

Denial of Subsistence Claims with Missing Fishing or Hunting Licensing

Beginning on 5/2/16, the Settlement Program will deny Subsistence claims that do not: (1) include license(s) legally necessary to (i) harvest all species claimed, and (ii) authorize the use of all reported gear; OR (2) provide evidence of a license exemption that would excuse the need to produce any missing license(s).

Unless a claimant has established entitlement to an applicable license exemption, claimants must provide licenses for all claimed species that are valid before and in the beginning of the reported loss period, with certain exceptions. For more information about this documentation requirement, review the Subsistence Fishing and Hunting Licenses and License Exemptions Policy (Pol-492).

The Settlement Program has received and incorporated 2009-2011 Federal, Louisiana, Mississippi, Alabama, Texas and Florida fishing and hunting license records into a searchable database (“License Database”) available to claims reviewers in their review of Subsistence claims. Because the Settlement Program will supplement claim files with missing license records or license information, claimants who do not provide necessary licenses will no longer receive Incompleteness Notices. However, claimants must continue to submit complete documentation, including copies of all applicable licenses or license records, to ensure that their claims are sufficiently supported.

If a claimant receives a Denial Notice for one or more missing licenses and the claimant disputes the determination, the claimant may request Re-Review or Reconsideration (as applicable), and submit any one or a combination of the following documents: (1) copies of the missing license(s) or license record(s); (2) an explanation of the gear used to harvest each species and the applicable licenses in file that authorize use of the reported gear; (3) proof of a license exemption; or (4) other documentation to address the missing license(s). Any ultimate determination reached by the Settlement Program will be subject to applicable rules governing appeals to the Appeals Panel.

If you have any questions regarding the information in this Alert, please email us at Questions@dhecc.com or call us at 1-800-353-1262. Law firms should contact their Law Firm Contacts for assistance.