

## ATTACHMENT D

### DOCUMENTATION REQUIREMENTS

#### GULF COAST CLAIMS FACILITY DOCUMENT REQUIREMENTS

You must provide the documentation described below for each type of injury or damage you claim to have suffered as a result of the Deepwater Horizon Incident on April 20, 2010 and resulting oil discharges (the "Spill"). These requirements apply to Interim Payment Claims and to Full Review Final Payment Claims.

The requirements below are the **minimum requirements** for processing your Claim. **In certain cases, the GCCF may request additional documentation from claimants.** Providing thorough documentation is the best way to ensure your claim is processed quickly. If you have additional documents or materials that would be helpful in showing the GCCF how the Spill resulted in a loss to you, or the amount of that loss, you should provide them. **All documents you submit to establish your past losses or estimate your future losses will be reviewed and considered by the GCCF.**

Interim Payment Claims will be evaluated solely on the documents submitted and missing records will lead to denial of your Interim Payment Claim or a smaller payment. If your Interim Payment Claim is denied or paid a smaller amount because of missing documentation you will not be able to file another Interim Payment Claim until the following calendar quarter. The GCCF will send deficiency notices asking for missing documents on Full Review Final Payment Claims when necessary, but inadequate documentation will delay the evaluation and may reduce the amount of an offer for Final Payment.

If you submit your Claim Form online, you must submit all supporting documentation within five (5) days of your online filing. If you submit your Claim Form by mail, email, overnight delivery, fax or in person, you must submit all supporting documentation with your Claim Form. Claim applications and supporting documentation that are submitted in person are not retained at the GCCF Claims Site Offices. These materials are sent to the GCCF processing center in Dublin, Ohio, or are scanned and sent to the processing center via the internet.

When submitting documents, be sure to include information that allows us to identify you such as your Claimant Identification Number, Social Security Number, or other Taxpayer Identification Number, as applicable.

#### I. Requirements for Documenting Individual Lost Earnings Claims

Any person claiming lost earnings as an employee or wage earner must submit the documents described below. If you are self-employed, an owner of rental property, or operate a business as a sole proprietor, and you pay the expenses of the operation and report business income on a Schedule C or other business tax form, then use the documents list for Business Lost Profits claims in Section II rather than this list.

##### 1. Documents that establish your earnings history from January 1, 2008, to the present

- (a) Provide federal income tax returns for 2008 and all subsequent years up to your most recently filed return. Include all W-2 forms, 1099 forms, and other attachments or schedules to each return. If any of your prior year federal income tax returns are not available, provide a statement explaining why.
- (b) For any prior year for which you cannot provide a federal tax return, and for the current year through the date you are claiming a loss, you must establish your earnings history for the entire period with at least one of the following sources:
  - (i) State tax returns, including all W-2 forms, 1099 forms, and other attachments or schedules to each return.
  - (ii) Paycheck stubs or other payroll records from all employment demonstrating all earnings from 1/1/08 up to the present.
  - (iii) A letter or other records from an employer that describe when you were working and your rate of pay and total earnings.

## **2. Documents that establish the effects of the Spill on your earnings**

- (a) You must demonstrate how the Spill affected your ability to earn the amounts you expected, such as with a letter from an authorized representative of your employer that describes a lay-off, reduction in hours and/or reduction in your rate of pay resulting from the Spill. If you were not working and had no income for a period of time after the Spill, your documentation must establish when that period began and, if it has ended, when.
- (b) If you received any replacement income, such as payments from an income protection insurance policy or from a company severance plan, you must submit documents that establish the amount of the payments and when you received them.
- (c) If you were out of work for any period after the Spill, you must establish your efforts to find work or the reasons you made no efforts to find work. You can demonstrate your efforts to find work by documenting that you were receiving unemployment benefits, or by submitting copies of job applications, rejection letters or notices demonstrating that you were not hired, or by providing a list of the dates of attempts to find work. If you submit such a list, include the employer contacted, the person contacted, and the results of the effort.

## **3. For Full Review Final Payment Claims — Documents supporting future damages**

Claimants who submit a Full Review Final Payment Claim Form may submit documents that support any amount claimed as future damages as a result of the Spill, including documents demonstrating the manner in which such future damages have been calculated, the period of time for which they are claimed, and any expert reports or other analyses on which the calculation is based.

## **II. Requirements for Documenting Business Lost Profits Claims**

Any business claiming lost profits caused by the Spill must submit the documents described below. If you are self-employed, an owner of rental property, or operate a business as a sole proprietor, and you pay the expenses of the operation and report business income on a Schedule C or other business tax form, use this document list rather than the list in Section I.

### **1. Documents that establish revenue and income from January 1, 2008, to the present**

- (a) Provide federal income tax returns for 2008 and all subsequent years up to your most recently filed return. Include all W-2 forms, 1099 forms, and other attachments or schedules to each return. If any of your prior-year federal income tax returns are not available, provide a statement explaining why.
- (b) For any prior year for which you cannot provide a federal tax return, and for the current year through the date you are claiming a loss, you still must establish your revenue and income history for the entire period with at least one of the following sources:
  - (i) Monthly and annual Profit and Loss statements.
  - (ii) Monthly sales and use tax returns.
  - (iii) For seafood harvesting businesses, a report, obtained from the applicable governmental agency, of the claimant's landings since January 1, 2008.
  - (iv) For new or start-up businesses, all available financial statements and business plans.
- (c) In addition to federal tax returns, any business claimant seeking more than \$200,000 must submit monthly and annual profit and loss statements from 2008 to the present.

### **2. Documents that establish the effects of the Spill on the Business**

You must demonstrate how the Spill affected the business's revenue and income, such as with a letter from an authorized representative, customers and/or vendors describing the effects, or with other business records such as customer lists and invoices. For claims based on business cancellations as a result of the Spill, such as from a canceled rental agreement, contract or tour reservation, the claimant must submit copies of documents that demonstrate any cancellations, and documentation of any refunds of deposits or escrows that resulted from the cancellation. A claimant asserting no revenues or income for any period after the Spill, or a total failure of the business as a result of the Spill, must submit documents, such as profit and loss statements or other financial records demonstrating that the claimant was closed and/or had no revenue.

**3. Documents that establish ownership or authority to act**

Business claimants must establish that the representative who signs a Claim Form is authorized to act on behalf of the business claimant. Examples of documents that establish authorization include operating agreements, corporate bylaws or board resolutions, shareholder agreements, partnership agreements, or certificates of incumbency. If the claim is for loss of rental income, the claimant must submit copies of the deeds to the rental property owned by the claimant. If the claimant is a business entity with officers (or individuals with similar authority), the claimant must submit a list of the name and title of each officer.

**4. Documents supporting increased costs**

If the claimant is claiming that it suffered a loss as a result of increased costs of operating or additional expenses incurred as a result of the Spill, the claimant must submit copies of documents that support such increased costs.

**5. Fishing Licenses**

If the claimant asserts losses from any commercial fishing or harvesting operation, the claimant must also submit copies of any valid fishing license from any state or federal entity held by the claimant from 2008 until the present.

**6. Documents that establish how rental property is managed**

Claims for lost rental property income by property owners must document whether the rental property is managed by the claimant or by a third party, such as a management agreement or invoices from a property management company.

**7. Insurance for Lost Income**

Claimants must document any amounts received or anticipated from any insurance policy or program for lost income or interruption in business operations as a result of the Spill, as well as the dates that the claimant received such payments and the date that such payments are scheduled to cease.

**8. Mitigation**

Claimants must submit documentation of efforts made to reduce or otherwise mitigate losses during any period since the Spill.

**9. For Full Review Final Payment Claims—Documents supporting future damages (if any)**

Claimants who submit a Full Review Final Payment Claim Form may submit documents that support amounts claimed as future damages as a result of the Spill, including documents demonstrating the manner in which such future damages have been calculated, the period of time for which they are claimed, and any expert reports or other analyses on which the calculation is based.

**III. Requirements for Documenting Removal and Clean Up Costs Claims**

Any person claiming removal and clean up costs as a result of the Spill must submit the documents described below.

**1. Documents describing the Removal and Clean Up Action**

**2. Documents establishing when and where the Removal and Clean Up Action occurred**

**3. The Federal On-Scene Coordinator and the National Contingency Plan**

Claimants must establish that the Removal and Clean Up action was approved by the Federal On-Scene Coordinator or was consistent with the National Contingency Plan.

**4. Documents establishing why the action was taken**

Claimants must demonstrate that the action was undertaken because of the Spill, such as by including maps or pictures of the contaminated area.

**5. Documents establishing cost and payment**

Claimants must demonstrate the cost of the action, and that payments were actually made, such as by providing copies of receipts, invoices or bills, or similar records supporting the costs incurred to perform the action, and bank statements, canceled checks, credit card statements, or other documents demonstrating payment of the cost.

**6. Reasonableness of costs**

Claimants must explain how claimed amounts for incurred costs were determined by providing any cost comparisons, alternative bids or pricing, or other documents demonstrating that the costs were reasonable.

**7. Payments from insurance or other sources**

Claimants must document payments received to perform the action from private insurance or other entities relating to any of the matters that form the basis of the claim.

**8. For Full Review Final Payment Claims—Documents supporting future damages (if any)**

Claimants who submit a Full Review Final Payment Claim Form may submit documents that support amounts claimed as future damages as a result of the Spill, including documents demonstrating the manner in which such future damages have been calculated, the period of time for which they are claimed, and any expert reports or other analyses on which the calculation is based.

**IV. Requirements for Documenting Real and Personal Property Claims**

Any person claiming physical damage to real or personal property caused by the Spill must submit the documents described below.

**1. Proof of ownership interest**

Claimants must document their ownership or leasehold interest in the property claimed to be damaged, such as by providing a copy of a title, deed, or lease to property in the claimant's name. If the claim is for damage to a boat, submitted documents must establish the vessel or hull's Identification Number.

**2. Proof of damage**

Claimants must establish that property was physically damaged or destroyed by the Spill, such as by providing copies of invoices for repairs, insurance claims, or photographs.

**3. Documents establishing loss of value**

Property claims based on a loss of value of physically damaged property must establish realized loss, such as by providing copies of a purchase or sales contract for the property prior to the Spill and a settlement or closing document relating to the sale or other disposition of the property after the Spill.

**4. Documents of repair or replacement costs**

Property damage claims based on the cost to repair or replace the damaged property must establish the amount of those costs, such as by providing copies of bills, invoices or estimates.

**5. Payments from Insurance**

Claimants must state and document the amount of payments from any insurance policy or program for property that was damaged or destroyed by the Spill, as well as the dates that the claimant received such payments.

**6. Property Damage during Vessels of Opportunity work**

Claimants must indicate if the property damage occurred while working for the Vessels of Opportunity program.

**7. For Full Review Final Payment Claims—Documents supporting future damages (if any)**

Claimants who submit a Full Review Final Payment Claim Form may submit documents that support amounts claimed as future damages as a result of the Spill, including documents demonstrating the manner in which such future damages have been calculated, the period of time for which they are claimed, and any expert reports or other analyses on which the calculation is based.

**V. Requirements for Documenting Loss of Subsistence Use of Natural Resources Claims**

Any person claiming loss of subsistence use of natural resources as a result of the Spill must submit the documents described below.

**1. Documents identifying the Subsistence Use of Natural Resources**

Claimants must provide photographs, affidavits, witness statements, or other documents identifying the affected natural resource used by the claimant before the Spill and proving that the claimant used and relied upon that resource for the claimant’s subsistence. Subsistence is defined as necessary to support life.

**2. Documentation of replacement costs**

Claimants must provide copies of receipts or other verifications of expenditures to replace the natural resources previously relied upon for subsistence.

**3. For Full Review Final Payment Claims — Documents supporting future damages (if any)**

Claimants who submit a Full Review Final Payment Claim Form may submit documents that support amounts claimed as future damages as a result of the Spill, including documents demonstrating the manner in which such future damages have been calculated, the period of time for which they are claimed, and any expert reports or other analyses on which the calculation is based.

**VI. Requirements for Documenting Physical Injury or Death Claims**

Any person claiming damages from physical injury or death as a result of the Spill must submit the documents described below.

**1. Documented diagnosis**

Claimants must provide documents from a medical practitioner providing a diagnosis of the injury/death, such as hospital records or medical records.

**2. Documents establishing the cause of the injury or death**

Claimants must provide documents from the treating medical practitioner providing a description of the cause of the injury/death, such as hospital records, medical records, or affidavits.

**3. Documents establishing where the injury or death occurred**

Claimants must provide documents that demonstrate the geographic location where the injury/death occurred, such as copies of employer records, hospital records or medical records.

**4. Proof of medical expenses**

Claimants must provide documents establishing any medical expenses incurred as a result of the injury/death, such as copies of pharmacy receipts, hospital bills, or bills from a medical practitioner.

**5. Proof of disability**

If disability is claimed, proof of the nature and degree of such disability, such as copies of hospital records, or other medical records from treatment of the claimant.

**6. Physical injury during Vessels of Opportunity work**

If the injury occurred while working for the Vessels of Opportunity program or a beach clean-up program, proof of employment such as copies of pay stubs and any incident reports related to the injury.

**7. Proof required for death claims**

If death is claimed to have been caused by the Spill, copies of a death certificate and, where available, an autopsy report. If the death occurred while in a hospital or other care facility, copies of all records relating to that stay in the hospital or facility.

**8. Documentation of payments from insurance or any other source**

Claimants must state and document the amount of any compensation, reimbursements or other payments received for the injuries and/or for medical expenses resulting from the injury from any source such as private health insurance, Medicare, Medicaid, worker’s compensation insurance, or any party.

**9. For Full Review Final Payment Claims—Documents supporting future damages (if any)**

Claimants who submit a Full Review Final Payment Claim Form may submit documents that support amounts claimed as future damages as a result of the Spill, including documents demonstrating the manner in which such future damages have been calculated, the period of time for which they are claimed, and any expert reports or other analyses on which the calculation is based.

**VII. Requirements for Documenting Representative Claimants**

If you are filing a claim on behalf of a person who is deceased, legally incompetent, or legally a minor under the laws of the state or jurisdiction where the minor lives, you also must submit the following documents. To obtain any of the forms required by the GCCF mentioned below, go to [www.gulfcoastclaimsfacility.com](http://www.gulfcoastclaimsfacility.com), call toll-free at 1-800-916-4893, or visit a GCCF Site Office.

**1. Representative of a deceased Claimant**

Provide a copy of a court order or other document issued by an official showing appointment as the representative of the estate of a deceased claimant. If no such document can be obtained, the claimant must submit an Affidavit of Heirship using the form required by the GCCF.

**2. Representative of a legally incompetent Claimant**

Provide a copy of a court order or other document issued by an official showing appointment as the guardian or other authorized representative of the incompetent claimant. If no such document can be obtained, the claimant must submit an Affidavit of Guardianship using the form required by the GCCF.

**3. Representative of a minor Claimant**

Provide a copy of a court order or other document issued by an official showing appointment as the guardian or other authorized representative of the minor claimant. If no such document can be obtained, the claimant must submit an Affidavit of Parentage or Custodial Capacity using the form required by the GCCF.