

Overview of Sample Damage Claim

The following pages show sample documentation that someone might submit to the National Pollution Funds Center if his or her boat were damaged by an oil spill and required cleaning. The sample includes typical correspondence that might occur after the claimant submits the claim as well as the forms and letters he might receive if the claim is accepted. (All names and places are fictional.)

The Spill

On October 1, 2003, the Durwood Marina in Coleman, Virginia, discovered oil sheen in the marina. The marina contacted the United States Coast Guard, which arrived on scene and took over the response effort. In order to clean up the spill, the Coast Guard hauled five boats out of the water, including one owned by our claimant, Jim Floyd. No one was able to determine what caused the oil sheen; thus, the responsible party was never identified.

The Claim

Mr. Jim Floyd submitted a claim to the NPFC for \$800, the estimated cost of cleaning the oil off his boat, the *Virginia Rose*. He arrived at this number by requesting an estimate for the cleaning from two companies and submitting the smaller amount (although you don't necessarily need to claim the lowest estimate you receive). He included several types of documentation to support his claim.

Document	Purpose/Comments	Page
Letter of explanation	Summarizes the claim and submitted documentation.	2
Completed Optional OSLTF Claim Form	Available from NPFC's Web site, www.uscg.mil/npfc .	3-4
Copy of Durwood Marina's incident report	Shows that the incident falls under the Oil Pollution Act (OPA) and that the <i>Virginia Rose</i> was damaged.	5
Photographs of the damage	Shows extent of damage to the <i>Virginia Rose</i> .	6
Cost estimates for cleaning his boat, one from Jackson's Boat Yard and the other from Brown's Boat Services	Shows that the amount of the claim (\$800) is reasonable.	7-8
Copy of invoice for most recent haulout	Shows how well the <i>Virginia Rose</i> has been maintained.	9

Request for More Information

The NPFC Claims Manager assigned to the claim needed proof that Mr. Floyd owned the damaged boat, so Mr. Floyd faxed him a copy of the *Virginia Rose* title.

Acknowledgement Letter from Claims Manager	Shows the NPFC has received the claims package and requests additional documentation.	10
Boat Title to the <i>Virginia Rose</i>	Proves that Mr. Floyd owns the <i>Virginia Rose</i> .	11

The Offer Letter

Once the Claims Manager had all the documentation, he evaluated the claim and determined that Mr. Floyd's claim met all the criteria for a claim under OPA and that his request for \$800 was reasonable. The determination package informs Mr. Floyd of this decision and the final steps he needs to take before he can receive payment for his damage.

Offer Letter from Claims Manager	Informs Mr. Floyd that his claim is compensable. Includes the documents below.	12
Claim Summary/Determination Form	Summarizes the claim, describes how it meets OPA's criteria, and explains why the full \$800 claim is reasonable.	13
Adjudication Spreadsheet	Details what Mr. Floyd requested and will receive.	14
Acceptance/Release Form	Mr. Floyd must sign this form to indicate he will not accept compensation from someone else and to give the U.S. government the authority to seek reimbursement from the responsible party.	15

Letter of Explanation

Sample Damage Claim

Although not required, a letter of explanation is very helpful because it puts the claim in context and gives you a chance to explain what happened.

1009 46th Street
Coleman, VA 01944

October 12, 2003

Director (CA)
National Pollution Funds Center
4200 Wilson Boulevard, Suite 1000
Arlington, VA 22203

Sir or Madam:

I own a 24-foot boat, the Virginia Rose, which I keep in the Durwood Marina in Coleman, Virginia. As you are probably aware, the Durwood Marina is located on the Chesapeake Bay, a navigable water of the United States. I bought the boat in 1998 as a weekend pleasure boat for my family and myself.

On October 1st, someone from the marina called me and said they had discovered some oil in the water that morning and were going to haul out all the boats in the contaminated area. They asked for my permission to haul out my boat to help with the clean up effort and I said that would be fine. By the time I got to the marina, my boat had been hauled out.

The Coast Guard was on scene, but did not find out where the oil spill came from. I saw a copy of the National Pollution Funds Center's advertisement for claims in the Coleman Times newspaper and would like to put in a claim for my damages. I have included in this package several documents showing my damage. I have estimates from two local boat yards to clean the oil off my boat, a copy of the marina's incident report, and a copy of the bill from the last time I had my boat hauled out, which was last October. There are also several pictures of my boat after the spill.

If you need anything else, please call me at home (540-555-0101) or at work (540-555-1010). Thank you.

Sincerely,

Jim Floyd

Jim Floyd

You do not need to use this form to submit a claim, but your submission must contain all of the information and signatures included on the form.

Department of Homeland Security
U.S. Coast Guard
National Pollution Funds Center
4200 Wilson Boulevard, Suite 1000
Arlington, VA 22203-1804

Optional OSLTF Claim Form

CG NPFC-CA1
(Rev. April 03)

PURPOSE: This form may be used for submitting claims to the U.S. Coast Guard, National Pollution Funds Center, for potential compensation from the Oil Spill Liability Trust Fund for uncompensated removal costs or damages resulting from an incident under the Oil Pollution Act of 1990 (OPA). You may use your own version of this form. PLEASE PRINT OR TYPE.

1. Claimant Information: Name: Jim Floyd
Address: 1009 46th St.
Coleman, VA 01944
Home Tel. #: 540-555-0101 Work Tel. #: 540-555-1010
Fax Number: _____ E-mail: _____

2. Incident Information: Date: 10/1/2003 Time: 8:00 a.m. NRC Report #: _____
Name of vessel or facility causing damage: Unknown
Geographic location of incident: Durwood Marina, Coleman, VA
Brief description of the incident: On the morning of October 1st, the marina discovered that there was oil around several boats, but the source of the oil was never identified.

3. Type(s) of claim(s) and total amount for costs and damage(s) claimed:

\$ _____	Subsistence Use	\$ _____	Profits & Earning Capacity	\$ _____	Removal Costs
\$ _____	Natural Resources	\$ _____	Government Revenues	\$ <u>800</u>	Public Services
					Real or Personal Property

\$ 800 Total Amount Claimed

4. Has claimant communicated with the responsible party? No Yes

5. Has the claim been submitted to the responsible party? No Yes Date Submitted: _____

6. If the claim has been submitted to the responsible party, what action has the responsible party taken?

No Action Denied Other – Explain:
Responsible party unknown at this time.

7. Has claimant commenced an action in court to recover costs which are the subject of the claim?

No Yes If yes, provide the name, address, phone number of your attorney, the court in which action is pending and the civil action number: _____

CG NPFC-CA1 (APR 03)
Previous edition can be used

Page 1 of 2

Initials/Date: JF / 10/4/03

Total Amount Claimed is also called the **sum certain**. This amount is required to submit a claim.

You must first submit your claim to the responsible party (RP) before submitting it to the NPFC. If the RP has denied your claim, include the denial letter in your claim package.

In this sample claim, the claimant has indicated that no RP was identified for the incident.

Optional OSLTF Claim Form

CG NPFC-CA1

8. Has claimant submitted or planned to submit the loss to an insurer? [X] No [] Yes Please provide the name, address, and phone number of your insurer, the policy number, and explain any compensation received:

9. Description of the nature and extent of damages claimed (Attach additional information as necessary): _____

Please see my letter that should come along with this claim form.

10. Description of how the incident caused the damage: The oil stained my boat and had to be buffed off.

11. Description of actions taken by claimant/representative to avoid or minimize damages: By the time I got to the marina, my boat had been hauled out. I made two visits to local marinas for estimates.

12. Witnesses:

Name: John Malcolm Tel. No.: 540-555-1615

Address: 1015 46th Street Coleman, VA 01944

Name: Paula Randall Tel. No.: 540-555-1492

Address: 1321 46th Street Coleman, VA 01944

13. List Documents or Attachments (Attach additional information as necessary):

- a. Letter of explanation
b. 2 estimates (Jackson's Boat Yard & Brown's Boat Services)
c. Marina's incident report
d. Bill for last haulout
e. Pictures of incident

I, the undersigned, agree that upon acceptance of any compensation from the Fund, I will cooperate fully with the United States in any claim or action by the United States to recover the compensation. The cooperation shall include, but is not limited to, immediately reimbursing to the Fund any compensation received from any other source for the same costs and/or damages and, providing any documentation, evidence, testimony, and other support, as may be necessary for the Fund to recover such compensation.

I, the undersigned, certify that, to the best of my knowledge and belief, the information contained in this claim represents all material facts and is true. I understand that misrepresentation of facts is subject to prosecution under Federal law (including but not limited to 18 U.S.C. 287 & 1001 and 31 U.S.C. 3729).

14. Jim Floyd 10/4/03 15. Claimant's Signature Date Legal Representative Date
Printed Name of Signer: Jim Floyd Title/Legal Capacity:

CG NPFC-CA1 (APR 03)

Page 2 of 2

Previous edition can be used

You must provide supporting documentation for your claim. The more support you provide, the faster the government can process your claim.

You must provide your original signature.

You do not need a lawyer to submit a claim.

Durwood Marina Incident Report

Here, a marina report is included to prove that the incident falls under the Oil Pollution Act (OPA) and that the claimant was damaged.

A marina report is just one example of supporting documentation. Any information you can provide will be considered.

Incident Date: 1 October 2003

Incident Time: 0800

Reporting Officer: Gary Gordon

Description of Incident:

During a routine inspection at 0800, Gary Gordon discovered an oil sheen in the water under Docks 1 and 2. Further inspection revealed that the sheen extended as far as Dock 6. Officer Gordon immediately contacted the Durwood Marina's main office, which in turn contacted the United States Coast Guard.

The Coast Guard arrived on scene within thirty minutes and assumed responsibility for the response effort. The Coast Guard established an emergency boat cleaning station to remove the worst of the oil on the docked boats so that they could clean the water. It was determined that the clean up effort would be easier if the boats were hauled out to make room for the response equipment. Marina representatives contacted all affected boat owners and secured permission to haul out their boats. Once the boats were hauled out, the Coast Guard continued with the clean-up operation. Officer Gordon began contacting boat owners to let them know about the boat haulouts.

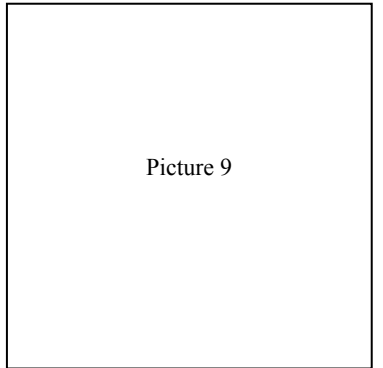
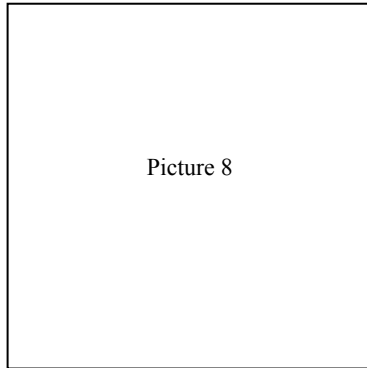
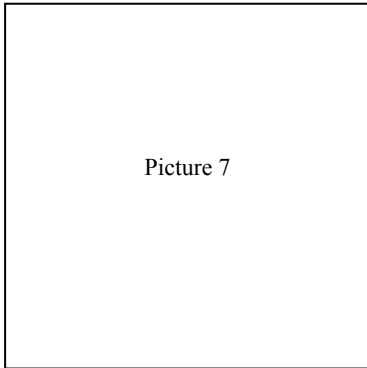
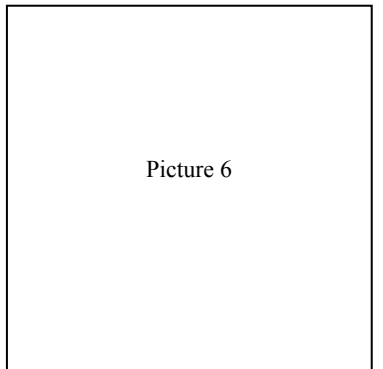
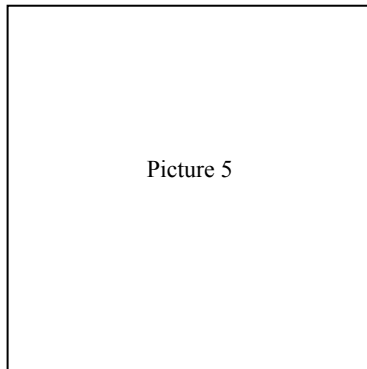
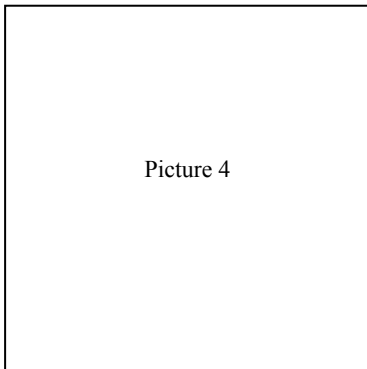
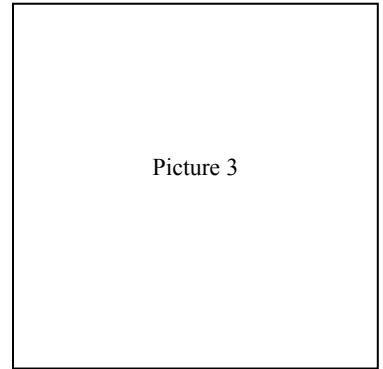
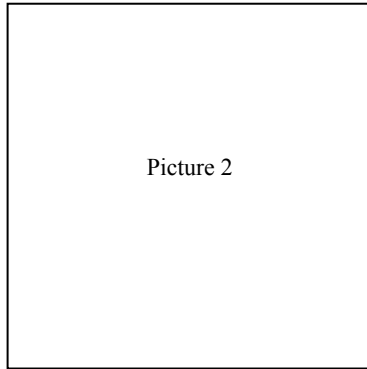
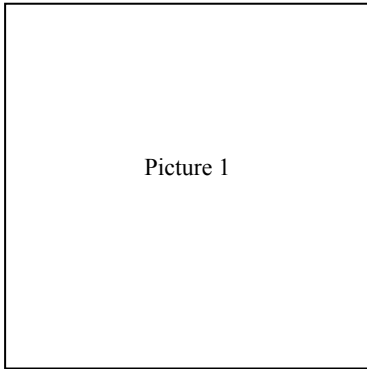
In all, five recreational boats were affected by the spill: the Virginia Rose, the Maggie May, the Sea Gull, the Mandy Lynn, and the Evening Tide. No commercial vessels were affected and the marina was reopened to boat traffic at 1400 on 2 October 2003.

The Coast Guard took samples of the oil, but, as of this writing, has been unable to determine the source of the spill. Those with potential oil spill claims have been referred to the Coast Guard's National Pollution Funds Center.

Incident Closed: 2 October 2003

Photographs

Labeled or annotated photographs are an excellent way to prove damages. Many claimants circle or highlight the oil damage on the photos.



Written Estimate # 1

Sample Damage Claim

One of the best ways to support a damage claim is to provide a written estimate. You need not necessarily have repaired the property.

A receipt for completed work is also good evidence.

Jackson's Boat Yard

1126 79th Street
Coleman, Virginia 01944

Tel. 540-555-1212

Fax: 540-555-2121

3 October 2003

Estimates should be from an outside party. They should have letterhead with the name, address, and phone number of the person or business doing the work.

Estimate Prepared by William Austin, Owner, for Virginia Rose

Power Wash.....	\$500.00
Buffing.....	\$150.00
Wax	
Materials.....	\$50.00
Labor.....	\$65.55
VA Sales Tax (4.5%).....	\$34.45
<u>Total.....</u>	<u>\$800.00</u>

Estimates and receipts must be itemized for the cost of parts and labor.

A second or even third estimate helps to show that the amount that you are claiming is reasonable.

(The NPFC does not necessarily use the lowest estimate.)



**1010 44th Street
Coleman, Virginia 01944**

Tel. 540-555-3636

Fax: 540-555-6363

4 October 2003

Estimate Prepared by Rodney Spencer, Owner, for Virginia Rose

Power Wash.....	\$600.00
Buffing.....	\$250.00
Wax	
Materials.....	\$70.00
Labor.....	\$150.00
Sales Tax.....	\$48.15
<u>Total.....</u>	<u>\$1,118.15</u>

Invoice for Most Recent Haulout

Sample Damage Claim

The claimant is submitting a copy of the invoice for the most recent haulout to indicate how well the boat has been maintained.

Jackson's Boat Yard

1126 79th Street
Coleman, Virginia 01944

Tel. 540-555-1212

Fax: 540-555-2121

8 October 2003

Haulout invoice prepared by William Austin, Owner, for Virginia Rose

Haulout.....	\$500.00
VA Sales Tax (4.5%).....	22.50
<u>Total.....</u>	<u>\$522.50</u>

Acknowledgement Letter

Sample Damage Claim

Once you submit your claim to NPFC, the claims manager will send you an acknowledgement letter similar to this one.

U.S. Department
of Homeland
Security

United States
Coast Guard



Director
National Pollution Funds Center
United States Coast Guard

4200 Wilson Blvd.
Suite 1000
Arlington, VA 22203-1804
Staff Symbol: (CA)
Phone: 202-555-1212

10/20/03

Jim Floyd
1009 46th Street
Coleman, VA 01944

Re: Claim Number: X09889-001

Dear Mr. Floyd:

My name is John Doe and I am a Claims Manager for the National Pollution Funds Center (NPFC). I am in the process of reviewing the claim you submitted in October of 2003. In order to proceed with the adjudication process, I would like a copy of the title to your boat. Thank you for the information you submitted initially, as it has been very helpful so far.

If you have any questions about the request or would like to discuss the matter, you may write me at the above address or contact me by phone at 202-555-1212.

Sincerely,

John Doe

John Doe
Claims Manager

If your claims package is missing any documentation, the claims manager will request the additional information.

If the NPFC must request additional information, the time to adjudicate your claim may significantly increase.

Proof of Ownership or Lease

Sample Damage Claim

You must submit proof that you own or lease the property that you are claiming to be damaged.

If showing ownership of a boat, include the manufacturer's hull identification number (which is different from the state registration number).

Title of Ownership			
Name: Jim Floyd			
Address: 1009 46th Street		City: Coleman	State: VA ZIP: 01994
Boat Name: Virginia Rose			
Hull Identification Number: HX0989			
Make: Bayliner			
Model: 2432			
Year: 1987			
Length: 24'			
Signing Official:		Eric Daltry	<i>Eric Daltry</i>
Comments:			

Offer Letter

Sample Damage Claim

If the NPFC determines that some or all of your claim is compensable, you will receive an offer letter similar to this one.

U.S. Department
of Homeland
Security

United States
Coast Guard



Director
National Pollution Funds Center
United States Coast Guard

4200 Wilson Blvd.
Suite 1000
Arlington, VA 22203-1804
Staff Symbol: (CA)
Phone: 202-555-1212

11/01/03

Jim Floyd
1009 46th Street
Coleman, VA 01944

Re: Claim Number X09889-001

Dear Mr. Floyd:

The National Pollution Funds Center (NPFC) proposes to pay you \$800.00 as full settlement for the claim number X09889-001.

This settlement offer is based on an analysis of the information submitted. Please see the attached spreadsheet and the Claim Summary/ Determination Form for further details.

All costs not being offered for reimbursement are considered denied. You may make a written request for reconsideration of this claim. The reconsideration must be received by the NPFC within 60 days of the date of this letter and must include the factual or legal basis of the request for reconsideration, providing any additional support for the claims. Reconsideration will be based upon the information provided and a claim may be reconsidered only once. Disposition of the reconsideration will constitute final agency action. Failure of the NPFC to issue a written decision within 90 days after receipt of a timely request for reconsideration shall, at the option of the claimant, be deemed final agency action. All correspondence should include the corresponding claim number.

Mail the reconsideration request to:

Director (Ca)
National Pollution Funds Center
U.S. Coast Guard
4200 Wilson Boulevard, Suite 1000
Arlington, VA 22203-1804

If you accept this offer, please sign the enclosed Acceptance/Release Form where indicated and return to the above address.

If we do not receive the signed original Acceptance/Release Form within 60 days of the date of this letter, the offer is void. If the settlement is accepted, your payment will be mailed within 30 days of receipt of the Release Form.

If you have any questions or would like to discuss the matter, you may contact me at the above address or phone number.

Sincerely,

John Doe

John Doe
Claims Manager

ENCL: Claim Summary/Determination Form
Adjudication Spreadsheet
Acceptance/Release Form

Claim Summary/Determination Form

Included with the offer letter is a determination form that explains how the NPFC arrived at its decision.

CLAIM SUMMARY / DETERMINATION FORM

Date : 11/01/03
Claim Number : X09889-001
Claimant : Jim Floyd
Type of Claimant : Private (US)
Type of Claim : Real or Personal Property
Claim Manager : John Doe
Amount Requested : \$800.00

BACKGROUND:

On 1 October 2003, Gary Gordon, an employee of the Durwood Marina in Coleman, Virginia, discovered oil sheen in the marina. The marina contacted the United States Coast Guard, which arrived on scene around 0830 and took over the clean up effort. There were five affected boats, which the Coast Guard hauled out in order to clean the water. No responsible party has been identified in connection with this incident.

Mr. Jim Floyd submitted a claim to the NPFC for the subsequent cleaning of his boat, the Virginia Rose. Mr. Floyd saw the NPFC's advertisement for claims and submitted two estimates for his damage, a copy of Durwood Marina's incident report, photographs of his damage, and a copy of the bill from the last time his boat was hauled out. In a letter dated 20 October 2003, the NPFC requested a copy of Mr. Floyd's boat title to ensure that he is indeed the owner of the Virginia Rose. Mr. Floyd faxed a copy of the title the next day.

DETERMINATION OF LOSS:

Mr. Floyd's claim is composed of four parts: a power wash (\$500), buffing (\$150), waxing (\$50 for materials and \$65.55 for labor), and taxes (\$34.45). He submitted two estimates for the boat cleaning and is claiming the lesser amount. These amounts are consistent with amounts claimed for the other claims the NPFC has received from this incident. Furthermore, each of the costs is compensable under the Oil Pollution Act of 1990 (OPA). There is no apparent reason to deny any part of Mr. Floyd's claim. The attached spreadsheet summarizes this determination.

AMOUNT:

Claimed: \$800.00
Allowed: \$800.00
Percentage: 100%

RECOMMENDATION:

I recommend that the NPFC pay Mr. Floyd \$800.00 as full compensation for claim X09889-001.

Adjudication Spreadsheet

Additional information may also be included with complex claims and determinations.

Although this sample claim is not complex, this spreadsheet is an example of the additional information you may see.

Jim Floyd - Virginia Rose

Item	Amount Requested	Allowable Amount
Power Wash	\$500.00	\$500.00
Buffing	\$150.00	\$150.00
Wax		
Materials	\$50.00	\$50.00
Labor	\$65.55	\$65.55
VA Sales Tax	\$34.45	\$34.45
Total	\$800.00	\$800.00

Acceptance/Release Form

Sample Damage Claim

If satisfied with the offer, the claimant must sign a release similar to this one and return it to the NPFC.

If not satisfied, the claimant may request reconsideration within 60 days of the date of the offer letter (11/01/03 in this example).

U.S. Department
of Homeland
Security

United States
Coast Guard



Director
National Pollution Funds Center
United States Coast Guard

4200 Wilson Blvd.
Suite 1000
Arlington, VA 22203-1804
Staff Symbol: (CA)
Phone: 202-555-1212

Claim Number: X09889-001	Claimant Name: Jim Floyd 1009 46 th Street Coleman, VA 01944
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I, the undersigned, ACCEPT the settlement offer of \$800.00 as full compensation for all claims listed.

This settlement represents full and final release and satisfaction of all claims under the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)), associated with above claims. This settlement is not an admission of liability by any party. I hereby assign, transfer, and subrogate to the United States all rights, claims, interest and rights of action, that I may have against any party, person, firm or corporation that may be liable for the loss. I authorize the United States to sue, compromise or settle in my name and the United States fully substituted for me and subrogated to all of my rights arising from the incident. I warrant that no legal action has been brought regarding this matter and no settlement has been or will be made by me or any person on my behalf with any other party for costs which are the subject of the claim against the Oil Spill Liability Trust Fund (Fund).

I, the undersigned, agree that, upon acceptance of any compensation from the Fund, I will cooperate fully with the United States in any claim and/or action by the United States against any person or party to recover the compensation. The cooperation shall include, but is not limited to, immediately reimbursing the Fund any compensation received from any other source for the same claim, providing any documentation, evidence, testimony, and other support, as may be necessary for the United States to recover from any other person or party.

I, the undersigned, certify that to the best of my knowledge and belief the information contained in this claim represents all material facts and is true. I understand that misrepresentation of facts is subject to prosecution under federal law (including, but not limited to 18 U.S.C. 287 and 1001).

_____	_____
Title of Person Signing	Date of Signature
_____	_____
Typed or Printed Name of Claimant or Name of Authorized Representative	Signature

_____	_____
Title of Witness	Date of Signature
_____	_____
Typed or Printed Name of Witness	Signature