

# **ATTACHMENT D**

United States v. City of New York  
FDNY Discrimination Case  
Claims Administrator  
c/o GCG  
PO Box 9000 #6541  
Merrick, NY 11566-9000  
(Toll-free Number) 1 (866) 297 – 7120  
CNY0123456789



Charlie Claimant  
123 Smith Street  
Smithtown, NY 12345

Mailing Date: July \_\_, 2014  
**Claimant No: 123456**

RE: *United States and Vulcan Society, et al. v. City of New York*, 07-CV-2067  
(E.D.N.Y.) (NGG) (RLM) (“FDNY Litigation”)

Dear Claimant:

Because of a proposed settlement of the FDNY litigation, you are entitled to an award of back pay and fringe benefits (plus interest).

You are an eligible [insert damages category] Claimant in this case. Your proposed individual monetary relief award is:

Back pay:	[insert back pay award]
Fringe benefits:	[insert fringe benefits award]
Interest:	[insert total interest award]
<b>TOTAL:</b>	<b>[insert sum of the above]</b>

***[Each Claimant will receive only one of the following three paragraphs: (1) Nonhire Claimants whose interim earnings were known, (2) the 19 Nonhire Claimants for whom we assumed the maximum average interim earnings, and (3) Delayed-Hire Claimants]***

***[(1) For Nonhire Claimants whose interim earnings were known]*** Your back pay award was calculated based on your average annual employment earnings during the time period in which your back pay damages accrued, as reflected by (1) your earnings statement from the Social Security Administration (“SSA”); (2) any payments made by the City to you for unemployment insurance or worker’s compensation; and/or (3) any additional earnings from a railroad employer. You may view the documents relied on to calculate your average annual employment earnings in your claimant portal.

***[(2) For the 19 Nonhire Claimants for whom we assumed the maximum average interim earnings]*** Back pay awards were calculated based on each claimant’s average annual

employment earnings during the time period in which his/her back pay damages accrued, as reflected by (1) his/her earnings statement from the Social Security Administration (“SSA”); (2) any payments made by the City to him/her for unemployment insurance or worker’s compensation; and/or (3) any additional earnings from a railroad employer. Because you failed to respond to multiple requests for information about your employment earnings, your actual earnings were not known. You were assumed to have earned the maximum amount of average interim earnings, and, as a result, you were awarded the minimum amount of back pay. If you choose to object to your proposed award and to provide the outstanding requested information regarding your interim earnings, the Court may agree to provide you with an increased back pay award.

**[(3) For Delayed-Hire Claimants]** Your back pay award was calculated based on the delay in hiring you experienced, as determined by the number of months between the first FDNY Academy class hired off of the eligible list of the exam for which you are eligible for relief and the FDNY Academy class to which you were appointed. If you were appointed to the FDNY more than once, your delay in hiring was determined based on your first FDNY appointment date. Your back pay award was calculated based on the following FDNY appointment date and number of months of delay:

FDNY appointment date: [insert FDNY Academy Class]  
Months of delay: [insert Months of Delay]

Your fringe benefits award was calculated as the sum of (1) a fixed, minimal award (“Fixed Share”), which was provided to all claimants, and (2) a proportion of your claimed expenses, subject to a cap on reimbursable expenses (“Claimed Expenses Share”). Your fringe benefits award of [insert fringe benefits award] is broken down as follows:

Fixed Share: [insert Fixed Share]  
Claimed Expenses Share: [insert Claimed Expenses Share]

Your proposed individual monetary relief award may change based on the Court’s review of claimant objections. Your award may increase if fewer than 1,470 claimants accept their awards. In addition, your final award will be decreased by any applicable amounts required to be withheld by law, such as federal, New York State, District of Columbia, New York City, and Yonkers income taxes, child support liens, and employee pension contributions. If you are a priority hire or a Delayed-Hire Claimant who was appointed to the FDNY after your presumptive hire date who is still employed by the FDNY, then your employee pension contribution will be withheld from your individual monetary relief award because the Court awarded you retroactive seniority. You will be responsible for paying any additional employee-side state income taxes if you live in a state other than New York or the District of Columbia.

Please review the enclosed “Notice of Monetary Relief Settlement & Fairness Hearing,” which describes the lawsuit and a summary of the terms of the settlement. The full text of the proposed settlement is set out in the Monetary Relief Consent Decree, which is available at [www.FDNYlitigation.com](http://www.FDNYlitigation.com).

If your contact information changes at any time, please contact GCG at [questions@FDNYlitigation.com](mailto:questions@FDNYlitigation.com) or (866)297-7120. Otherwise, we may be unable to contact you about your individual monetary relief award.

Sincerely,

Claims Administrator

Enclosure