

GCCF

Gulf Coast Claims Facility

[www.GulfCoastClaimsFacility.com](http://www.GulfCoastClaimsFacility.com)

# GULF COAST CLAIMS FACILITY

## FREQUENTLY ASKED QUESTIONS

REV. AUGUST 11, 2010

## TABLE OF CONTENTS

<b>Section</b>	<b>Page Number</b>
SECTION 1 – GENERAL INFORMATION ABOUT THE GULF COAST CLAIMS FACILITY .....	1
SECTION 2 – RESOURCES TO ASSIST CLAIMANTS.....	2
SECTION 3 – WHO MAY FILE A CLAIM.....	4
SECTION 4 – HOW TO FILE A CLAIM.....	5
SECTION 5 – CLAIMS FOR EMERGENCY ADVANCE PAYMENT .....	9
SECTION 6 – CLAIMS FOR FINAL PAYMENT .....	12
SECTION 7 – COMPENSATION .....	13
SECTION 8 – REMOVAL AND CLEAN UP COSTS .....	15
SECTION 9 – DAMAGE TO REAL OR PERSONAL PROPERTY.....	17
SECTION 10 – LOST PROFITS AND EARNING CAPACITY .....	19
SECTION 11 – LOSS OF SUBSISTENCE USE OF NATURAL RESOURCES .....	21
SECTION 12 – PHYSICAL INJURY OR DEATH.....	22

## SECTION 1 – GENERAL INFORMATION ABOUT THE GULF COAST CLAIMS FACILITY

### 1.1 What is the Gulf Coast Claims Facility?

The Gulf Coast Claims Facility (“GCCF”) is an independent claims facility for submission and resolution of claims of Individuals and Businesses for costs and damages incurred as a result of the oil discharges due to the Deepwater Horizon incident on April 20, 2010 (“the Spill”). BP has agreed to contribute funds to an escrow account to be used to pay claims submitted to the GCCF. The GCCF is administered by Kenneth R. Feinberg (the “Claims Administrator”), a neutral fund administrator responsible for all decisions relating to the administration and processing of claims by the GCCF.

### 1.2 The Claims Administrator is being paid by BP, can I trust him to be fair?

The Claims Administrator is an independent, neutral fund administrator. BP provides the funding for the GCCF, including the Claims Administrator’s fees and expenses. The Claims Administrator does not report to BP and BP does not control his decisions in any way.

### 1.3 Will BP decide my claim?

No. The GCCF, an independent, neutral administrator, will decide your claim. BP will have no input on the decision.

### 1.4 I already submitted a claim through BP. What should I do?

If you have previously filed a claim with BP your information will be transferred to the GCCF. **You must complete a GCCF Claim Form if you intend to apply to receive Emergency Advance Payments or a Final Payment for your damages or losses through the GCCF.** You will be assigned a new GCCF Claimant Identification Number.

### 1.5 Can I still file a claim with BP?

No. As of August 23, 2010, all claims must be filed with the GCCF. The GCCF has replaced the BP claims process. Individuals and Businesses should no longer present claims to BP.

## SECTION 2 – RESOURCES TO ASSIST CLAIMANTS

### 2.1 How do I get help completing my Claim Form?

If you need help to complete your Claim Form, you may do one of the following:

- (1) **Visit one of the GCCF Claims Site Offices.** You may obtain a list of the Claims Site Offices near you by visiting [www.GulfCoastClaimsFacility.com](http://www.GulfCoastClaimsFacility.com) or by calling:

Toll Free Number: 1-800-916-4893. TTY: 1-866-682-1758.

- (2) **Call our Toll Free helpline.** The Toll Free Number is listed above.
- (3) **Email us your questions.** You may email us at: [info@gccf-claims.com](mailto:info@gccf-claims.com).

### 2.2 English is not my first language. Are there translation services available?

You can call the Toll Free Number 1-800-916-4893 and ask for assistance in another language. In addition, translators in the following languages are available at these Claims Site Offices:

#### (1) For Spanish:

Bayou LaBatre, AL  
Biloxi, MS  
Clearwater, FL  
Cut Off, LA  
Gretna, LA  
Gulf Breeze, FL  
Hammond, LA  
Houma, LA  
Lafitte, LA  
Mobile, AL  
New Iberia, LA  
Orange Beach, AL  
Pointe A La Hache, LA  
Santa Rosa, FL  
Venice, LA

#### (2) For Vietnamese:

Bayou LaBatre, AL  
Bay St. Louis, MS;  
Biloxi, MS  
Gretna/Belle Chase, LA

Hammond, LA  
Houma, LA  
Mobile, AL  
New Orleans, LA  
Pascagoula, MS  
Venice, LA

(3) **For Khmer** (Official Language of Cambodia):

Venice, LA

**2.3 Are Claim Forms available in other languages?**

Yes. Claim Forms are available in Spanish, Vietnamese and Khmer. To access these Claim Forms, visit: [www.GulfCoastClaimsFacility.com](http://www.GulfCoastClaimsFacility.com). For additional assistance call the Toll Free Number 1-800-916-4893 (you will be prompted for multilingual telephone assistance). TTY: 1-866-682-1758.

**2.4 Do I need to hire a lawyer to help me with my claim?**

You do not have to hire a lawyer to submit a claim to the GCCF. You do have the right to be represented by a lawyer of your choosing.

If you are represented by a lawyer, the GCCF will communicate with your lawyer rather than directly with you.

**2.5 Are the fees attorneys can charge limited by law or the GCCF?**

Attorneys' fees are not limited by the GCCF. If you want to know whether there are any restrictions on attorneys' fees in your jurisdiction, contact a local bar association.

**2.6 What should I do if I have information about a potentially fraudulent claim?**

You should call the Department of Justice National Center for Disaster Fraud hotline number: 877-623-3423.

## SECTION 3 – WHO MAY FILE A CLAIM

### **3.1 Who is an Eligible claimant?**

Individuals and Businesses that have incurred damages as a result of the Spill may submit a claim to the GCCF for Removal and Clean Up Costs, Damage to Real or Personal Property, Lost Earnings or Profits, Loss of Subsistence Use of Natural Resources, or Physical Injury or Death.

### **3.2 Do I have to live in the Gulf region to make a claim?**

No. Any Individual or Business may submit a claim to the GCCF for costs and damages incurred as a result of the oil discharges from the Spill. However, to receive payment from the GCCF, your costs and damages must have been proximately caused by the Spill and must not be too remote in time or place from the Spill.

### **3.3 Do I waive my legal rights by filing a claim?**

No. You do not waive or release any legal rights by filing a claim for Emergency Advance Payments with the GCCF. If you apply for Final Payment and the GCCF finds that you are eligible for Final Payment then you will be required to sign a Release to receive a Final Payment.

### **3.4 If I have already filed a lawsuit, can I file a claim with the GCCF?**

Yes. You may file a claim with the GCCF regardless of whether you have filed a lawsuit or not.

### **3.5 If I have filed a claim and received payments from BP, can I file a claim with the GCCF?**

Yes. However, any payments you previously received from BP will be subtracted from the amount of any Final Payment from the GCCF for which you may be eligible.

## SECTION 4 – HOW TO FILE A CLAIM

### 4.1 How do I get the Claim Form? Where do I submit the Claim Form when complete?

You can obtain and submit a Claim Form and supporting documentation in any one of the following ways:

- (1) ***Through the Website:*** You can complete the Claim Form online by going to the [www.GulfCoastClaimsFacility.com](http://www.GulfCoastClaimsFacility.com) website and selecting “Claim Form.” The online instructions will tell you how to complete a Claim Form and how to submit the form and the supporting documents online.
- (2) ***By Visiting a GCCF Claims Site Office:*** You can complete a Claim Form and submit documents in person at one of the GCCF Claims Site Offices, where a Claims Evaluator will help you fill out the form. You may obtain a list of the GCCF Claims Site Offices near you by visiting [www.GulfCoastClaimsFacility.com](http://www.GulfCoastClaimsFacility.com) or by calling the GCCF toll free number, 1-800-916-4893. TTY: 1-866-682-1758.
- (3) ***By Telephone:*** You can get a Claim Form by calling the GCCF toll free number, 1-800-916-4893. TTY: 1-866-682-1758. Staff members are available to take your call at this number 24 hours a day, seven days a week. You will be asked for your name and address. The GCCF will mail you a Claim Form for you to fill out and sign. Then you can submit your Claim Form and supporting documents in one of these ways:
  - (4) ***By Regular Mail:***

Gulf Coast Claims Facility  
Kenneth R. Feinberg, Administrator  
P.O. Box 9658  
Dublin, OH 43017-4958
  - (5) ***By Overnight, Certified or Registered Mail:***

Gulf Coast Claims Facility  
Kenneth R. Feinberg, Administrator  
5151 Blazer Pkwy.  
Suite A  
Dublin, OH 43017
- (6) ***By Fax:*** You can fax your completed Claim Form and documents to the GCCF at 1-866-682-1772.

(7) **By Email:** You can scan your completed Claim Form and documents and email PDF files to the GCCF at [info@gccf-claims.com](mailto:info@gccf-claims.com).

**4.2 When should I file a Claim?**

If you seek an Emergency Advance Payment, you should complete a Claim Form as soon as you have gathered the necessary documentation to support your claim. You may submit a claim seeking an Emergency Advance Payment through November 23, 2010. You may submit a claim for Final Payment through August 23, 2013.

**4.3 Does it cost anything to file a claim?**

No.

**4.4 What types of documents do I need to submit with my Claim Form?**

You must provide documentation or evidence of the damage or injury for each type of damages claimed. Exhibit A to the Claim Form provides a list of the documents that will support your claim and specifies which documents are required for Emergency Advance Payments for each type of damages claimed.

**4.5 Can I submit photographs or videos in support of my claim?**

Yes. You can submit photographs and videos in support of your claim.

**4.6 What if I need more space to write on the Claim Form?**

If you need additional space for one or more of the sections in the Claim Form, photocopy the section before completing it and make as many copies as you need. You must attach these copies to your Claim Form. Include your name, address and Claimant Identification Number on all pages you submit. If you do not have a Claimant Identification Number, include your Social Security Number or Employer Identification Number on all pages you submit.

**4.7 How will I know that the GCCF has received my claim?**

You will receive a confirmation from the GCCF that will confirm your claim submission and tell you the unique 9-digit Claimant Identification Number that is assigned to your claim. The GCCF will enter for processing all submitted Claim Forms, regardless of the method of submission, into the GCCF central database.

**4.8 What happens after I submit the Claim Form?**

The GCCF will process your claim for the costs or damages as submitted on your Claim Form. You will receive written notice regarding any action taken on your claim, including approved amounts, deficiencies, requests for additional documentation, and denied claims.

#### 4.9 How will I know that my Claim Form is complete?

If you have made a claim for an Emergency Advance Payment, the GCCF will notify you by email or written notice if your claim is incomplete and will tell you what documentation is needed to evaluate and complete the claim. If your claim for an Emergency Advance Payment is complete and eligible you will receive either a check or a wire transfer, depending on the method of payment you selected when you submitted your Claim Form.

If you have made a claim for Final Payment, the GCCF will notify you when your Claim Form and documentation are sufficiently complete for processing.

#### 4.10 How do I submit supplemental information for a claim I already filed?

Make sure you provide your Claimant Identification Number along with any supplemental information you submit. You may submit supplemental information in the following ways:

(1) ***Through the Website:*** You can submit supplemental information electronically through the GCCF website, [www.GulfCoastClaimsFacility.com](http://www.GulfCoastClaimsFacility.com) by following the instructions on this link: [documents/onlinesubmission](#).

(2) ***By Visiting a GCCF Claims Site Office:*** You can submit supplemental information to a Claims Evaluator at any of the GCCF Claims Site Offices. You may obtain a list of the GCCF Claims Site Offices near you by visiting the GCCF website [www.GulfCoastClaimsFacility.com](http://www.GulfCoastClaimsFacility.com) and following the links to [contact us/GCCFofficelocations](#).

(3) ***By Regular Mail:*** You may submit supplemental information by U.S. Mail to the following address:

Gulf Coast Claims Facility  
Kenneth R. Feinberg, Administrator  
P.O. Box 9658  
Dublin, OH 43017-4958

(4) ***By Overnight, Certified or Registered Mail:*** You may submit supplemental information by Overnight, Certified or Registered Mail to the following address:

Gulf Coast Claims Facility  
Kenneth R. Feinberg, Administrator  
5151 Blazer Pkwy.  
Suite A  
Dublin, OH 43017

(5) ***By Fax:*** You may fax supplemental information to 1-866-682-1772.

- (6) ***By Email:*** You may submit supplemental information in a PDF file to the GCCF at [info@gccf-claims.com](mailto:info@gccf-claims.com).

#### 4.11 Can someone else talk to the GCCF about my claim?

Yes, as follows:

- (1) ***If you are represented by a lawyer.*** If you are represented by a lawyer, the GCCF will communicate with your lawyer rather than directly with you. You must identify your lawyer on the Claim Form.
  
- (2) ***If you have an Authorized Legal Representative.*** An Authorized Legal Representative is a person who is authorized to act for a deceased person who was affected by the Spill, or for a person affected by the Spill who is unable to act for himself or herself. The Authorized Legal Representative must submit to the GCCF a copy of the paperwork that shows the authority to act on behalf of a person affected by the Spill, such as a power of attorney, an order appointing a guardian, letters testamentary or letters of administration for an estate.

## SECTION 5 – CLAIMS FOR EMERGENCY ADVANCE PAYMENT

### **5.1 What is an Emergency Advance Payment?**

An Emergency Advance Payment is a payment available to Individuals and Businesses that are experiencing financial hardship resulting from damages incurred by the Spill. Individuals and Businesses may request such a payment on the Claim Form. You must file for Emergency Advance Payments on or before November 23, 2010.

### **5.2 How will an Emergency Advance Payment affect my Final Payment?**

Any Emergency Advance Payments you receive will be deducted from any Final Payment you receive.

### **5.3 How do I apply for an Emergency Advance Payment?**

Fill out the Claim Form and select the appropriate box requesting an Emergency Advance Payment.

### **5.4 When can I apply for an Emergency Advance Payment?**

You may apply for an Emergency Advance Payment through November 23, 2010. The GCCF will process all claims for Emergency Advance Payments submitted on or before this deadline.

### **5.5 Will the Emergency Advance Payment be my only payment?**

An Emergency Advance Payment is an advance on the payment of your Final Claim. Once you have collected the necessary documentation and you are ready to file a Final Claim, you should complete the Final Claim Sections of the GCCF Claim Form and you may file a Final Claim for any damages or losses you have sustained.

### **5.6 Can I apply for multiple Emergency Advance Payments?**

Yes. You may apply for an Emergency Advance Payment on a monthly basis or for six months of losses. If you are submitting a claim for Emergency Advance Payments for six months you must establish that you will incur loss for the six month period. If you apply for a one-month Emergency Advance Payment and subsequently apply for an Emergency Advance Payment for another month, you must submit a Supplemental Request Form for each additional month for which you seek an Emergency Advance Payment. You may only seek payment for six months of losses if your claim is for Lost Earnings or Profits, Loss of Subsistence Use of Natural Resources, or loss of income due to Physical Injury or Death.

### **5.7 When can I expect to receive an Emergency Advance Payment, if I am eligible?**

Each claim for an Emergency Advance Payment for all claims, except Complex Business claims, will be evaluated preliminarily upon receipt of the completed Claim Form and complete supporting documentation. Once determination is made that the Claimant is eligible for an Emergency Advance Payment, the GCCF will issue payment within 48 hours of that determination.

**5.8 What is the Process for Review of Business Claims for Lost Earnings or Profits?**

Business claims submitted for an Emergency Advance Payment will be evaluated preliminarily within 7 days of receipt of the completed Claim Form and complete supporting documentation to determine whether an Emergency Advance Payment is appropriate based on the information submitted. A payment will be authorized within 24 hours of the determination that the Claimant is eligible for an Emergency Advance Payment.

**5.9 Can I still submit a claim for an Emergency Advance Payment if I do not have all of the required proof or documentation?**

You may submit a claim for an Emergency Advance Payment along with whatever documentation you have to substantiate your claim. If the GCCF needs additional documentation to evaluate your claim, you will receive a Notice Requesting Additional Documentation. The amount of Emergency Advance Payment you will receive will be determined based upon the documentation submitted to support the claim. However, if you have not provided sufficient documentation for the GCCF to evaluate your claim, your claim will be placed in inactive status and will not be processed further until you provide additional documentation.

**5.10 If I have already provided the documents during BP's claim process, do I need to submit them again?**

No, unless the GCCF otherwise instructs you to resubmit the documents. The GCCF should have all of your previous documentation on file.

**5.11 Do I have to sign a Release or waiver of rights in order to receive an Emergency Advance Payment?**

No. You do not have to sign a Release for Emergency Advance Payments. However, if you are seeking a Final Payment, you will have to sign a Release and Waiver before the GCCF can issue you any Final Payment.

**5.12 If I apply for and receive an Emergency Advance Payment, do I give up my legal rights associated with the Spill?**

No. You do not waive any legal rights if you receive an Emergency Advance Payment. However, the total Emergency Advance Payments you receive will be deducted from any Final Payment you receive from the GCCF or, if you do not receive a Final Payment from the GCCF, from any other payment you receive in another legal action associated with the Spill.

**5.13 What do I have to do to accept the GCCF decision and receive my Emergency Advance Payment?**

If you are seeking an Emergency Advance Payment, you do not need to do anything to accept the decision or receive the payment. If you are found eligible, the payment will be sent to you along with your Notice of Emergency Advance Payment Determination.

**5.14 What do I do if I do not agree with the amount the GCCF calculates as my Emergency Advance Payment?**

The GCCF will calculate the amount of an Emergency Advance Payment according to the GCCF's established rules and guidelines that apply uniformly to all claimants. The amount is an estimate of your projected losses and will not be changed or adjusted at this time. If you disagree with the outcome on your Emergency Advance Payment claim, you can submit a claim for Final Payment and will have the opportunity to present all your arguments and any materials that you feel support your position. All such issues will be considered when reviewing the correct amount of any Final Payment for all losses.

## SECTION 6 – CLAIMS FOR FINAL PAYMENT

Frequently Asked Questions on the Final Payment Process will be posted on the GCCF website at a later date.

## SECTION 7 – COMPENSATION

### **7.1 How will the GCCF calculate my payment?**

If your claim is for direct damages resulting from the Spill, you will receive compensation for the amount of damages, costs or lost earnings or profits that you are able to prove with acceptable documentation. If your claim is for indirect economic damages, the GCCF will evaluate whether your claim is compensable and the appropriate amount of compensation based on geographic proximity to the Spill, whether you are dependent on injured natural resources, and the nature of your business. The GCCF will evaluate all claims based on the information and documentation received and will provide you with notice of any deficiencies that you need to cure to receive additional compensation.

### **7.2 What is Collateral Source Compensation and how will it affect my award?**

Collateral Source Compensation includes amounts you have received from benefits for damages incurred as a result of the Spill, such as unemployment insurance, other government benefits or private insurance. These amounts will be deducted from your Final Payment upon determination of your Final Claim by the GCCF. The GCCF will not deduct Collateral Source Compensation from Emergency Advance Payments.

### **7.3 Are gifts or amounts received from charities considered Collateral Source Compensation?**

No. Charitable donations and the value of services or in-kind charitable gifts you receive such as emergency housing, food or clothing are **not** considered Collateral Source Compensation.

### **7.4 Will prior payments made by BP be deducted from my Final Payment?**

Yes. The amounts received by a Claimant for Emergency Advance Payments will be deducted from any Final Payment of a Final Claim.

### **7.5 Will there be any other deductions from my Final Payment?**

Any other earnings or profits you received from another job or another source of earnings or profits during the period for which you are claiming lost earnings or profits will be deducted from the Final Payment. In addition, Emergency Advance Payments you received will be deducted from the Final Payment.

### **7.6 Will the awards be subject to Federal estate or Federal income tax?**

The GCCF will report payments made annually to federal and state taxing authorities, using a Form 1099 or state form equivalent. The GCCF will send you a copy of that form, but cannot give you tax advice regarding any payment issued to you. You should consult your own tax

advisor to determine the impact of any payment you receive from the GCCF on your individual tax situation.

**7.7 What paperwork do I need to submit before I can receive payment?**

The documents and proof that you need to submit to qualify for any payment depend on the type of loss or damage you are claiming. See Exhibit A to the Claim Form for a list of required documents for each type of claim.

**7.8 Can I receive payment at the Claims Site Office?**

No. Payments will be issued through one central payment distribution center and will be sent to claimants by overnight delivery.

**7.9 Can I receive my payment through direct deposit?**

Yes. You can elect to receive your payment as a wire transfer directly to your bank account.

**7.10 In what ways can I elect to receive payment?**

You can elect to receive payment by wire transfer or check.

**7.11 Can payments be made through direct deposit to foreign banks?**

No.

**7.12 Can direct deposit payments be made to money market or brokerage accounts?**

Yes.

**7.13 If I elect to receive my payment by check, how will it be sent to me?**

Your payment will be sent via overnight mail, either through Federal Express or the United States Postal Service's Express Mail.

**7.14 Where will I be able to cash my check?**

If you do not have your own bank account, the GCCF has made arrangements with Whitney National Bank for check-cashing services. Whitney National Bank has branches located throughout the affected region. If you are an Individual and not a Business, and you do not have your own bank account, you may go to any branch of Whitney National Bank and cash up to \$5,000 of your payment in one day. (No fee will be charged by Whitney National Bank for this service.)

## **7.15 What should I do if I move?**

If you move, you should contact us as soon as possible to ensure that you receive all communication and/or payments to which you are entitled. The quickest way to reach us is by emailing us at [info@gccf-claims.com](mailto:info@gccf-claims.com). You may also fax a letter to 1-866-682-1772, or mail a letter to:

GULF COAST CLAIMS FACILITY  
P.O. BOX 9658  
Dublin, OH 43017-4958

## **SECTION 8 – REMOVAL AND CLEAN UP COSTS**

### **8.1 Will the GCCF provide compensation for costs associated with a Removal and Clean Up claim?**

Yes, to qualifying claimants. This section describes the eligibility requirements and documentary proof necessary to qualify.

### **8.2 What are Removal and Clean Up Costs?**

Removal and Clean Up costs are costs that result from actions you took to prevent, minimize, mitigate or clean up damages or anticipated damages from the Spill.

### **8.3 Who can make a claim for Removal and Clean Up Costs?**

Individuals or Businesses that have incurred costs to remove oil discharged by the Spill and/or costs to prevent, minimize or mitigate oil pollution when there is a substantial threat of a discharge of oil due to the Spill may make a claim. To be paid for these costs, the actions taken must have been approved by the Federal On-Scene Coordinator or are otherwise consistent with the National Contingency Plan.

### **8.4 How will the GCCF calculate Removal and Clean Up Costs?**

The GCCF will compensate you for the reasonable costs associated with actions approved by the Federal On-Scene Coordinator or are otherwise proven to be consistent with the National Contingency Plan to remove oil discharged by the Spill and/or costs to prevent, minimize or mitigate the effects of the Spill. To determine this amount, the GCCF will calculate the total cost by reviewing contractor invoices, proofs of payment, contractor daily logs, disposal manifests, affidavits or witness statements, or other documentation you submit.

### **8.5 What do I need to prove to make an eligible claim for Removal and Clean Up Costs?**

To be eligible to receive money for your Removal and Clean Up Costs, you need to prove:

- (1) That you incurred expenses to remove, prevent, minimize or mitigate the effects of the Spill;
- (2) That the Federal On-Scene Coordinator approved your removal and clean up actions or the actions are otherwise proven to be consistent with the National Contingency Plan; and
- (3) That the removal or clean up costs you incurred were reasonable.

**8.6 What kinds of documents do I need to submit to make a claim for Removal and Clean Up Costs?**

Refer to Exhibit A to the Claim Form for a list of the documents that you must submit with each claim for Removal and Clean Up Costs.

**8.7 What if the property I cleaned gets damaged again by the Spill? Can I make another claim?**

Yes. If you wish to request a subsequent Emergency Advance Payment for the same claim, you must fill out and submit a Supplemental Request Form for Emergency Advance Payment. You must provide your name and Claimant Identification Number, the amount you are claiming as a subsequent Emergency Advance Payment, the amount you previously received, responses to questions regarding your claim, your signature, and supporting documentation. You will need to provide documentation for your costs incurred.

**8.8 My property was damaged and I spent money on clean up. Can I claim both Removal and Clean Up Costs and damages to Real or Personal Property?**

Yes. You may claim both property damages and clean up costs.

## SECTION 9 – DAMAGE TO REAL OR PERSONAL PROPERTY

### **9.1 Will the GCCF provide compensation for damage to Real or Personal Property?**

Yes, to qualifying claimants. This section describes the eligibility requirements and documentary proof necessary to qualify.

### **9.2 What is Real Property?**

Real Property is land and buildings, houses, or objects affixed or attached to the land.

### **9.3 What are damages to Real Property?**

Damages include any physical injury or damage to the Real Property.

### **9.4 What is Personal Property?**

Personal Property is equipment, boats, cars, furniture, or objects not affixed or attached to the land and any property not considered real property.

### **9.5 What are damages to Personal Property?**

Damages include any physical injury or damage to the Personal Property.

### **9.6 Who can make a claim for damages to Real or Personal Property?**

Any Individual or Business that owns or rents Real or Personal Property physically damaged or destroyed by the Spill may submit a claim to the GCCF for damages to the affected Real or Personal Property, or for economic losses resulting from the destruction of the affected property. If you are an owner of a property that you lease to someone else, you must notify the lessee that you are filing a claim. If you lease a property from someone else, you must notify the owner that you are filing a claim.

### **9.7 What are the procedures for calculating damages to Real or Personal Property?**

Damages to Real or Personal Property will be measured by the cost of repair or replacement of the property and/or the difference in the value of the property before and after the damage.

### **9.8 What do I need to prove to make an eligible claim for Real or Personal Property?**

You need to prove the following to make an eligible claim:

- (1) Information or documentation showing an ownership or leasehold interest in the property;

- (2) Information or documentation showing the property was physically damaged or destroyed as a proximate result of the Spill;
- (3) Information or documentation showing the damages claimed were incurred as the result of the physical damage to or destruction of the property;
- (4) Information or documentation showing the cost of repair or replacement of the property or economic losses resulting from destruction of the property; and
- (5) Information or documentation showing the value of the property both before and after the damage.

**9.9 What kinds of documents do I need to submit to make a claim for damages to Real or Personal Property?**

Refer to Exhibit A to the Claim Form for a list of the documents that you must submit with each claim for damages to Real or Personal Property.

**9.10 Do I have to own the Real or Personal Property?**

No. You can make a claim if you are an owner or a renter. However, the GCCF will not pay the same claim for damages or losses to Real or Personal Property to both an owner and a renter. If you are an owner of a property that you lease to someone else, you must notify the lessee that you are filing a claim. If you lease a property from someone else, you must notify the owner that you are filing a claim.

**9.11 Who does the GCCF pay if both the owner and renter file the same claim?**

The owner and lessee of the property cannot receive payments for the same damage to the same property. The owner will generally be allowed to pursue the claim, unless the lessee can establish a contractual right to recover damages to the property occurring during the term of the lease.

## SECTION 10 – LOST PROFITS AND EARNING CAPACITY

### **10.1 Will the GCCF provide compensation for Lost Profits and Earning Capacity?**

Yes, to qualifying claimants. This section describes the eligibility requirements and documentary proof necessary to qualify.

### **10.2 What are Lost Earnings?**

Lost Earnings occur when you experience a loss of or reduction in your ability to earn wages or income because of the Spill. If you were unable to engage in your normal job because of the Spill or made less money than usual because of the Spill, you may have experienced Lost Earnings.

### **10.3 What are Lost Profits?**

Lost Profits are loss of income or profits by a Business. If your Business experienced a temporary or permanent loss or reduction in profits due to the Spill, you can make a claim for Lost Profits. Your Business may also have experienced Lost Profits if it was forced to operate under different conditions than those that existed prior to the Spill.

### **10.4 Who can make a claim for Lost Earnings or Profits?**

An Individual or a Business may make a claim for Lost Earnings or Profits.

### **10.5 What kind of documents do I need to submit to make a claim for Lost Earnings or Profits?**

You must show that you suffered Lost Earnings or Profits as a result of injury, destruction or loss of Real Property, Personal Property, or natural resources due to the Spill, but you need not be the owner of the damaged property or natural resources. Refer to Exhibit A to the Claim Form for a list of the required documents that must be submitted with each claim for Lost Earnings or Profits.

### **10.6 What do I need to prove to make an eligible Lost Earnings or Profits Claim?**

To prove an eligible claim you must:

- (1) Identify the specific Real Property, Personal Property or natural resources injured, destroyed or lost due to the Spill; and
- (2) Show that you lost earnings or profits as a result of the injury, destruction or loss of the specific property or natural resources.

**10.7 Will state or federal taxes be taken out of payments for Lost Earnings or Profits?**

The GCCF will report annually to federal and state taxing authorities, using a Form 1099 or state form equivalent. The GCCF will send you a copy of that form, but cannot give you tax advice regarding any payment issued to you. You should consult with your own tax advisor to determine the impact of these payments on your individual tax situation.

**10.8 I filed a claim for Lost Earnings or Profits with BP and received a check for a limited period, but I have continued to lose income since then. What about my continued loss? Do I need to file a new claim?**

Yes. You will need to submit a new Claim Form to the GCCF to receive additional compensation.

**10.9 If I found another job that paid me less than my employment prior to the Spill, can I make a claim? Do you need to know how much money I made?**

Yes. You can make a claim for Lost Earnings or Profits even if you have received some income since the Spill. You will need to provide information about all other sources of income in the Claim Form. Income received after the Spill will be considered in the calculation of total income you lost because of the Spill.

## **SECTION 11 – LOSS OF SUBSISTENCE USE OF NATURAL RESOURCES**

### **11.1 Will the GCCF provide compensation for Loss of Subsistence Use of Natural Resources?**

Yes, to qualifying claimants. This section describes the eligibility requirements and documentary proof necessary to qualify.

### **11.2 What is Loss of Subsistence Use of a Natural Resource?**

Loss of Subsistence Use of a Natural Resource is when an Individual or Business can no longer use a natural resource to obtain food, shelter, clothing, medicine or other minimum necessities of life because the natural resource has been injured, destroyed or lost because of the Spill. For example, an Individual who uses fish or other wildlife for food but can no longer do so because of the Spill may file a Loss of Subsistence Use claim.

### **11.3 Who can make a claim for Loss of Subsistence Use?**

Any Individual or Business who uses natural resources for food, shelter, clothing, medicine, or other minimum necessities of life and has lost the ability to use the natural resource because of the Spill may make a claim for Loss of Subsistence Use.

### **11.4 What do I need to prove to make an eligible Loss of Subsistence Claim?**

To prove an eligible claim you must:

- (1) Identify the specific natural resource that has been injured, destroyed or lost as a result of the Spill for which compensation for loss of subsistence use is being claimed;
- (2) Describe the actual subsistence use you made of the natural resource. For example, the use of fish or wildlife for food; and
- (3) Describe how and to what extent the subsistence use was affected by the damaged or destroyed natural resource. For example, the fishing area was closed.

### **11.5 What kind of documents do I need to submit to make a claim for Loss of Subsistence Use?**

Refer to Exhibit A to the Claim Form for a list of the documents that you must submit with each claim for Loss of Subsistence Use of a Natural Resource.

## SECTION 12 – PHYSICAL INJURY OR DEATH

### **12.1 Will the GCCF provide compensation for Physical Injury or Death?**

Yes, to qualifying claimants. This section describes the eligibility requirements and documentary proof necessary to qualify.

### **12.2 Who can make a claim for Physical Injury or Death?**

Any injured Individual or the authorized representative of a legally incompetent or deceased Individual.

### **12.3 What do I need to prove to make an eligible claim for Physical Injury or Death?**

To make an eligible claim for Physical Injury or Death you must provide the following:

- (1) Medical records reflecting diagnosis by a medical practitioner, or death certificate;
- (2) Cause of the injury;
- (3) Location where injury occurred;
- (4) Evidence of total or partial disability;
- (5) Expenditures for medical care not otherwise compensated; and
- (6) If you are claiming loss of income, proof of lost income.

### **12.4 What is a Physical Injury?**

A physical injury is an injury to the body proximately caused by the Spill or the explosion and fire associated with the Deepwater Horizon incident, or by the cleanup of the Spill. An injury that relates to emotional or mental health is not a physical injury and is not an eligible claim.

### **12.5 Who is considered a licensed medical professional?**

A licensed medical professional is a medical provider who is licensed by the state and authorized by the state to prescribe medications.

### **12.6 What kinds of documents do I need to submit to make a claim for Physical Injury or Death?**

Refer to Exhibit A to the Claim Form for a list of the documents that you must submit with each claim for Physical Injury or Death.

### **12.7 What if my physical injury is ongoing?**

If your physical injury is ongoing, you may apply for an Emergency Advance Payment for medical expenses or loss of income you have incurred. Once the full effects of your physical injury are known and/or resolved, you can choose to apply for and receive Final Payment for your claim.

### **12.8 Can I apply for Emergency Advance Payment for my Physical Injury claim?**

Yes. The Emergency Advance Payment will be limited to any medical expenses or any loss of income resulting from your physical injury.