

**GULF COAST CLAIMS FACILITY  
FINAL RULES GOVERNING  
PAYMENT OPTIONS, ELIGIBILITY AND SUBSTANTIATION CRITERIA, AND  
FINAL PAYMENT METHODOLOGY**

**February 18, 2011**

The Gulf Coast Claims Facility (“GCCF”) hereby announces its Final Rules Governing Payment Options, Eligibility and Substantiation Criteria, and Final Payment Methodology (“Final Rules”). The GCCF is acting for and on behalf of BP in fulfilling its statutory obligations as a “responsible party” under the Oil Pollution Act of 1990. All claimants have the right to consult with an attorney of their own choosing prior to accepting any settlement or signing a release of legal rights.

**I. INTRODUCTION**

This document describes: 1) the eligibility criteria required for all private, individual and business claimants to file a claim with the GCCF seeking a Final Payment or an Interim Payment from the GCCF; 2) the calculation methodology being used by the GCCF to determine compensation sought by the claimant; 3) the documentation requirements that need to be met as a prerequisite for compensation; and 4) new procedures designed to promote greater transparency and consistency in the GCCF claims process.

On February 2, 2011, the GCCF published a draft Announcement of Payment Options, Eligibility and Substantiation Criteria and Final Payment Methodology. In an effort to promote full disclosure and transparency, the GCCF’s Announcement requested public comment during the period February 2 through February 16, 2011, from all claimants and other interested parties.

During the past two weeks the GCCF has received some 1,440 comments from claimants, businesses, experts, public officials and other interested parties expressing opinions concerning these and other related issues. These comments have been posted for public view on the GCCF website ([www.gulfcoastclaimsfacility.com](http://www.gulfcoastclaimsfacility.com)). The GCCF has carefully considered all comments in the drafting of these Final Rules and, in response to the comments, has revised certain of its proposals to the draft Announcement published on February 2, 2011.

The GCCF continues to seek a comprehensive understanding of the impact caused by the Deepwater Horizon Incident (the “Oil Spill”) and its aftermath. Experts retained by the GCCF have researched and studied various reports and data pertaining to the future of the Gulf, and have compiled an extensive list of references. All of these materials were posted on the GCCF website on February 2, 2011, and remain available for review at [www.GulfCoastClaimsFacility.com](http://www.GulfCoastClaimsFacility.com). In adopting its Final Rules governing payment of Final and Interim Claims, the GCCF has gathered facts and opinions from various sources in an effort to develop a credible and fair payment program.

With the promulgation of the Final Rules, the GCCF will now commence the next phase of the Payment Program: the payment of Final and Interim Claims to those claimants who have been damaged as a result of the Oil Spill. All claimants should carefully consider three options:

1. A Final Payment: A Final Payment will provide compensation to the claimant for all documented past damage plus estimated future damage due to the Oil Spill and will resolve the claimant's entire claim against BP and all other potentially liable parties for any and all past and future damages. **To receive a Final Payment, a claimant will be required to sign a release precluding the claimant from seeking further compensation from the GCCF, the Coast Guard, or in court from either BP or any other defendant companies allegedly responsible for the Oil Spill.**
2. An Interim Payment: An Interim Payment will provide compensation to the claimant for all past documented damage due to the Oil Spill; the damage must be documented but **no release will be required.** Under this option, the claimant may return to the GCCF once each quarter of the calendar year seeking additional documented past damage. This Interim Payment option does not require that the claimant surrender any litigation rights.
3. A "Quick Payment:" A Quick Payment of \$5,000 to an individual claimant or \$25,000 to a business claimant. This option is available to any claimant who has received either an Emergency Advance Payment or an Interim Payment from the GCCF without any requirement that the claimant provide additional documentation. **This Quick Payment option will be accompanied by a full release, precluding the claimant from seeking further compensation from the GCCF, the Coast Guard, or in court from either BP or any other defendant companies allegedly responsible for the Oil Spill.**

## II. ELIGIBILITY CRITERIA

The GCCF adopts the following principles governing the eligibility criteria applicable to both Final and Interim Claims for individuals and businesses.

1. All individuals and businesses that incurred losses due to the Oil Spill are entitled to and are encouraged to file a Final or Interim Claim with the GCCF. Neither physical proximity to the Oil Spill nor a particular type of work or business engaged in by the claimant is a prerequisite to eligibility for payment of a claim. **But adequate documentation of damage attributable to the Oil Spill is required.** Physical proximity to the Oil Spill, and the nature of the business or work engaged in by the claimant, are important factors when it comes to the proof needed to document a claim that the damage was caused by the Oil Spill. (See IV, below.) The ability of the claimant to link the alleged damage to the Oil Spill – as opposed to other factors such as a general downturn in the Gulf region economy or other financial uncertainty unrelated to the Oil Spill -- is required. (See Attachment A.)
2. The GCCF will evaluate each claim to determine whether a loss was caused by the Oil Spill. Each claim will stand on its own individual merits. In all cases, there must be an identifiable link between an actual loss and the Oil Spill. Evidence establishing this connection is required.
3. Claimants who were deemed ineligible for a GCCF Emergency Advance Payment are invited to resubmit a claim seeking a Final Payment or an Interim Payment, accompanied by documentation proving a connection to the Oil Spill.
4. Individuals who were physically injured or who represent decedents who suffered death due to the Oil Spill are eligible to receive compensation from the GCCF. Such claims must be documented, proving that the physical

injury or death is attributable to the Oil Spill and not some other cause. In cases where claimants assert a disability caused by the Oil Spill, evidence of partial or permanent disability (such as a Social Security or State Workers' Compensation determination of disability) will be required in order to determine the extent of any long term impact on the ability of the claimant to work in his/her chosen profession.

5. Individuals and businesses with claims for damage to real or personal property are eligible to receive compensation from the GCCF.
6. Individuals who use the natural resources that have been injured or destroyed as a result of the Oil Spill to obtain food, shelter, clothing, medicine or other subsistence use are eligible to receive compensation from the GCCF.
7. **Claims related to the moratorium on deepwater drilling, property damage claims for vessels used in the Vessels of Opportunity Program and claims by all Government entities are ineligible for compensation from the GCCF.**

### **III. CALCULATION OF AWARDS FOR FINAL AND INTERIM PAYMENTS**

The GCCF has retained scientific and economic experts to comprehensively research and review studies pertaining to the impact of the Oil Spill on Gulf resources. These experts reviewed numerous studies analyzing the economic recovery rates from other major catastrophic events affecting tourism. In addition, the GCCF consulted with numerous individuals and businesses located in the Gulf region in order to understand the possible impact to individuals and Gulf businesses due to the Oil Spill. Finally, the GCCF benefitted from input from claimants, experts and other interested parties during the recent two-week public comment period. The GCCF's goal is to determine the impact of the Oil Spill on seafood harvests, the tourism industry and any other effect on the general Gulf economy. An effort has been made by the GCCF to determine the estimated length of time to full economic recovery and the related pattern of gradual recovery over time.

The GCCF will base its calculation of awards for Interim Payments on actual documented losses incurred by a claimant during the period immediately following the Oil Spill on April 20, 2010 and the date the Interim Claim is filed. For Final Payments, the GCCF will base its calculation on two important factors: 1) actual documented losses incurred by the claimant from the date the losses began since the Oil Spill on April, 2010 and, 2) a recovery factor to value the risk of possible future losses as determined by the retained experts and other input received during the public comment period.

Having examined available expert opinions, studies, reports and public comments, the GCCF believes that based on the existing information available:

1. There is evidence of a strong economic recovery underway. However, the GCCF has concluded that it is reasonable to base its future payment calculations on the principle that a full economic recovery in the Gulf region is likely (but not certain) within two to three years from the date of the Oil Spill.
2. Prediction is not an exact science. In light of the uncertainty that remains, the GCCF believes that it is appropriate to provide claimants desiring finally to resolve their claim at this time with a payment that accounts for the inherent uncertainty concerning the future.
3. The GCCF conclusions are based on current data, the opinions of the experts and the comments submitted by claimants and other interested parties during the public comment period. The GCCF will undertake a renewed evaluation of available data every four months. If such reevaluation suggests a change in the relative

uncertainty concerning the future that warrants an adjustment to the payment for future risk, the GCCF will make the appropriate adjustment and will apply the adjustment to all claims submitted from that date forward. However, final claims previously submitted with complete documentation but not yet evaluated will be paid the higher of the Future Recovery Factor applicable at the time the claim submitted was completely documented, or the adjusted Future Recovery Factor.

4. Any claimant who disagrees with the GCCF's approach regarding future payment calculations or is not ready to accept it, is free to opt for Interim Payments based upon documented past damage, while awaiting further evidence of Gulf region economic recovery.

- a. **Actual Documented Losses:** Once claimants have demonstrated a direct connection linking the sustained losses for past and present damages to the Oil Spill, eligible claimants will be compensated for documented losses directly caused by the Oil Spill incurred during the period immediately following the Oil Spill on April 20, 2010 and the date of the filing of an Interim or Final Claim with the GCCF ("the loss period"). The calculation of these actual documented losses will be based on a comparison to income from prior years for the same months (for example a comparison of income earned in 2008-2009 or another appropriate historical comparison deemed most relevant to the claimant's experience). In these cases, the claimant's actual loss will be determined by taking the difference between the claimant's income during the loss period and the comparison period (in most cases years 2008-2009) to arrive at the claimant's actual loss.

Each claim will be reviewed and evaluated on its own merits and specific circumstances, including but not limited to business trends leading up to the Oil Spill including January through April 2010. For example, business claims for "start-up" companies which anticipated generating income in 2010, will be subject to a different methodology. Start-up businesses present a unique forecasting challenge due to the limited available historical financial data. In measuring losses for startup businesses, the GCCF will consider business plans, market comparables, pre- and post-loss financial data, start-up costs, industry trends and other relevant information. Special attention will also be given to those businesses that closed as a direct result of the Oil Spill.

Many comments were received regarding the Loss of Income ("LOI") percentage used for businesses. The LOI used for each business is usually calculated based on the financial information of that particular business. Typically, the LOI percentage calculated for each business is based on the business' own pre-loss (e.g., 2009) annual Profit and Loss statement or Tax Return, depending on documentation provided by the claimant. The LOI percentage adjusts the lost revenues to reflect the saved or discontinued expenses for that particular business. Expenses that are typically considered to be fully or partially saved or discontinued as a result of lost sales include, but are not limited to, costs of goods sold, commissions, payroll and utilities.

- b. **Interim Payments:** Claimants who are not ready to accept a Final Payment Offer may continue to file Interim Payment Claims for documented past damage. Interim Payment Claims may be filed once each calendar quarter. For many claimants, much of their documented loss has already been compensated by BP and the GCCF Emergency Advance Payment Program. The total amount previously received by a claimant for damages as a result of the Oil Spill from BP or the GCCF will be deducted from the Interim Payments.
- c. **Calculation of Future Losses:** The calculation of future losses will be based upon the actual losses incurred during the period immediately following the Oil Spill on April 20, 2010, through December 31, 2010. The GCCF will use these actual documented 2010 losses and a Future Recovery Factor that

anticipates the gradual economic recovery to estimate the anticipated future losses associated with the Oil Spill. Experience with other unanticipated and catastrophic events suggests that for all businesses other than oyster harvesting and oyster processing, recovery will continue in 2011, with full recovery reasonably expected in 2012. Recovery over this time period would result in a Final Payment Offer of two times the actual documented losses in 2010. During the public comment period, the GCCF received comments from various claimants, experts, public officials and other interested parties urging the GCCF to increase or decrease the Future Recovery Factor. After reviewing all received comments the GCCF continues to believe that a Future Recovery Factor of 1.0 (two times the actual documented losses) in 2010 is fair and reasonable. Claimants who disagree with this conclusion are urged to opt for an Interim Payment for past damage.

Many comments were received regarding the GCCF's proposed calculation of future losses based upon the actual losses incurred during the period immediately following the Oil Spill on April 20, 2010 through December 2010. These comments stated that the GCCF's proposed doubling of the 8 month loss period would only compensate claimants for 16 months' losses and that it would be more equitable to use the 12 month period instead. These comments misunderstand the proposed calculation of future losses for the following reasons:

- If a 12 month loss period was used to calculate future losses rather than an 8 month period, the total Final Offer amount would not change. This is because the Future Recovery Factor was constructed to provide payment to the claimant for the estimated actual losses in the "missing" four months.
- If the GCCF were using a full year of losses (May 2010 through April 2011) no Final Offers could be made until May 2011 at the earliest.

For a more detailed response to comments on the calculation of future losses, see the attached explanation of ARPC, an expert firm of economists retained by the GCCF. (See Attachment B for "Response to Comments on the Derivation and Calculation of Future Damages.")

- d. Some experts anticipate that individuals and businesses engaged in harvesting and processing oysters destroyed as a result of the Oil Spill, or due to the diversion of fresh water into the Gulf in reaction to the Oil Spill, will likely require a longer recovery period than that experienced by other claimants, without the same degree of gradual recovery. Accordingly, the Final Payment Offer for those claimants will be equal to an amount four times the actual documented losses in 2010.
5. For claimants with actual documented losses in 2010 of \$500,000 or more, the GCCF will not automatically apply the Future Recovery Factor to the claimant's actual 2010 total losses. The Final Payment calculation for these claimants will be determined on an individualized basis after analyzing input from the claimant as well as the experts. The Final Payment Offer will be the actual documented losses in 2010 and an additional amount to compensate for the recovery and risk of possible future losses.
6. In sum, claimants who have documented and proven a financial loss attributable to the Oil Spill will be paid two times actual documented 2010 losses due to the Oil Spill to compensate for all past and anticipated future losses (except, as described above, for claimants with 2010 losses of \$500,000 or more). Oyster harvesters who have documented and proven a financial loss attributable to the Oil Spill will be paid four times actual documented 2010 losses due to the Spill to compensate for all past and anticipated future losses. After reviewing all received public comments, the GCCF has concluded that the Future Recovery Factor of four times actual documented 2010 losses will also be applied to actual documented 2010 losses for oyster processors. (For all claimants, the Final Payment Offer will be reduced by compensation already received in Emergency Advance Payments from

BP, Emergency Advance Payments and Interim Payments received from the GCCF and other offsets.) If any claimant believes that the future of the Gulf continues to be uncertain and is not yet prepared to file a Final Claim, that claimant may continue to file Interim Payment Claims demonstrating ongoing damages linked to the Oil Spill with the GCCF. Claimants filing Interim Claims will not be required to sign a release.

7. Final Payments or Interim Payments: The GCCF will pay eligible individuals or businesses either a Final Payment or an Interim Payment, as the claimant may request. The Future Recovery Factor, as determined by the GCCF, may be modified going forward as more information becomes available about the future of the Gulf Coast economy. It is, therefore, entirely possible that the Future Recovery Factor for determining the future impact of the Oil Spill in the Gulf will be increased or reduced as more information becomes available. Claimants should take this possibility into account in deciding whether to file an Interim Payment Claim or a Final Payment Claim.
8. **For claimants who have filed a Final Payment Claim with incomplete 2010 documentation, the GCCF will determine and calculate the claim based upon submitted documented actual 2010 losses.** Claimants will have the option to accept the Final Payment Offer based upon submitted 2010 documentation of actual loss that was available to the GCCF for determination and calculation, or request the re-evaluation of the Final Payment Claim after they have submitted additional documentation of 2010 losses.

**EACH CLAIMANT'S FINAL PAYMENT OFFER AMOUNT WILL BE THE LARGER OF:**

- (1) Two times each eligible claimant's 2010 Actual Documented Losses (except for claimants with 2010 losses in excess of \$500,000); four times 2010 Actual Documented Losses for oyster harvester's and oyster processor's 2010 Actual Documented Losses, or**
- (2) The total actual documented losses through the date of the filing of the Final Claim.**

#### **IV. DOCUMENTATION/SUBSTANTIATION**

Although much of the public comment period was devoted to issues concerning the calculation methodology for determining Final Payments, it is important that all claimants seeking Final Payments or Interim Payments focus their attention on the issues of documentation and the ability of each claimant to prove his/her alleged damage caused by the Oil Spill.

**It is imperative that all claimants prove their claims by providing the GCCF with adequate documentation that supports the claim for damages. (See Attachments A, C and D for information to assist all claimants with an understanding of the financial tests used by the GCCF to establish a loss, and the required documentation and the evidence required to establish a connection between the loss and the Oil Spill.)**

**The GCCF advises all claimants that the documentation of both Final Payment and Interim Payment Claims is lacking in most cases. This is particularly true for 2010 supporting documentation. As of the date of this Notice, less than 17% of claimants have submitted completed 2010 documentation. Incomplete records will delay a claim's review, affect the damages calculation and could result in denial of the claim.**

1. As expressly indicated from the very beginning of the Emergency Advance Payment Program, the documentation requirements for receiving either a Final Payment or an Interim Payment are more rigorous and exacting than the minimal documentation requirements that governed administration of the Emergency Advance Payment Program. Each claimant is required to establish both actual financial loss and a connection between the loss and the Oil Spill.
2. Each claim stands on its own merits, and the GCCF will evaluate each submission to determine whether a loss was caused by the Oil Spill. When evaluating each claim for compensation, the GCCF will make certain presumptions that losses were caused by the Oil Spill based on the claimant's proximity to the Gulf shore and the nature of the claimant's business activity.
3. The following blueprint for substantiation required by the GCCF to prove a compensable claim is based upon input from the retained experts who evaluated the likelihood of a link between the Oil Spill and a claim for damages. The following blueprint is offered as guidance only.
  - a. Physical Proximity to the Oil Spill/Workers and Businesses Directly Dependent Upon Gulf Resources: A connection to the Oil Spill is easiest to demonstrate in cases involving workers and businesses that are heavily dependent on Gulf resources and tourism and are located in **the immediate vicinity of the Gulf shore as well as claimants that were already determined eligible for an Emergency Advance Payment from the GCCF**. Examples are fishermen, shrimpers, oyster harvesters, boat captains, seafood processors, as well as heavily tourist-dependent business activities in the immediate vicinity such as marinas, hotels, restaurants and rental properties located on Gulf Coast beaches. In these cases, as well as in cases where claimants have already submitted adequate documentation to receive an Emergency Advance Payment, the submission of adequate financial information and data contrasting wages and income before and after the Oil Spill will usually be deemed sufficient to document a claim. **Nevertheless, even as to these types of claims, currently the GCCF has found that most filed claims are pervasively lacking documentation contrasting pre- and post-Oil Spill wages and income and complete 2010 financial documentation.**
  - b. Physical Distance From the Oil Spill/Workers and Businesses Less Dependent Upon Gulf Resources: For Businesses and individuals that are not in the immediate vicinity of the Gulf shore but are operated in Gulf Alliance counties that are less sensitive to an interruption to Gulf Coast tourism or seafood harvesting, more exacting documentation is required. The GCCF bases this conclusion on the experts' opinion that additional substantiation is necessary to conclude that losses are due to the Oil Spill, the further a business is from the immediate vicinity of the Oil Spill, or the less dependent the business is on Gulf resources. In such cases, the GCCF will adopt the experts' recommendations that the claimant prove that his/her "positive trend" of lost wages or profit during the immediate period preceding the Oil Spill was interrupted by the Deepwater Horizon incident. **Simply contrasting pre- and post-Oil Spill wages/income may not be sufficient. Claimants in this category will receive compensation by establishing loss and by the use of a financial test that analyzes relative financial performance in the immediate pre-Oil Spill and post-Oil Spill periods.** Attachment C describes the Financial Test the GCCF will use to establish whether there was damage due to the Oil Spill and the required documentation.
  - c. All Other Claimants: The GCCF has received claims from claimants residing outside of the Gulf states, claims from businesses located many miles from the Oil Spill, and claims from businesses that do not appear directly dependent on Gulf resources such as dentists, veterinarians, and chiropractors. Many of these claims comprise business activities that are more dependent on general economic conditions than on tourism or seafood harvesting on the Gulf Coast. In these cases (numbering in the thousands), the most exacting type of proof demonstrating an identifiable link between the asserted damage and the Oil Spill will be required. Claimants in this category may receive compensation by establishing loss, by passing the

financial test that analyzes relative financial performance in the immediate pre-Oil Spill and post-Oil Spill periods, and by providing evidence that establishes the link between losses and the Oil Spill. For example, the claimant might provide documentation of cancelled orders for goods or services sold to a Gulf business; consistent sales in the past two years or more to a Gulf business that failed to recur due to the Oil Spill; bad debt written off and associated with failure to pay by a Gulf business; failure of a contractual arrangement involving a Gulf business that results in demonstrable lost sales or income; higher expenses or cost of goods due to having to obtain them from another vendor other than the traditional Gulf business; a specific termination of employment or reduction in wages that an employer confirms was as a result of the Oil Spill, etc. Examples of the type of evidence that may link a claimant's loss to the Oil Spill are described in Attachment A. **Providing general financial information about losses sustained in 2010 after the Oil Spill will not be sufficient documentation for claimants in this category. Instead, proof will be required specifically linking the sustained loss to the Oil Spill.**

Claimants are reminded that, in the absence of necessary documentation proving their claim for a Final Payment Claim or an Interim Payment Claim, the "Quick Payment" option is available to any claimant who has already received an Emergency Advance Payment without the necessity of submitting any further documentation to the GCCF. Quick Payments of \$5,000 will be made to individuals and \$25,000 to businesses. **Quick Payments require a full release. Before accepting any settlement or signing a release of legal rights, claimants have a right to consult with an attorney of their own choosing. Free legal assistance is available for claimants who cannot afford an attorney.**

#### **V. GREATER TRANSPARENCY AND CONSISTENCY**

In an effort to promote greater transparency and consistency in the GCCF claims process, the GCCF is initiating a series of measures designed to provide claimants with greater access to information about their individual claims, including the status of the claim and the reasons for determinations made by the GCCF (claim acceptances or denials; calculation of compensation and the reasons related thereto, etc.). (See Attachment E for Sample Payment Letters and Evaluation Calculations.) In conjunction with the beginning of the Final Payment and Interim Payment process, the GCCF reminds all claimants of the following:

1. Additional local personnel have been retained by the GCCF and are now in place in the claims site offices throughout the Gulf region to assist claimants in securing more information about the status of their claims and the underlying reasons for GCCF claim decisions. These local personnel are residents of the region, who are familiar with the nature of Gulf Coast businesses and occupations. They are present in the Gulf to assist claimants in the processing of their GCCF claims. All staff members at the claims site offices are subcontractors of the GCCF; BP provides the funding for the expenses of the administration of the GCCF, including compensation for GCCF subcontractors.
2. Claimants are also invited to seek the assistance of local accountants and accounting firms in the preparation and processing of their individual claims or for an evaluation of the GCCF's Interim or Final Payment Offer. These accounting firms are not subcontractors of the GCCF, are not retained by the GCCF and are not working for the GCCF; they are available to assist claimants in assessing their business losses. Reasonable costs associated with the work of these accounting firms can be added to the overall damage claim submitted by the claimant and will be paid by the GCCF as part of the compensation provided any claimant who shows a loss due to the Oil Spill.
3. In appropriate cases, the GCCF will resolve a group of claims submitted by a particular attorney or law firm, accounting firm, or specific localized region of the Gulf, by sending GCCF accountants and GCCF support staff to meet with the attorney, accounting firm, or claimants in a specific localized region in an effort to resolve claims quickly and efficiently at the local level.



4. For all claims other than those for physical injury, if a claimant disagrees with the GCCF's decision on the claim (either because it was denied or the claimant deems the compensation inadequate), or if the GCCF has not acted on the claim within 90 days of the date the claim was presented to BP or to the GCCF, the claimant may submit the claim to the National Pollution Funds Center ("NPFC"), the Coast Guard office responsible for evaluating and determining claims; as an alternative, the claimant may file a claim in court, including the multidistrict litigation pending before the United States District Court for the Eastern District of Louisiana, titled, *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL No. 2179*. The multidistrict litigation is a consolidated grouping of federal law suits arising out of the Spill. General information on the procedure for filing a claim with the NPFC may be obtained from the Director of the National Pollution Funds Center, NPFC MS 7100, U.S. Coast Guard, 4200 Wilson Blvd., Suite 1000, Arlington, VA 20598-7100, (800) 280-7118, or from the NPFC website at [www.uscg.mil/npfc/claims](http://www.uscg.mil/npfc/claims). Information regarding the multidistrict litigation may be obtained from the court's website at [www.laed.uscourts.gov](http://www.laed.uscourts.gov).
5. As to all claims, including those for physical injury, under the GCCF Protocol governing Final Claims, the claimant may appeal a Final Claim determination of the GCCF if a total monetary award (including any Emergency, Interim or Final Payment made by BP or the GCCF) is in excess of \$250,000. The appeal will be reviewed by a panel of three neutrals (not selected by the GCCF) who will make an independent determination of the claim's value. BP will have the right to appeal to this panel of three neutrals where the claimant receives compensation in excess of \$500,000.

**THE GCCF WILL CONTINUE TO MONITOR AND REVISE THESE FINAL RULES GOVERNING PAYMENT OPTIONS, ELIGIBILITY AND SUBSTANTIATION CRITERIA, AND FINAL PAYMENT METHODOLOGY. THE GCCF WELCOMES ONGOING INPUT FROM CLAIMANTS AND OTHER INTERESTED PARTIES AS IT MOVES FORWARD WITH FINAL PAYMENTS, INTERIM PAYMENTS AND QUICK PAYMENTS.**

## ATTACHMENT A

### ESTABLISHING EVIDENCE OF A CONNECTION TO THE SPILL

The GCCF will review each claim case by case to determine whether the claimant has established that a financial loss occurred as a result of the Oil Spill. The following guidance has been developed to assist claimants with formulating the basis of a claim and providing sufficient supporting documentation.

Assertion	Description	Examples of Evidence
Losses due to the effects of the spill on the Gulf seafood supply chain	<p>The use of and/or reliance on Gulf seafood must be established. Documentation to support this assertion may include evidence of sourcing seafood from the Gulf and/or dependence on commercial fishing activities.</p> <p>Example: a multi-purpose trucking company with cancelled contracts for hauling Gulf seafood. Appropriate documentation to support this assertion would include the original agreement and a letter from the customer/supplier explaining that the contract was cancelled as a result of the spill.</p>	<ul style="list-style-type: none"> <li>• List of customers/suppliers within Gulf region</li> <li>• Evidence of cancelled orders/agreements/contracts as a result of the oil spill</li> <li>• Evidence of modified orders/agreement/contracts as a result of the oil spill</li> <li>• Historical evidence of consistently placed orders</li> <li>• Third party affidavits/letters</li> <li>• Third party invoices/receipts of Gulf seafood product</li> <li>• Evidence of the traditional location of the affected business activity</li> </ul>
Losses due to the effects of the spill on the Gulf's tourism sector	<p>A connection to the tourism industry in the Gulf region must be established. Documentation to support this assertion may include evidence of a business-to-business relationship or a primary customer base of tourists within the region.</p>	<ul style="list-style-type: none"> <li>• List of customers/suppliers within Gulf region</li> <li>• Evidence of cancelled orders/agreements/contracts as a result of the oil spill</li> <li>• Evidence of modified orders/agreement/contracts as a result of the oil spill</li> <li>• Historical evidence of consistently placed orders</li> <li>• Third party affidavits/letters</li> <li>• Third party invoices/receipts</li> </ul>

	<p>Example: a regional distributor of ice cream with a loss of sales to beachfront hotels and restaurants. Appropriate documentation to support this assertion would include records reflecting a post-spill reduction in purchases by identified tourism-dependent customers and letters from the purchasers explaining that the reduction in orders was a result of the spill.</p>	<ul style="list-style-type: none"> <li>• Evidence of the traditional location of the affected business activity</li> <li>• Records of sales reflecting the percentage of sales to out-of-state/out-of-town purchasers</li> </ul>
<p>Losses due to business interruption as a direct result of the oil spill</p>	<p>An interruption to a business would include a partial or complete inability to engage in business activities. Example: a commercial shipping business that experienced a partial business interruption when the waters its carriers normally travel were temporarily closed to traffic due to the oil spill. Appropriate documentation to support this assertion would include evidence of prior navigation routes passing through closed areas and contemporaneous communications between the claimant and its customers reporting on the resulting delays.</p>	<ul style="list-style-type: none"> <li>• List of customers/suppliers within Gulf region</li> <li>• Evidence of cancelled orders/agreements/contracts as a result of the oil spill</li> <li>• Evidence of modified orders/agreement/contracts as a result of the oil spill</li> <li>• Historical evidence of consistently placed orders</li> <li>• Third party affidavits/letters</li> <li>• Third party invoices/receipts</li> <li>• Evidence of the traditional location of the affected business activity</li> </ul>

## ATTACHMENT B



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### **Response to Comments on the Derivation and Calculation of Future Damages**

Future damages are calculated when the claimant wishes to file for a *Final Claim*. The GCCF provides claimants with two alternative final payment options, the *Quick Payment Final Claim* and the *Final Claim*. It also provides claimants with the ability to receive *Interim* payments. The Final Claim option provides for a payment that is the sum of the claimant's losses incurred in 2010 plus a payment for claimant's anticipated future damages. This option requires the documentation of losses. The calculation of future damages is equal to 2010 losses multiplied by the so called *Future Recovery Factor*.

Several comments have been received on the derivation and calculation of the Future Recovery Factor in the Final Claim option. The comments focus on two issues. One issue is the order of magnitude of the Future Recovery Factor. The comments question whether the Factor is high enough – does it undervalue the losses facing claimants in the future? A second concern is that the Factor applies only to 2010 losses rather than a full year of losses. Since, for all practical purposes the financial affects of the oil spill did not begin until May, losses in 2010 are for only eight months.

#### *Derivation of the Future Recovery Factor*

The GCCF worked closely with outside experts to estimate the impact of the oil spill on the Gulf economy. It was determined that the oil spill has two effects: (1) an effect on tourism, and (2) an effect on harvesters and related sectors from the closing of waters and potential damage to stocks of fish, shrimp, crabs, oysters and other species.

The derivation of the Future Recovery Factor is based on the analysis of the economic recovery experience of individuals and businesses subjected to other unanticipated and catastrophic events. Experts have studied many of these events from the past and recorded estimated rates of economic recovery.

#### *Effect on Tourism*

It is expected that the greatest financial damage caused by the oil spill results from its effect on tourism. The Gulf economy is heavily dependent on tourism and revenue from tourism potentially affects a broad swath of the economy. It is clear that the oil spill significantly reduced tourism in 2010 reducing the income of individuals and businesses dependent on tourism. In addition, the effect on tourism will likely continue into the future. Indeed, the experience observed from other events affecting tourism suggests that these losses will continue (though at a diminishing level) for two to three years from the time of the oil spill.

There are two key issues: (1) the length of time until tourism fully recovers and (2) the rate of the recovery. There is an important distinction between these two issues. The first issue is relatively straightforward – how many months will it take to get back to the number of tourists and the dollars they spend that would have occurred without the oil spill. The second is a bit more complicated. It is concerned with the speed of the recovery. If it takes 30 months to full recovery, what percent of the recovery is achieved in the first 15 months? The speed of the recovery is equally important to the estimate of future damages as the time to full recovery.

The GCCF staff and its experts reviewed all of the relevant research conducted on the effects of various events on tourism. The research included the analysis of a broad range of events including other oil spills, hurricanes, terrorism, health issues and other natural disasters. This review included an analysis of the Gulf oil spill prepared by Oxford Economics on behalf of the US Travel Association entitled “Potential Impact of the Gulf Oil Spill on Tourism”.

The conclusions reached from this review and analyses are as follows:

- We assume that it would take tourism 30 months to achieve full recovery (the upper end of the Oxford Economics analysis). While for most events, full recovery was achieved within twelve months from the event, some of the studies and Oxford Economics suggest that full recovery would be reached in 15 to 36 months.
- We assume that the recovery would occur at a nearly proportional rate – 54% recovery at the end of the first year after the oil spill, 75% recovery at the end of the second year after the oil spill and reaching full recovery at 30 months after the oil spill. This recovery rate is heavily dependent on the review of the academic research and the analysis conducted by Oxford Economics. It is also influenced by our analysis of various economic indicators related to tourism. These include hotel revenues, travel expenditures, tourist visits, sales tax revenues for tourism related sectors, gaming revenues and other indicators. Taken together they suggest a recovery beginning by the fall of 2010.
- The 30 month full recovery period and the assumed recovery rate yields a Future Recovery Factor of 1.0.

### *Effect on Harvesters*

The effect on harvesters was presented in the study prepared for the GCCF by John W. Tunnell Jr. of the Harte Research Institute for Gulf of Mexico Studies, Texas A&M University, Corpus Christi, Texas entitled “An expert opinion of when the Gulf of Mexico will return to pre-spill harvest status following the BP Deepwater Horizon MC 252 oil spill”. Dr. Tunnell concludes that while there are unknowns and some risk, it appears that the ecosystem is recovering very quickly and waters are nearly completely reopened to harvesting. These indicators reflect an assessment of the pace of physical recovery of the Gulf’s marine resources. The pace of economic recovery of the Gulf’s marine resources may not be identical. Out of an abundance of caution, the GCCF has adopted the same assumptions concerning harvester sector recovery as it has adopted for the tourism sector. The single exception with potentially even longer term issues are oysters, since it is likely that oysters were killed in some areas and it may be that in some cases the oyster bed foundations were damaged. The Future Recovery Factor as it applies to oysters is based on a different calculation, described elsewhere.

### *Application of the Future Recovery Factor*

The remaining issue was how to apply these conclusions to the individual circumstances of each claimant. First, it is assumed that every claimant will experience the same recovery rate as the Gulf economy in general. While we understand that claimants may actually recover from their 2010 losses at different rates, it is not practical to account for such differences. It is not possible to distinguish the potential disparate effect of the oil spill on claimants versus individual preferences and characteristics that are unrelated to the oil spill.

Second, 2010 losses were selected as the base for calculation. We understand that this is only an eight month period, but it is assumed that this period constitutes the most significant losses. In addition, the Future Recovery Factor was constructed to account for the fact that only eight months are in the base period. Indeed, the total amount offered to the claimant using the eight month base period is the same as the offer if the base period was twelve months. If, in the case of an individual claimant, this is not true, then (as described elsewhere) interim payments are always available. Otherwise, relying on a full year would mean that no claimants could file for a Final Payment before the end of April 2011.

## **ATTACHMENT C**

### **FINANCIAL TEST**

The financial test is to establish whether there was damage due to the Oil Spill.

- First, 2010 is divided into two parts – pre-Oil Spill and post-Oil Spill.
  - The pre-Oil Spill period is January through April
  - The post-Oil Spill period is May through December of that year
- Second, the January through April financial performance in 2010 is compared to the average financial performance in the January through April period from prior years (for example January through April for 2008/2009) – pre-Oil Spill Financial Performance
- Third, the May through December end of year financial performance in 2010 is compared to the average financial performance in May through December from prior years (for example May through December for 2008/2009) – post-Oil Spill Financial Performance.

To qualify for compensation, the financial performance test must show:

- #1: A decline in revenue from the average revenue earned May through December in 2008/2009. In effect, the business must show there is a decline in post-Oil Spill financial performance relative to earlier years.
- #2: The percent decline in 2010 post-Oil Spill revenue from #1 above must exceed the percent decline in 2010 pre-Oil Spill revenue.

**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.

ATTACHMENT E



**FORM BUSINESS LETTER**

[Date]

[Claimant/Attorney Name]  
[Claimant/Attorney Address 1]  
[Address 2]  
[City, State Zip Code]

**RE: Determination Letter on Interim Payment/Final Payment Claim**  
**[Claimant Name]**  
**[Claimant ID:]**

Dear Claimant:

The Gulf Coast Claims Facility (the “GCCCF”) is the official way for Individuals and Businesses to file claims for costs and damages incurred as a result of the Deepwater Horizon Incident on April 20, 2010 (the “Oil Spill”). The GCCCF and its Claims Administrator, Kenneth R. Feinberg, act for and on behalf of BP Exploration & Production, Inc. (“BP”) in fulfilling BP’s statutory obligations as a “responsible party” under the Oil Pollution Act of 1990 (“OPA”).

*All Claimants have the right to consult with an attorney of their own choosing prior to accepting any settlement or signing a release of legal rights.*

This Determination Letter (“Letter”) is an official notification from the GCCCF. The GCCCF has reviewed the Interim Payment and/or Full Review Final Payment Claim Form that you submitted. This Letter informs you of the outcome of that review and describes your options now. If you disagree with the GCCCF’s decision on your Interim Payment or Final Payment claim, you have the right to submit the claim to the National Pollution Funds Center (“NPFC”), the Coast Guard office responsible for evaluating and approving OPA claims, or as an alternative you have the right to file a claim in court, including in the multidistrict litigation pending before the United States District Court for the Eastern District of Louisiana, titled, *In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010* (MDL No. 2179). The multidistrict litigation is a consolidated grouping of federal lawsuits arising out of the Oil Spill. General information on the procedure for filing a claim with the NPFC may be obtained from the Director of the National Pollution Funds Center, NPFC MS 7100, U.S. Coast Guard, 4200 Wilson Blvd., Suite 1000, Arlington, VA 20598-7100, (800) 280-7118, or from the NPFC website at [www.uscg.mil/npfc/claims](http://www.uscg.mil/npfc/claims). Information regarding the multidistrict litigation may be obtained from the court’s website at [www.laed.uscourts.gov](http://www.laed.uscourts.gov).

**I. The Determination of Your Claim and Calculation of Losses.**

You qualify for compensation from the GCCF. **Attachment A** to this Letter explains the amount, if any, that the GCCF is paying to you now for an Interim Payment as well as an offer for a Final Payment (the “Final Payment Offer”), which is the additional amount you can be paid now if you decide to accept the Final Payment Offer and sign a Release and Covenant Not to Sue (the “Release”). The Release waives and releases any claims that you have or may have in the future against BP and all other potentially responsible parties with regard to the Oil Spill, and prevents you from submitting any claim seeking payment from the NPFC or a court. **Attachment B** to this Letter shows you the periods of your documented losses based upon the records you submitted and also shows you the periods where documents were missing (which means that the GCCF could not award you losses for those periods).

## **II. Your Interim Payment.**

If **Attachment A** shows that you are entitled to an Interim Payment, the GCCF will follow your payment instructions: (a) if you indicated in your Claim Form that you wished to be paid by wire transfer, the GCCF will wire your payment into your account as you directed; or (b) if you indicated in your Claim Form that you wished to be paid by check, the GCCF has mailed you a check with a hardcopy of this Letter. This Interim Payment is for your past lost profits for the period after April 20, 2010, and up to the time of the last period for which you submitted records showing your revenues or lost profits, as shown in **Attachment B, Section A**. The GCCF has made this Interim Payment to you without requiring you to release or give up any claims or to surrender any litigation rights. You may submit additional Interim Payment Claim Forms along with the Required Documentation to show those damages caused by the Oil Spill, once each calendar quarter, until August 22, 2013. The GCCF will review your claim, issue you a new Determination Letter and send you payment of any additional past lost profits caused by the Oil Spill as shown in your documents. Your new Determination Letter also will provide a new Final Payment Offer that you will have 90 days to accept. That new Final Payment Offer could be higher, lower, or stay the same as the Final Payment Offer in this Letter, depending upon what your documents show and any new information available to the GCCF at the time about the impact of the Oil Spill on the Gulf region.

## **III. Your Final Payment.**

If you want to be paid the amount shown in your Final Payment Offer in **Attachment A** and fully resolve your entire claim now, you can accept your Final Payment Offer. Your Final Payment Offer includes payment for all future damages to you as a result of the Oil Spill, determined according to the Gulf Coast Claims Facility’s Final Rules Governing Payment Options, Eligibility and Substantiation Criteria, and Final Payment Methodology. Your Final Payment Offer is valid for 90 days after the date of this Letter. The last page of this Letter contains an Election Form with a box for you to use to accept the Final Payment Offer and a space for your signature. To accept your Final Payment Offer, check the box on the Election Form indicating that you accept your Final Payment Offer, sign it and return it to the GCCF no later than 90 days after the date of this Letter. We then will send you a Release for you to sign and return to be paid the Final Payment Amount. The GCCF will mail or wire the Final Payment Amount to you as you indicated on your Claim Form within 14 days after receipt of a complete and properly signed Release. You must submit your *original* signature on the Release to the GCCF. The GCCF will not accept faxes, scanned images or photocopies of your signed Release.

You may appeal a Final Payment Offer if your total monetary award (including any Emergency, Interim or Final Payments made by BP or the GCCF) is in excess of \$250,000. The appeal will be reviewed by a panel of three neutrals who will make an independent determination of the claim’s value. BP will have the right to appeal to the panel of three neutrals if your total monetary award (including any Emergency, Interim or Final Payments made by BP or the GCCF) is \$500,000 or more. For further information on the appeal process, visit the GCCF website at [www.gulfcoastclaimsfacility.com](http://www.gulfcoastclaimsfacility.com).

*All Claimants have the right to consult with an attorney of their own choosing prior to accepting any settlement or signing a release of legal rights.*

If you are represented by a lawyer, you should discuss your rights with your lawyer before signing and returning the Release. If you would like to consult with an attorney but cannot afford one, free legal help is available for the GCCF Interim or Final Claims Process, through a network of nonprofit civil legal service organizations in Alabama, Florida, Louisiana, Mississippi and Texas. Information about this free assistance is available on the GCCF website, [www.gulfcoastclaimsfacility.com](http://www.gulfcoastclaimsfacility.com).

If you do not accept your Final Payment Offer, then you may choose to seek additional Interim Payments from the GCCF or request re-review of your Final Payment Offer, as described in this Letter.

**IV. Request for Re-Review of Your Final Offer Amount.**

If **Attachment B, Section B** identifies any missing documentation needed to evaluate your claim fully, you may submit those documents and the GCCF will re-review your claim and issue you another Determination Letter with a new Final Payment Offer. Depending on what your additional documents show, your new Final Payment Offer could be higher, lower or stay the same as the Final Payment Offer in this Letter. If your documents show additional lost profits caused by the Oil Spill, the GCCF will include those lost profits in your new Final Payment Offer and will adjust the future damages portion of your Final Payment Offer accordingly. If you want to submit additional documents to the GCCF now for a re-review, send them to the GCCF within 30 days after the date of this Letter. The GCCF will review them and send you a new Final Payment Offer within 30 days after it receives your records.

**V. What to Do if You Have Questions About This Letter.**

If you have any questions about this Letter, you can either visit a GCCF Site Office where local personnel have been retained by the GCCF and are now in place at GCCF Site Offices throughout the Gulf region, or speak to the GCCF Claims Review Specialist identified below who can answer questions about your claim, this Determination Letter, and the calculations used to derive the Interim Payment and/or Final Payment amounts. For TTY assistance call 1-866-682-1758. For more efficient service, have this Letter and your GCCF Claimant Identification Number with you when you call or reference them in your email. If you are represented by an attorney, the GCCF will communicate directly with your attorney.

Your GCCF Claims Review Specialist is: XXXXXXXXXX at 1-800-353-1262.

Sincerely,

Kenneth R. Feinberg  
Claims Administrator  
Gulf Coast Claims Facility



**ATTACHMENT A: EVALUATION OF CLAIM**

**A. ANNUAL PRE-SPILL REVENUES**

2008	2009	2010 Projected Revenues
\$	\$	\$
<b>Methodology used to calculate 2010 Projected Revenues</b>		

**B. CALCULATION OF PAST LOST PROFITS**

1.	<b>2010 Projected Revenues</b> (projected for the periods within May-Dec. 2010 based upon documented financial records, as shown in Attachment B Section A)	\$
2.	<b>Less: 2010 Actual Revenues</b> (for May-Dec. 2010 from submitted financial records as shown in Attachment B, Section A)	(\$)
3.	<b>2010 Lost Revenues</b> (Row 1 minus Row 2)	\$
4.	<b>Loss of Income % (LOI %)</b> (the LOI percentage adjusts the calculated Lost Revenues to reflect saved or discontinued expenses)	%
5.	<b>Resulting 2010 Lost Profits</b> (Row 3 multiplied by Row 4 to determine the Lost Profits from the Lost Revenues)	\$

**C. INTERIM PAYMENT**

1.	<b>2010 Lost Profits</b> (from Row 5 in Section B above)	\$
2.	<b>Less Offsets:</b>	
	Payments by BP	(\$)
	GCCF Emergency Payments	(\$)
	GCCF Interim Payments	(\$)
	Other Offsets	(\$)
3.	<b>Calculated Interim Payment</b>	\$
4.	<b>Interim Payment Paid with this Letter</b> (A \$1,000 minimum payment applies to this Interim Payment only.)	\$

**D. FINAL PAYMENT OFFER**

<p><b>Final Payment Offer:</b> 2010 Lost Profits of \$[ ] multiplied by a Recovery Factor of [two/four] times losses = \$ [ ], less the Offsets shown in Section C above and all Interim Payments. If your calculated Final Payment Offer is below \$25,000, your Final Payment Offer is the \$25,000 Quick Payment Amount.</p> <p>If you wish to accept this Final Payment Offer, check the box in Section C of the Election Form on the last page of this letter and sign and return the Election Form.</p>	\$
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**ATTACHMENT B: EXPLANATION OF DOCUMENTED LOST PROFITS****A. DOCUMENTED LOST PROFITS PERIODS**

You submitted documents showing your revenue and lost profits for the periods shown below. The GCCF based its calculation of your Interim Payment Amount, if any, and the Calculated Final Payment Offer upon this submitted documentation.

	<b>Measurement Period</b>	<b>Projected Monthly Revenues</b>	<b>Actual Post-Spill Revenues</b>	<b>Net Loss (Projected Monthly minus Actual Post-Spill Revenues)</b>
1.	May, 2010	\$	\$	\$
2.	June, 2010	\$	\$	\$
3.	July, 2010	\$	\$	\$
4.	August, 2010	\$	\$	\$
5.	September, 2010	\$	\$	\$
6.	October, 2010	\$	\$	\$
7.	November, 2010	\$	\$	\$
8.	December, 2010	\$	\$	\$
<b>TOTAL DOCUMENTED PAST LOST PROFITS SINCE THE OIL SPILL</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>

**B. MISSING DOCUMENTS**

You did not submit documents showing your revenue and lost profits for the Periods Missing Documents identified below. Nor did you provide any proof that that you did not receive any revenue during those periods. The GCCF can re-review your claim if you submit such documents. The GCCF Document Requirements that accompanied the Claim Form listed the required supporting documentation to show revenue for these periods. You may submit these records to document the Periods Missing Documents identified below:

**Business Claimants:**

- (d) Federal income tax returns, including all W-2 forms, 1099 forms, and other attachments or schedules to each return, if you have filed a return for the period.
- (e) Monthly and annual Profit and Loss statements.
- (f) Monthly sales and use tax returns.
- (g) For seafood harvesting businesses, a report, obtained from the applicable governmental agency, of the Claimant's landings since January 1, 2008.

For new or start-up businesses, all available financial statements and business plans.

**Periods Missing Documents**

1.

**ELECTION FORM FOR DETERMINATION LETTER ON LOST PROFITS CLAIM**

GCCF 1012

Date of Notice:

Deadline to Submit Additional Documentation for Re-R review:

Date Final Payment Offer Expires:

**A. CLAIMANT INFORMATION**

<b>Claimant Name</b>			<b>Claimant Number</b>		
<b>Address</b>	Street	City		State	Zip
<b>Claimant Type</b> (Individual or Business)		<b>Business Type</b>			<b>Zip Code of Loss</b>

**B. ATTORNEY REPRESENTATION INFORMATION**

<input type="checkbox"/>	The GCCF has no information that this Claimant is represented by an attorney.			
<input type="checkbox"/>	The GCCF has been informed that this Claimant is represented by the following attorney:			
<b>Attorney Name</b>	<b>Law Firm</b>			
<b>Address</b>	Street	City	State	Zip

**C. ELECTION TO ACCEPT FINAL PAYMENT OFFER**

<input type="checkbox"/>	I elect to be paid the Final Payment Offer described in my Determination Letter. The GCCF will send you a Release and Covenant Not to Sue that you must sign and return to be paid.
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**SIGNATURE**

<b>Signature of Business Owner or Authorized Business Representative</b>	_____	<b>Date:</b>	____/____/____ (Month/Day/Year)
<b>Name of Person Signing</b> (Print or Type)	_____		

You can send the GCCF documents for a re-review of your claim or complete and send this Election Form to elect to be paid this Final Payment Offer using any of the following ways:

<b>1. By Emailed PDF Attachment:</b> (Emailed no later than midnight your time on your deadline to respond)	Email to <a href="mailto:NoticesandOffers@gccf-claims.com">NoticesandOffers@gccf-claims.com</a>
<b>2. By Mail:</b> (Postmarked no later than your deadline to respond)	Gulf Coast Claims Facility Kenneth R. Feinberg, Administrator P.O. Box 9658 Dublin, OH 43017-4958
<b>3. By Overnight, Certified or Registered Mail:</b> (Placed with the delivery service no later than your deadline to respond)	Gulf Coast Claims Facility Kenneth R. Feinberg, Administrator 5151 Blazer Pkwy., Suite A Dublin, OH 43017-4958
<b>4. By Facsimile:</b> (Sent no later than your deadline to respond)	1-866-682-1772

**ELECTION FORM FOR DETERMINATION LETTER ON LOST PROFITS CLAIM**

Date of Notice:

Deadline to Submit Additional Documentation for R e-R review:

Date Final Payment Offer Expires:

GCCF 1012

5.	<b>Visit a GCCF Site Office:</b> (No later than your deadline to respond)	You can bring the materials to a GCCF Site Office no later than your deadline. Visit <a href="http://www.gulfcoastclaimsfacility.com">www.gulfcoastclaimsfacility.com</a> to see a list of Site Offices, or call 1-800-916-4893 and ask for Site Office locations.
6.	<b>Online Election of Final Payment Offer:</b> (Completed no later than midnight your time for your deadline to elect)	You can accept your Final Payment Offer electronically by visiting the GCCF website at <a href="http://www.gulfcoastclaimsfacility.com">www.gulfcoastclaimsfacility.com</a> and accessing your claim status by clicking on the "Check Claim Status" tab. This is only for accepting the Final Payment Offer and not for sending additional documents for re-review of your claim.

SAMPLE

**FORM INDIVIDUAL LETTER**

[Date]

[Claimant/Attorney Name]  
[Claimant/Attorney Address 1]  
[Address 2]  
[City, State Zip Code]

**RE: Determination Letter on Interim Payment/Final Payment Claim**  
**[Claimant Name]**  
**[Claimant ID:]**

Dear Claimant:

The Gulf Coast Claims Facility (the “GCCCF”) is the official way for Individuals and Businesses to file claims for costs and damages incurred as a result of the Deepwater Horizon Incident on April 20, 2010 (the “Oil Spill”). The GCCCF and its Claims Administrator, Kenneth R. Feinberg, act for and on behalf of BP Exploration & Production, Inc. (“BP”) in fulfilling BP’s statutory obligations as a “responsible party” under the Oil Pollution Act of 1990 (“OPA”).

*All Claimants have the right to consult with an attorney of their own choosing prior to accepting any settlement or signing a release of legal rights.*

This Determination Letter (“Letter”) is an official notification from the GCCCF. The GCCCF has reviewed the Interim Payment and/or Full Review Final Payment Claim Form that you submitted. This Letter informs you of the outcome of that review and describes your options now. If you disagree with the GCCCF’s decision on your Interim Payment or Final Payment claim, you have the right to submit the claim to the National Pollution Funds Center (“NPFC”), the Coast Guard office responsible for evaluating and approving OPA claims, or as an alternative you have the right to file a claim in court, including in the multidistrict litigation pending before the United States District Court for the Eastern District of Louisiana, titled, *In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010* (MDL No. 2179). The multidistrict litigation is a consolidated grouping of federal lawsuits arising out of the Oil Spill. General information on the procedure for filing a claim with the NPFC may be obtained from the Director of the National Pollution Funds Center, NPFC MS 7100, U.S. Coast Guard, 4200 Wilson Blvd., Suite 1000, Arlington, VA 20598-7100, (800) 280-7118, or from the NPFC website at [www.uscg.mil/npfc/claims](http://www.uscg.mil/npfc/claims). Information regarding the multidistrict litigation may be obtained from the court’s website at [www.laed.uscourts.gov](http://www.laed.uscourts.gov).

**VI. The Determination of Your Claim and Calculation of Losses.**

You qualify for compensation from the GCCF. **Attachment A** to this Letter explains the amount, if any, that the GCCF is paying to you now for an Interim Payment as well as an offer for a Final Payment (the “Final Payment Offer”), which is the additional amount you can be paid now if you decide to accept the Final Payment Offer and sign a Release and Covenant Not to Sue (the “Release”). The Release waives and releases any claims that you have or may have in the future against BP and all other potentially responsible parties with regard to the Oil Spill, and prevents you from submitting any claim seeking payment from the NPFC or a court. **Attachment B** to this Letter shows you the periods of your documented losses based upon the records you submitted and also shows you the periods where documents were missing (which means that the GCCF could not award you losses for those periods).

## **VII. Your Interim Payment.**

If **Attachment A** shows that you are entitled to an Interim Payment, the GCCF will follow your payment instructions: (a) if you indicated in your Claim Form that you wished to be paid by wire transfer, the GCCF will wire your payment into your account as you directed; or (b) if you indicated in your Claim Form that you wished to be paid by check, the GCCF has mailed you a check with a hardcopy of this Letter. This Interim Payment is for your past losses for the period after April 20, 2010, and up to the time of the last period for which you submitted records showing your income or losses, as shown in **Attachment B, Section A**. The GCCF has made this Interim Payment to you without requiring you to release or give up any claims or to surrender any litigation rights. You may submit additional Interim Payment Claim Forms along with the Required Documentation to show those damages caused by the Oil Spill, once each calendar quarter, until August 22, 2013. The GCCF will review your claim, issue you a new Determination Letter and send you payment of any additional past losses caused by the Oil Spill as shown in your documents. Your new Determination Letter also will provide a new Final Payment Offer that you will have 90 days to accept. That new Final Payment Offer could be higher, lower, or stay the same as the Final Payment Offer in this Letter, depending upon what your documents show and any new information available to the GCCF at the time about the impact of the Oil Spill on the Gulf region.

## **VIII. Your Final Payment.**

If you want to be paid the amount shown in your Final Payment Offer in **Attachment A** and fully resolve your entire claim now, you can accept your Final Payment Offer. Your Final Payment Offer includes payment for all future damages to you as a result of the Oil Spill, determined according to the Gulf Coast Claims Facility’s Final Rules Governing Payment Options, Eligibility and Substantiation Criteria, and Final Payment Methodology. Your Final Payment Offer is valid for 90 days after the date of this Letter. The last page of this Letter contains an Election Form with a box for you to use to accept the Final Payment Offer and a space for your signature. To accept your Final Payment Offer, check the box on the Election Form indicating that you accept your Final Payment Offer, sign it and return it to the GCCF no later than 90 days after the date of this Letter. We then will send you a Release for you to sign and return to be paid the Final Payment Amount. The GCCF will mail or wire the Final Payment Amount to you as you indicated on your Claim Form within 14 days after receipt of a complete and properly signed Release. You must submit your *original* signature on the Release to the GCCF. The GCCF will not accept faxes, scanned images or photocopies of your signed Release.

You may appeal a Final Payment Offer if your total monetary award (including any Emergency, Interim or Final Payments made by BP or the GCCF) is in excess of \$250,000. The appeal will be reviewed by a panel of three neutrals who will make an independent determination of the claim’s value. BP will have the right to appeal to the panel of three neutrals if your total monetary award (including any Emergency, Interim or Final Payments made by BP or the GCCF) is \$500,000 or more. For further information on the appeal process, visit the GCCF website at [www.gulfcoastclaimsfacility.com](http://www.gulfcoastclaimsfacility.com).

***All Claimants have the right to consult with an attorney of their own choosing prior to accepting any settlement or signing a release of legal rights.***

If you are represented by a lawyer, you should discuss your rights with your lawyer before signing and returning the Release. If you would like to consult with an attorney but cannot afford one, free legal help is available for the GCCF Interim or Final Claims Process, through a network of nonprofit civil legal service organizations in Alabama, Florida, Louisiana, Mississippi and Texas. Information about this free assistance is available on the GCCF website, [www.gulfcoastclaimsfacility.com](http://www.gulfcoastclaimsfacility.com).

If you do not accept the Final Payment Offer, then you may choose to seek additional Interim Payments from the GCCF or request re-review of your Final Payment Offer, as described in this Letter.

**IX. Request for Re-Review of Your Final Offer Amount.**

If **Attachment B, Section B** identifies any missing documentation needed to evaluate your claim fully, you may submit those documents and the GCCF will re-review your claim and issue you another Determination Letter with a new Final Payment Offer. Depending on what your additional documents show, your new Final Payment Offer could be higher, lower or stay the same as the Final Payment Offer in this Letter. If your documents show additional losses caused by the Oil Spill, the GCCF will include those losses in your new Final Payment Offer and will adjust the future damages portion of your Final Payment Offer accordingly. If you want to submit additional documents to the GCCF now for a re-review, send them to the GCCF within 30 days after the date of this Letter. The GCCF will review them and send you a new Final Payment Offer within 30 days after it receives your records.

**X. What to Do if You Have Questions About This Letter.**

If you have any questions about this Letter, you can either visit a GCCF Site Office where local personnel have been retained by the GCCF and are now in place at GCCF Site Offices throughout the Gulf region, or speak to the GCCF Claims Review Specialist identified below who can answer questions about your claim, this Determination Letter, and the calculations used to derive the Interim Payment and/or Final Payment amounts. For TTY assistance call 1-866-682-1758. For more efficient service, have this Letter and your GCCF Claimant Identification Number with you when you call or reference them in your email. If you are represented by an attorney, the GCCF will communicate directly with your attorney.

Your GCCF Claims Review Specialist is: XXXXXXXXXX at 1-800-353-1262.

Sincerely,

Kenneth R. Feinberg  
Claims Administrator  
Gulf Coast Claims Facility

**ATTACHMENT A: EVALUATION OF CLAIM**

**A. ANNUAL PRE-SPILL EARNINGS**

2008	2009	Higher of 2008/2009
\$	\$	\$

**B. CALCULATION OF PAST LOST EARNINGS**

1.	<b>2010 Projected Earnings</b> (projected for May-Dec. 2010 from the higher annual amount in Section A above)	\$
2.	<b>2010 Projected Earnings</b> (projected for the periods in May-Dec. 2010 based upon documented financial records, as shown in Attachment B Section A)	\$
3.	<b>Less: 2010 Actual Earnings</b> (for May-Dec. 2010 from submitted records as shown in Attachment B Section B)	(\$)
4.	<b>2010 Lost Earnings</b> (Row 2 minus Row 3)	\$

**C. INTERIM PAYMENT**

1.	<b>2010 Lost Earnings</b> (from Row 4 in Section B above)	\$
2.	<b>Less Offsets:</b>	
	Payments by BP	(\$)
	GCCF Emergency Payments	(\$)
	GCCF Interim Payments	(\$)
	Other Offsets	(\$)
3.	<b>Calculated Interim Payment</b>	\$
4.	<b>Interim Payment Paid with this Letter</b> (A \$1,000 minimum payment applies to this Interim Payment only.)	\$
5.	<b>Accounting Preparation Expenses and/or Job Seeking Expenses Also Paid With This Letter</b>	\$
6.	<b>Total Payment Sent With This Letter</b>	\$

**D. FINAL PAYMENT OFFER**

<p><b>Final Payment Offer:</b> 2010 Lost Earnings of \$[ ] multiplied by a Recovery Factor of [two/four] times losses = \$ [ ], less the Offsets shown in Section C above and all Interim Payments. If your calculated Final Payment Offer is below \$5,000, your Final Payment Offer is the \$5,000 Quick Payment Amount.</p> <p>If you wish to accept this Final Payment Offer, check the box in Section C of the Election Form on the last page of this letter and sign and return the Election Form.</p>	<p>\$</p>
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**ATTACHMENT B: EXPLANATION OF DOCUMENTED LOST EARNINGS AND INCOME**

**A. PERIODS WITH SUBMITTED FINANCIAL RECORDS**

You submitted documents showing your income and losses for the periods shown below. The GCCF based its calculation of your Interim Payment Amount, if any, and the Calculated Final Payment Offer upon this submitted documentation for those periods.

	<b>2010 Month</b>	<b>Periods With Documents</b>	<b>Source of Earnings/Income</b>
<b>1.</b>			
<b>2.</b>			

**B. PERIODS FOR WHICH FINANCIAL RECORDS ARE MISSING**

You did not submit documents showing your income and losses for the Periods Missing Documents identified below. Nor did you provide any proof that that you did not receive any income during those periods. The GCCF can re-review your claim if you want to seek payment for any losses during those periods and if you submit the documents. The GCCF Document Requirements that accompanied the Claim Form listed the required supporting documentation to show income for these periods. You may submit these records to document the Periods Missing Documents identified below:

**Individual Claimants:**

- (c) Federal income tax returns, including all W-2 forms, 1099 forms, and other attachments or schedules to each return.
- (d) State tax returns, including all W-2 forms, 1099 forms, and other attachments or schedules to each return.
- (e) Paycheck stubs or other payroll records from all employment demonstrating earnings.
- (f) A letter or other records from an employer that describes when you were working and your rate of pay and total earnings, or why you were not working.

	<b>Periods Missing Documents</b>
<b>1.</b>	
<b>2.</b>	

GCCF 1012	<b>ELECTION FORM FOR DETERMINATION LETTER ON LOST EARNINGS AND INCOME CLAIM</b> Date of Notice: 2/11/11 Deadline to Submit Additional Documentation for Re-Review: 3/12/11 Date Final Payment Offer Expires: 5/11/11
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**D. CLAIMANT INFORMATION**

<b>Claimant Name</b>		<b>Claimant Number</b>	
<b>Address</b>	Street	City	State Zip
<b>Claimant Type</b> (Individual or Business)	<b>Business Type</b>	<b>Zip Code of Loss</b>	

**E. ATTORNEY REPRESENTATION INFORMATION**

<input type="checkbox"/>	The GCCF has no information that this Claimant is represented by an attorney.
<input type="checkbox"/>	The GCCF has been informed that this Claimant is represented by the following attorney:
<b>Attorney Name</b>	<b>Law Firm</b>
<b>Address</b>	Street City State Zip

**F. ELECTION TO ACCEPT FINAL PAYMENT OFFER**

<input type="checkbox"/>	I elect to be paid the Final Payment Offer described in my Determination Letter. The GCCF will send you a Release and Covenant Not to Sue that you must sign and return to be paid.
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**SIGNATURE**

<b>Claimant Signature</b>		<b>Date</b>	____/____/____ (Month/Day/Year)
<b>Name of Person Signing</b> (Print or Type)			

You can send the GCCF documents for a re-review of your claim or complete and send this Election Form to elect to be paid this Final Payment Offer using any of the following ways:

7.	<b>By Emailed PDF Attachment:</b> (Emailed no later than midnight your time on your deadline to respond)	Email to <a href="mailto:NoticesandOffers@gccf-claims.com">NoticesandOffers@gccf-claims.com</a>
8.	<b>By Mail:</b> (Postmarked no later than your deadline to respond)	Gulf Coast Claims Facility Kenneth R. Feinberg, Administrator P.O. Box 9658 Dublin, OH 43017-4958
9.	<b>By Overnight, Certified or Registered Mail:</b> (Placed with the delivery service no later than your deadline to respond)	Gulf Coast Claims Facility Kenneth R. Feinberg, Administrator 5151 Blazer Pkwy., Suite A Dublin, OH 43017-4958
10.	<b>By Facsimile:</b> (Sent no later than your deadline to respond)	1-866-682-1772

<b>ELECTION FORM FOR DETERMINATION LETTER ON LOST EARNINGS AND INCOME CLAIM</b>	
Date of Notice: 2/11/11 Deadline to Submit Additional Documentation for Re-Review: 3/12/11 Date Final Payment Offer Expires: 5/11/11	
GCCF 1012	
<b>11.</b>	<p><b>Visit a GCCF Site Office:</b> (No later than your deadline to respond)</p> <p>You can bring the materials to a GCCF Site Office no later than your deadline. Visit <a href="http://www.gulfcoastclaimsfacility.com">www.gulfcoastclaimsfacility.com</a> to see a list of Site Offices, or call 1-800-916-4893 and ask for Site Office locations.</p>
<b>12.</b>	<p><b>Online Election of Final Payment Offer:</b> (Completed no later than midnight your time for your deadline to elect)</p> <p>You can accept your Final Payment Offer electronically by visiting the GCCF website at <a href="http://www.gulfcoastclaimsfacility.com">www.gulfcoastclaimsfacility.com</a> and accessing your claim status by clicking on the "Check Claim Status" tab. This is only for accepting the Final Payment Offer and not for sending additional documents for re-review of your claim.</p>

SAMPLE