

Alert No. 2016-3

U.S. ASR Hip Settlement Alert – 3/15/16

Status of Miscellaneous EIF Claims in the 2013 Settlement Program

1. **Introduction.** This Alert provides an update on the timing of notices for Extraordinary Injury Fund claims filed under Matrix Level II Miscellaneous and Matrix Level VII (“Miscellaneous EIF Claims”).
2. **Miscellaneous EIF Claim Review Processing.** The SOC, Claims Administrator, and Claims Processor determined that the following claims processing rules are applicable to Miscellaneous EIF Claims.
 - (a) The Claims Processor will use the same criteria to evaluate EIF Claims filed on Matrix Level II Miscellaneous and Matrix Level VII.
 - (b) The Claims Processor will issue a separate EIF Notice for each distinct Miscellaneous EIF Claim filed by a claimant under these Matrix Levels. This will give claimants the option to pursue contests and appeals of one Miscellaneous EIF Claim, while accepting the Claims Processor’s determination as to another.
 - (c) The front page of each EIF Notice will contain an Injury Description detailing the asserted injury associated with the specific EIF Claim ID.
3. **Denials for Miscellaneous EIF Claims.** The Claims Administrator and Claims Processor have performed preliminary evaluations for all Miscellaneous EIF Claims to determine the nature of injuries alleged by claimants. The Settlement Agreement, under Section 8.4.15.1, permits Miscellaneous Extraordinary Injury Awards for injuries neither anticipated nor addressed by the other terms of the PART B Award Program. The Claims Processor will deny claims for injuries asserted or re-filed under Matrix Level II Miscellaneous or Matrix Level VII where a different Matrix Level addresses the specific injury type claimed.
4. **EIF Interim Payments.** There will be no Interim Payments for Miscellaneous EIF Claims. The Claims Processor will pay eligible Miscellaneous EIF Claims the full value assigned, after the resolution of any contests and appeals or the claimant accepts the award amount.
5. **Matrix Level VII Lost Earnings Claims.** The Claims Processor posted a separate alert detailing documentation requirements for Matrix Level VII Lost Earnings claims. Attorneys and claimants pursuing claims for extraordinary unreimbursed out-of-pocket loss of earnings under Matrix Level VII should review Alert No. 2016-1 “Documentation Requirements for Matrix Level VII Lost Earnings Claims” for additional details on the documentation required to support these claims.

6. ***PART B Extraordinary Injury Fund Claims filed in the 2015 Settlement Program.*** This Alert pertains only to PART B Extraordinary Injury Fund Claims filed in the 2013 Settlement Program.
7. ***Questions.*** If you have any questions about this Alert, call or email your assigned Claims Processor contact, email us at claimsprocessor@usarhipsettlement.com, or call 1 (877) 391-3169.