlement Agreement states that any balance available after the first distribution will be distributed to each claimant in proportion to the claimant's gross compensation, unless the Court-Appointed Seafood Neutrals recommend a different formula. On September 19, 2014, the Seafood Neutrals submitted to the Court their Recommendations for the Seafood Compensation Program Supplemental Distribution (which can be located on the Settlement Program's Website). On November 18, 2014, the Court approved the Seafood Supplemental Distribution formula established under the Court-Designated Neutrals' Recommendations for Seafood Compensation Program Supplemental Distribution. The Court approved a partial Supplemental Distribution targeted at \$500 million of the remaining undistributed portion of the aggregate \$2.3 billion fund for the Seafood Compensation Program. Payments will be disbursed in multiple phases.

The Seafood Neutrals also recommended that if a claimant or BP disagrees with a claimant's award in Round Two, the challenge must be limited to whether the formulas described in Sections II (A) and III (F) of the Recommendations were properly implemented with respect to the individual claim at issue. The Seafood Neutrals also recommended that the Claims Administrator have the discretion and authority to promulgate procedural and evidentiary rules as well as limit and define appellate rights. On November 18, 2014, the Court approved the Seafood Neutrals' Recommendations in full, and on December 29, 2014, the Claims Administrator promulgated Rules Governing the Seafood Supplemental Distribution Calculation Objection Process pursuant to the Court-approved Seafood Neutrals' recommendations.

As of September 30, 2015, the Settlement Program has issued 4,492 Seafood Supplemental Distribution Eligibility Notices for a total Supplemental Distribution Value of \$447,205,609. The

Seafood Supplemental Distribution Notices are included in the report where appropriate. As of September 30, 2015, the Settlement Program issued payments of \$426,127,074 from the Supplemental Distribution to 3,751 claimants.

## **II. CONCLUSION**

The Claims Administrator offers this Report to ensure that the Court is informed of the status of the Settlement Program to date. If the Court would find additional information helpful, the Claims Administrator stands ready to provide it at the Court's convenience.

                  /s/ Patrick Juneau                    
PATRICK A. JUNEAU  
CLAIMS ADMINISTRATOR

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing pleading has been served on All Counsel by electronically uploading the same to LexisNexis File & Serve in accordance with Pretrial Order No. 12, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 30<sup>th</sup> day of October, 2015.

/s/ Patrick Juneau  
PATRICK A. JUNEAU  
CLAIMS ADMINISTRATOR

Claims Administrator Patrick Juneau has announced that the Settlement Program began issuing payments on July 31, 2012, and has been issuing outcome Notices since July 15, 2012. The Program will issue Notices on a rolling basis as we complete reviews, and they will include Eligibility Notices, Incompleteness Notices, and Denial Notices. Each Notice will provide information explaining the outcome. We will post Notices on the secure DWH Portal for any law firm or unrepresented claimant who uses the DWH Portal. We will notify firms and unrepresented claimants by email at the end of each day if we have posted a Notice that day. Firms and unrepresented claimants may then log onto the DWH Portal to see a copy of the Notice(s). Law Firms or claimants who do not use the DWH Portal will receive Notices in the mail. Claimants who receive an Eligibility Notice and qualify for a payment will receive that payment after all appeal periods have passed, if applicable, and the claimant has submitted all necessary paperwork, including a fully executed Release and Covenant Not to Sue.

Table 1	Filings by State of Residence			
	State	Claims		Unique Claimants with Form Submitted
		Form Submitted	%	
1.	Alabama	62,762	16.5%	46,780
2.	Florida	104,362	27.4%	76,578
3.	Louisiana	117,121	30.8%	75,773
4.	Mississippi	44,438	11.7%	35,348
5.	Texas	19,465	5.1%	11,164
6.	Other	32,581	8.6%	15,510
7.	Total	380,729	100.0%	261,153

Table 2	Number of Claims by Claim Type			
	Claim Type	Claims		Unique Claimants with Form Submitted
		Form Submitted	%	
1.	Seafood Compensation Program	24,938	6.6%	10,537
2.	Individual Economic Loss	60,740	16.0%	58,573
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	388	0.1%	382
4.	Business Economic Loss	132,044	34.7%	93,606
5.	Start-Up Business Economic Loss	7,567	2.0%	6,071
6.	Failed Business Economic Loss	5,451	1.4%	4,637
7.	Coastal Real Property	42,038	11.0%	28,619
8.	Wetlands Real Property	26,394	6.9%	4,475
9.	Real Property Sales	3,061	0.8%	1,608
10.	Subsistence	67,596	17.8%	67,128
11.	VoO Charter Payment	8,959	2.4%	6,290
12.	Vessel Physical Damage	1,553	0.4%	1,307
13.	Total	380,729	100.0%	261,153



Table 3	Claim Type	Notices Issued											Total Claims Issued Notice
		Eligible - Payable	Eligible - No Payment	Incomplete	Denial					Opt-Outs	Withdrawn	Closed	
					Exclusion Denials	Prior GCCF Release	Causation Denials	Other Denials	Incomplete Denials				
1.	Seafood Compensation Program	13,366	1,503	392	59	2,402	0	1,180	4,695	1,164	2,533	2,132	29,426
2.	Individual Economic Loss	6,517	1,622	4,071	3,379	2,432	100	3,013	20,558	786	2,032	2,994	47,504
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	8	0	53	10	28	0	76	141	3	94	31	444
4.	Business Economic Loss	25,609	760	29,076	1,537	879	4,828	4,031	16,589	970	5,093	3,390	92,762
5.	Start-Up Business Economic Loss	832	39	1,518	70	58	260	681	1,837	111	225	378	6,009
6.	Failed Business Economic Loss	41	44	811	68	136	380	1,075	1,148	116	142	371	4,332
7.	Coastal Real Property	28,688	60	415	13	953	0	5,380	1,549	394	501	2,208	40,161
8.	Wetlands Real Property	6,960	12	235	28	95	0	4,882	120	94	200	1,749	14,375
9.	Real Property Sales	855	7	19	13	88	36	673	94	21	84	155	2,045
10.	Subsistence	16,038	878	7,949	32	1,968	0	943	7,613	271	427	854	36,973
11.	VoO Charter Payment	7,070	20	81	16	0	0	605	733	95	69	134	8,823
12.	Vessel Physical Damage	810	23	69	7	0	0	165	249	19	47	112	1,501
13.	Total	106,794	4,968	44,689	5,232	9,039	5,604	22,704	55,326	4,044	11,447	14,508	284,355

Table 4	Claim Type	Payment Information						
		Eligibility Notices Issued with Payment Offer		Accepted Offers		Payments Made		
		Number	Amount	Number	Amount	Number	Amount	Unique Claimants Paid
1.	Seafood Compensation Program	13,366	\$1,598,236,522	12,345	\$1,573,070,706	12,018	\$1,549,154,708	4,943
2.	Individual Economic Loss	6,517	\$78,847,611	6,199	\$76,364,334	5,956	\$72,191,410	5,956
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	8	\$77,085	8	\$77,085	8	\$77,085	8
4.	Business Economic Loss	25,609	\$4,001,774,979	24,140	\$3,667,477,676	22,966	\$3,454,030,527	21,318
5.	Start-Up Business Economic Loss	832	\$136,098,781	770	\$124,698,606	751	\$122,400,423	718
6.	Failed Business Economic Loss	41	\$3,537,460	35	\$3,023,690	33	\$2,916,308	33
7.	Coastal Real Property	28,688	\$160,032,859	28,137	\$155,430,826	27,732	\$153,737,737	21,811
8.	Wetlands Real Property	6,960	\$202,229,940	6,596	\$178,255,662	6,390	\$177,224,034	1,663
9.	Real Property Sales	855	\$40,302,614	850	\$40,195,566	838	\$39,961,067	743
10.	Subsistence	16,038	\$121,227,727	12,667	\$99,812,878	11,739	\$92,226,050	11,739
11.	VoO Charter Payment	7,070	\$281,792,087	7,051	\$279,798,114	7,008	\$278,778,323	5,335
12.	Vessel Physical Damage	810	\$12,526,390	815	\$12,468,191	787	\$12,130,650	734
13.	Totals on DWH Releases	106,794	\$6,636,684,053	99,613	\$6,210,673,333	96,226	\$5,954,828,322	70,490
14.	Paid As 40% Payments to Claimants with Transition Payments					3,286	\$54,548,410	3,286
15.	6% Refund					315	\$996,892	315
16.	Total Payments:					99,827	\$6,010,373,623	74,091

Table 5	Appeals Received			
	Resolved Appeals			
	Appeal Status	BP Appeals	Claimant Appeals	Total Appeals
1.	Resolved by Panel Decision	2,722	1,478	4,200
2.	Resolved by Parties	1,129	91	1,220
3.	Withdrawn	426	52	478
4.	Administratively Closed	423	77	500
5.	Inactive Under Reconsideration/Re-Review	245	0	245
6.	Remand to Claims Administrator	209	92	301
7.	Return for Review Under Policy 495	1,445	90	1,535
8.	Total	6,599	1,880	8,479
Pending Appeals				
9.	In "Baseball" Process	170	30	200
10.	In "Non-Baseball" Process	0	212	212
11.	Submitted to Panel	65	227	292
12.	Under Discretionary Court Review	54	52	106
13.	Total	289	521	810
Grand Total				
14.		6,888	2,401	9,289

Chart 1: Payments Made by Month

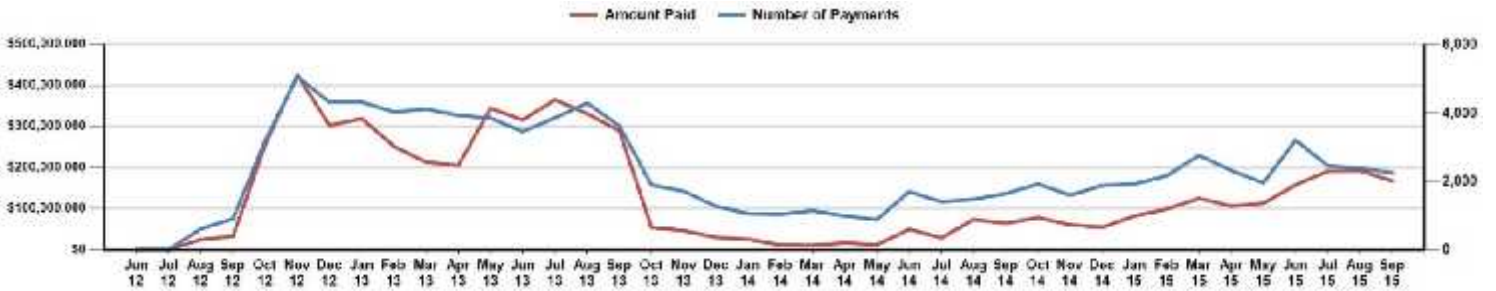
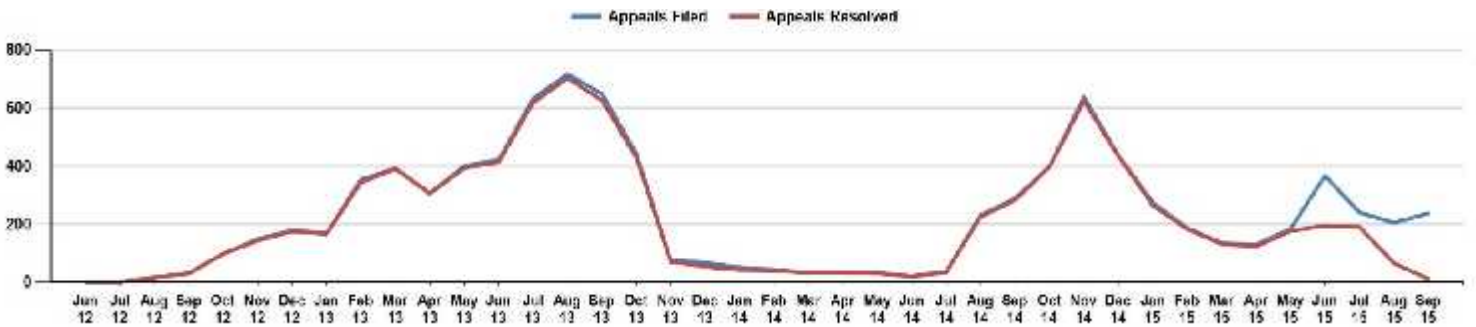


Chart 2: Appeal Resolutions by Month



**Legend:**

1. Form Submitted - Includes electronically filed claim forms after the claimant or his attorney completes the electronic signature and clicks the Submit button. This definition also includes hard copy claim forms where the DWH Intake Team has completed both the linking of scanned images and the data entry on that form.
2. Unique Claimants with Form Submitted - Counts the unique number of claimants with at least one Claim Form Submitted for each Claim Type. Because claimants may file claims for more than one Claim Type, the sum of all Claim Types will not equal the count of total unique claimants.
3. Notices Issued – The Seafood Compensation Program row (row 1) of Table includes Seafood Supplemental Distribution Claims. The count of Notices Issued in Table counts each unique claim issued a Notice only once. For claims issued multiple Notices, this report uses the following hierarchy when counting the claim: (1) Eligibility Notice if the claim has been paid; (2) Most recent active Notice if the claim has not been paid; (3) If the claim has been closed it will not be counted as an Eligibility Notice unless the claim has been paid. The count of Notices Issued in Chart counts all Notices Issued and reports claims with multiple Notices once for each Notice issued. Because of this, the totals reported in Table do not match the totals reported in Chart.
4. Payment Information - The timing of payment can be affected by a number of factors. Even after the D HECC receives a Release, delay in receipt of a W -9, or in receipt of the Attorney Fee Acknowledgment Form can delay payment. In addition, any alterations or omissions on the Release Form, or an assertion of a third-party lien against an award amount, can delay payment. As a result, this report will show a higher number of Accepted Offers than Amounts Paid. The Seafood Compensation Program row (row 1) of Table includes Seafood Supplemental Distribution Claims.
5. Appeals Received - Excludes Appeals closed pursuant to 4/24/13 Court Order.
6. Note: The Claims Administrator continually monitors the status of all claim filings. Through this process, the Claims Administrator may find duplicate claims from the same claimant. In such cases, the Claims Administrator will close the duplicate claim and only process the remaining valid claim. This report excludes duplicate claims from all counts of claims filed.
7. Note: The Seafood Supplemental Distribution Notices are included in the Exhibit A as appropriate.
8. Note: The final deadline for filing all claims other than those that fall into the Seafood Compensation Program was 6/8/15.
9. Note: The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.
10. As to Table 3, the Total Claims Issued Notice figure contains 3,393 Notices of Withdrawal, Closure, and Denial which have previously been issued to claimants prior to the finalization and submissions of their associated Claim Forms. The partially completed Claim Forms associated with these Notices are not included within the total population of Claim Forms Submitted in Table 1.