

VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS

(Updated September 16, 2003)

Section 2 – Eligibility

2.1 Who is an eligible claimant?

- Individuals present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who suffered physical harm as a direct result of the terrorist-related aircraft crashes.
- The "Personal Representatives" of deceased individuals aboard American Airlines flights 11 or 77 and United Airlines flights 93 or 175, except for terrorists (also see Section 3 below).
- The Personal Representatives of individuals who were present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who died as a direct result of the terrorist-related aircraft crashes.

2.2 What does present at the site mean?

If the Victim was not on board a hijacked aircraft, he or she must have been physically present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site. This means he or she was (1) in the buildings or portions of buildings that were destroyed as a result of the airplane crashes or (2) in any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or collapse of buildings (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

2.3 When did the Victim have to be present at the site

The Victim had to be present at the site at the time of the crashes or in the immediate aftermath of the crashes:

- For a Victim who was not a rescue worker, this means the period of time from the crashes until 12 hours after the crashes.
- If the Victim was a rescue worker who assisted in efforts to search for and recover other Victims, this means the period from the crashes until 96 hours after the crashes.

2.4 How do I prove that the victim was present at the site?

You will need to provide documents that establish the Victim's presence at the site at the time or in the immediate aftermath of the attacks. For Victims killed as a result of the attacks, you will need to provide a certified copy of the death certificate.

In addition, for Victims killed at the World Trade Center:

If the death certificate says that the Victim's body or DNA evidence was found, then no additional documentation is necessary.

If the death certificate says the Victim's body was not found, you will also need to provide additional documentation that the Victim was present at the site at the time or in the immediate aftermath of the crash. Documentation could include an affidavit from the Victim's employer.

For those injured as a result of the attacks, you will need to provide documentation showing you were injured at the site (e.g., affidavit from employer, employment records).

2.5 How do I establish that the Victim was aboard an aircraft?

The Personal Representative should provide a certified copy of the Death Certificate.

2.6. What type of injury must a Victim have suffered to be eligible for compensation?

The statute provides that persons who suffered physical harm or death are eligible. The regulations define physical harm to mean:

- A physical injury to the body that was treated by a medical professional within 24 hours of the injury having been sustained, or within 24 hours of rescue, or within 72 hours of injury or rescue for those Victims who were unable to realize immediately the extent of their injuries or for whom treatment by a medical professional was not available on September 11th or within such time period as the Special Master may determine for rescue personnel who did not or could not obtain treatment by a medical professional within 72 hours, **and**
- Required hospitalization as an in-patient for at least 24 hours **or** caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

2.7. What if I did not suffer bodily injury, but I inhaled smoke and dust and was covered with smoke and ash? Am I eligible?

To be eligible, you must have suffered physical injury to the body that was treated within 24 hours of the injury having been sustained, or within 24 hours of rescue, or within 72 hours of injury or rescue for those Victims who were unable to realize immediately the

extent of their injuries or for whom treatment by a medical professional was not available on September 11th, and you must have been hospitalized for 24 hours or suffered disability, incapacity, or disfigurement. For rescue workers, the Special Master has the discretion of extending the 72 hour period for treatment on a case-by-case basis.

2.8 How do I prove I suffered the required physical harm as a result of the terrorist-related crashes?

You must provide certified medical records created by or at the direction of the medical professional who provided you medical care.

2.9 How do I establish that the Victim was killed as a result of the terrorist-related activities?

The Personal Representative must attach a certified copy of a Death Certificate or similar official documentation. For Victims at the World Trade Center, you will need to provide additional documentation showing that the Victim was present at the time of the attack (for example, an affidavit from the Victim's employer, sworn statements confirming the Victim's presence on site, employment records).

The following companies have supplied affidavits to the Victim Compensation Fund:

AON

Carr Futures

Fiduciary Trust Int'l.

Marsh & McLennan

Sandler O'Neil

Cantor Fitzgerald

Euro Brokers

Keefe, Bruyette

NYC Fire Dept.