



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**In Re: Oil Spill by the Oil Rig  
“Deepwater Horizon” in the Gulf  
of Mexico, on April 20, 2010**

**MDL NO. 2179  
SECTION J**

**Applies to: *All Cases***

**JUDGE BARBIER  
MAGISTRATE JUDGE SHUSHAN**

**REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER  
HORIZON ECONOMIC AND PROPERTY DAMAGES SETTLEMENT  
AGREEMENT ON THE STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO.**

**41**

**DATE**

**JANUARY 29, 2016**

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**REPORT BY THE CLAIMS ADMINISTRATOR OF THE DEEPWATER HORIZON  
ECONOMIC AND PROPERTY DAMAGES SETTLEMENT AGREEMENT ON THE  
STATUS OF CLAIMS REVIEW**

**STATUS REPORT NO. 41, DATED JANUARY 29, 2016**

The Claims Administrator of the Deepwater Horizon Economic and Property Settlement Agreement (Settlement Agreement) submits this Report to inform the Court of the status of the implementation of the Settlement Agreement as of December 31, 2015. The Claims Administrator will provide any other information in addition to this Report as requested by the Court.

**I. STATUS OF THE CLAIMS REVIEW PROCESSES AND CLAIM PAYMENTS**

**A. Claim Form Submissions.**

The Claims Administrator opened the Settlement Program with needed functions staffed and operating on June 4, 2012, just over 30 days after the Claims Administrator’s appointment. As of December 31, 2015, the Claims Administrator’s Office and Vendors (CAO)<sup>1</sup> have received 382,192 Claim Forms since the Settlement Program opened on June 4, 2012, as shown in the Public Statistics for the Deepwater Horizon Economic and Property Damages Settlement (Public Report) attached as Exhibit A.<sup>2</sup>

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<sup>1</sup> “Claims Administrator’s Office”, as used within this report, refers to the Claims Administrator and, where applicable, Court-Supervised Settlement Program vendors working with and under the Claims Administrator.

<sup>2</sup> The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims

Of the total Claim Forms submitted, 6.5% were filed within the Seafood Program, 15.9% were filed within the Individual Economic Loss (IEL) framework, and 38.2% were filed within the Business Economic Loss (BEL) framework (including Start-Up and Failed BEL Claims). *See* Ex. A, Table 2.

On December 8, 2014, the United States Supreme Court declined the request for a review of the Fifth Circuit’s rulings upholding the District Court’s Final Approval Order of the Settlement Agreement. Accordingly, the Effective Date of the Settlement Agreement was December 8, 2014, and the final deadline for filing all new claims occurred on June 8, 2015. As such, the Claims Administrator will close new claim submissions made after June 8, 2015.

**B. Claims Review.**

The CAO completed its first claim reviews and issued its first outcome notices on July 15, 2012, and its first payments on July 31, 2012. There are many steps involved in reviewing a claim so that it is ready for a notice. In addition to reviewing the claims, substantial communication to claimants or their representatives is performed via notices, emails, phone calls, interviews, and site visits to obtain clarification and/or additional information or documentation necessary for the Program to review claims.

**1. Claim Type Review Details.**

Table 1 provides information, by Claim Type, on the number of claims filed, the number of claims that have been reviewed to Notice, the number of claims remaining to be reviewed to Notice, and the number of claims reviewed to either a Notice or “Later Notice” to date. Table 1 divides the claims reviewed to a “Later Notice” into separate sections: (1) claims receiving a Notice based on CAO review following the submission of additional materials by a claimant in response to an Incompleteness Notice, and (2) claims receiving a Notice following a Reconsideration review conducted by the CAO.

**Table 1. Throughput Analysis of Claims Filed and Notices Issued.****A. Claims Reviewed to First Notice**

	Claim Type	Status of All Claims Filed				
		Total Claims Filed To Date <sup>3</sup>	Reviews Completed to Notice or Closed		Claims Remaining to Review	
1.	Seafood	24,948	24,833	99.5%	115	0.5%
2.	IEL	60,760	51,741	85.2%	9,019	14.8%
3.	IPV/FV	388	380	97.9%	8	2.1%
4.	BEL	132,928	100,631	75.7%	32,297	24.3%
5.	Start-Up BEL	7,680	6,395	83.3%	1,285	16.7%
6.	Failed BEL	5,552	4,665	84.0%	887	16.0%
7.	Coastal RP	42,098	41,328	98.2%	770	1.8%
8.	Wetlands RP	26,586	16,197	60.9%	10,389	39.1%
9.	RPS	3,065	2,037	66.5%	1,028	33.5%
10.	Subsistence	67,672	47,034	69.5%	20,638	30.5%
11.	VoO	8,961	8,948	99.9%	13	0.1%
12.	VPD	1,554	1,545	99.4%	9	0.6%
13.	<b>TOTAL</b>	<b>382,192</b>	<b>305,734</b>	<b>80.0%</b>	<b>76,458</b>	<b>20.0%</b>

**B. Claims Reviewed to Later Notice**

	Claim Type	Initial or Preliminary Incompleteness Response				Follow-Up Incompleteness Responses				Requests for Reconsideration			
		Total Responses	Claims with Later Notice	Remaining Claims		Total Responses	Claims with Later Notice	Remaining Claims		Total Requests	Claims with Later Notice	Remaining Claims	
				#	%			#	%			#	%
1.	Seafood	5,968	5,603	365	6.1%	2,882	2,727	155	5.4%	4,188	3,785	403	9.6%
2.	IEL	18,356	16,322	2,034	11.1%	9,556	8,486	1,070	11.2%	6,920	6,290	630	9.1%
3.	IPV/FV	116	111	5	4.3%	45	42	3	6.7%	50	44	6	12.0%
4.	BEL	51,564	38,333	13,231	25.7%	26,335	18,382	7,953	30.2%	15,790	12,307	3,483	22.1%
5.	Start-Up BEL	3,318	2,748	570	17.2%	2,143	1,641	502	23.4%	1,459	1,127	332	22.8%
6.	Failed BEL	1,546	1,256	290	18.8%	1,029	765	264	25.7%	946	764	182	19.2%
7.	Coastal RP	6,267	6,054	213	3.4%	1,782	1,734	48	2.7%	2,255	2,210	45	2.0%
8.	Wetlands RP	749	533	216	28.8%	168	133	35	20.8%	1,254	1,041	213	17.0%
9.	RPS	371	370	1	0.3%	138	138	0	0.0%	260	257	3	1.2%
10.	Subsistence	15,159	9,952	5,207	34.3%	7,552	4,238	3,314	43.9%	4,100	2,493	1,607	39.2%
11.	VoO	1,006	993	13	1.3%	441	427	14	3.2%	675	644	31	4.6%
12.	VPD	815	779	36	4.4%	389	374	15	3.9%	297	262	35	11.8%
13.	<b>TOTAL</b>	<b>105,235</b>	<b>83,054</b>	<b>22,181</b>	<b>21.1%</b>	<b>52,460</b>	<b>39,087</b>	<b>13,373</b>	<b>25.5%</b>	<b>38,194</b>	<b>31,224</b>	<b>6,970</b>	<b>18.2%</b>

<sup>3</sup> The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.

## 2. Claimant Accounting Support Reviews.

A special team handles Claimant Accounting Support (CAS) reviews. CAS reimbursement is available under the Settlement Agreement for IEL, BEL, and Seafood claims. After a claim has been determined to be payable and the Compensation Amount has been calculated, the CAS team reviews accounting invoices and CAS Sworn Written Statements submitted by the claimant. Table 2 includes information on the number of CAS reviews the CAO has completed to date, whether the Accounting Support documentation was complete, and the dollar amounts reimbursed for each Claim Type.

<b>Table 2. Claimant Accounting Support.</b>									
	Claim Type	CAS Review Results				Total CAS Review Results		CAS Dollar Amount Reimbursed	
		Complete		Incomplete		Since Last Report	Total to Date	Since Last Report	Total to Date
		Since Last Report <sup>4</sup>	Total to Date	Since Last Report	Total to Date				
1.	<b>BEL</b>	915	24,004	181	3,255	1,096	27,259	\$1,122,421.75	\$32,392,698.55
2.	<b>IEL</b>	9	3,360	6	758	15	4,118	\$1,667.44	\$427,213.49
3.	<b>Seafood</b>	-4	3,953	20	867	16	4,820	\$1,751.26	\$1,633,725.85
4.	<b>TOTAL</b>	<b>920</b>	<b>31,317</b>	<b>207</b>	<b>4,880</b>	<b>1,127</b>	<b>36,197</b>	<b>\$1,125,840.45</b>	<b>\$34,453,637.89</b>

## C. Claim Notices and Payments.

Tables 3 and 4 of the Public Report attached in Exhibit A provide detail on the notices and payments issued to date. As of December 31, 2015, the CAO has issued 115,406 Eligibility

<sup>4</sup> Changes since the last report include the impact of claims previously deemed Incomplete during CAS Review that are no longer considered Incomplete after a subsequent review. Negative values may occasionally appear in this table, which may be caused when a claim has gone through multiple CAS Reviews resulting in a change in the CAS Review result. For example, a claim's CAS Review may change from incomplete to complete when the claimant supplements his/her CAS review with additional documentation to cure an incompleteness reason. Similarly, negative values may appear when a claim goes through an additional CAS Review after Reconsideration or when a claim goes through a new initial review and the CAS reviewer must apply current review policies.

Notices to unique claims with Payment Offers totaling \$7.25 billion. As of that date, the CAO has made payments on 108,878 claims totaling \$6.57 billion.

**D. Re-Reviews, Reconsiderations, and Appeals.**

**1. Re-Reviews and Outcomes.**

The CAO implemented a Re-Review process beginning on January 18, 2013, that provides claimants with the opportunity to request a Re-Review of their claim within 30 days of the issuance of an Eligibility or Denial Notice if the claimant has additional documentation not previously submitted to support its claim. Following a Re-Review, claimants receive a Post Re-Review Notice, from which they may then request Reconsideration if they wish. To date, there have been 134,116 Eligibility or Denial Notices issued from which claimants can or could seek Re-Review. Of those, the window to seek Re-Review has passed or Re-Review has been requested for 131,677. Of those, claimants have requested Re-Review of 16,058 claims. Thus, the rate of Re-Review from all final determinations is 12.2%. The rate of Re-Review from Eligibility Notices is 8.6%, while the rate of Re-Review from Denial Notices is 21.3%.

Table 3 summarizes the Re-Reviews the CAO has completed, the number of Post Re-Review Notices the CAO has issued, and whether the outcome of the Re-Review resulted in an award that was higher than ( ), lower than ( ), or the same as ( ) the outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Re-Review.

**Table 3. Re-Reviews.****A. Re-Review Requests and Reviews**

	Claim Type	Requests Received To Date	Notice Issued or Claims Closed	Claims Remaining to Receive Notice or Claims Closed	
				#	%
1.	Seafood	909	886	23	2.5%
2.	IEL	1,020	941	79	7.7%
3.	IPV/FV	14	14	0	0.0%
4.	BEL	5,632	4,648	984	17.5%
5.	Start-Up BEL	481	366	115	23.9%
6.	Failed BEL	325	275	50	15.4%
7.	Coastal RP	1,218	1,184	34	2.8%
8.	Wetlands RP	2,119	1,706	413	19.5%
9.	RPS	131	129	2	1.5%
10.	Subsistence	4,088	3,530	558	13.6%
11.	VoO	69	68	1	1.4%
12.	VPD	52	51	1	1.9%
13.	<b>TOTAL</b>	<b>16,058</b>	<b>13,798</b>	<b>2,260</b>	<b>14.1%</b>

**B. Re-Review Notices Issued**

	Claim Type	Outcome of Re-Review Notice									
		Compensation Amount for Eligible Claims						Exclusions/Denials			
								Confirmed		Overturned	
		#	%	#	%	#	%	#	%	#	%
1.	Seafood	446	50.3%	56	6.3%	250	28.2%	124	14.0%	10	1.1%
2.	IEL	228	24.2%	95	10.1%	288	30.6%	323	34.3%	7	0.7%
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	14	100.0%	0	0.0%
4.	BEL	1,435	30.9%	165	3.5%	352	7.6%	2,637	56.7%	59	1.3%
5.	Start-Up BEL	58	15.8%	10	2.7%	12	3.3%	284	77.6%	2	0.5%
6.	Failed BEL	3	1.1%	5	1.8%	3	1.1%	263	95.6%	1	0.4%
7.	Coastal RP	64	5.4%	5	0.4%	143	12.1%	934	78.9%	38	3.2%
8.	Wetlands RP	35	2.1%	9	0.5%	45	2.6%	1,605	94.1%	12	0.7%
9.	RPS	1	0.8%	0	0.0%	3	2.3%	112	86.8%	13	10.1%
10.	Subsistence	2,337	66.2%	687	19.5%	399	11.3%	106	3.0%	1	0.0%
11.	VoO	7	10.3%	5	7.4%	18	26.5%	36	52.9%	2	2.9%
12.	VPD	20	39.2%	4	7.8%	13	25.5%	13	25.5%	1	2.0%
13.	<b>TOTAL</b>	<b>4,634</b>	<b>33.6%</b>	<b>1,041</b>	<b>7.5%</b>	<b>1,526</b>	<b>11.1%</b>	<b>6,451</b>	<b>46.8%</b>	<b>146</b>	<b>1.1%</b>

## 2. Reconsideration Reviews and Outcomes.

To date, there have been 251,188 Eligibility, Denial, or Incompleteness Denial Notices issued from which claimants can or could seek Reconsideration. Of those, the window to seek Reconsideration has passed or Reconsideration has been requested for 244,488. Of those, claimants have requested Reconsideration of 38,194 claims. Thus, the rate of Reconsideration from all final determinations is 15.6%. The rate of Reconsideration from Eligibility Notices is 5.2%, while the rate of Reconsideration from Denial or Incompleteness Denial Notices is 25.1%.

Table 4 summarizes the Reconsiderations the CAO has completed, the number of Post-Reconsideration Notices the CAO has issued, and whether the outcome of the Reconsideration review resulted in an award that was higher than ( ), lower than ( ), or the same as ( ) the outcome previously issued. The table also includes information on whether an original Exclusion Denial was confirmed or overturned on Reconsideration.

<b>Table 4. Reconsideration.</b>					
<b>A. Reconsideration Requests and Reviews</b>					
	Claim Type	Requests Received To Date	Notice Issued or Claims Closed	Claims Remaining to Receive Notice or Claims Closed	
				#	%
1.	Seafood	4,188	3,785	403	9.6%
2.	IEL	6,920	6,290	630	9.1%
3.	IPV/FV	50	44	6	12.0%
4.	BEL	15,790	12,307	3,483	22.1%
5.	Start-Up BEL	1,459	1,127	332	22.8%
6.	Failed BEL	946	764	182	19.2%
7.	Coastal RP	2,255	2,210	45	2.0%
8.	Wetlands RP	1,254	1,041	213	17.0%
9.	RPS	260	257	3	1.2%
10.	Subsistence	4,100	2,493	1,607	39.2%
11.	VoO	675	644	31	4.6%
12.	VPD	297	262	35	11.8%
13.	<b>TOTAL</b>	<b>38,194</b>	<b>31,224</b>	<b>6,970</b>	<b>18.2%</b>



<b>B. Reconsideration Notices Issued</b>											
	Claim Type	Outcome of Reconsideration Notice <sup>5</sup>									
		Compensation Amount for Eligible Claims						Exclusions/Denials			
								Confirmed		Overturned	
		#	%	#	%	#	%	#	%	#	%
1.	Seafood	789	20.8%	185	4.9%	520	13.7%	1,826	48.2%	465	12.3%
2.	IEL	170	2.7%	122	1.9%	470	7.5%	3,854	61.3%	1,674	26.6%
3.	IPV/FV	0	0.0%	0	0.0%	0	0.0%	43	97.7%	1	2.3%
4.	BEL	560	4.6%	223	1.8%	431	3.5%	5,572	45.3%	5,521	44.9%
5.	Start-Up BEL	13	1.2%	12	1.1%	21	1.9%	693	61.5%	388	34.4%
6.	Failed BEL	1	0.1%	7	0.9%	10	1.3%	615	80.5%	131	17.1%
7.	Coastal RP	96	4.3%	24	1.1%	442	20.0%	1,364	61.7%	284	12.9%
8.	Wetlands RP	38	3.7%	11	1.1%	70	6.7%	886	85.1%	36	3.5%
9.	RPS	1	0.4%	0	0.0%	4	1.6%	226	87.9%	26	10.1%
10.	Subsistence	294	11.8%	57	2.3%	90	3.6%	1,297	52.0%	755	30.3%
11.	VoO	59	9.2%	4	0.6%	127	19.7%	393	61.0%	61	9.5%
12.	VPD	48	18.3%	5	1.9%	16	6.1%	122	46.6%	71	27.1%
13.	<b>TOTAL</b>	<b>2,069</b>	<b>6.6%</b>	<b>650</b>	<b>2.1%</b>	<b>2,201</b>	<b>7.0%</b>	<b>16,891</b>	<b>54.1%</b>	<b>9,413</b>	<b>30.1%</b>

### 3. Appeals.

#### (a) BP Appeals.

To date, the CAO has issued 29,938 Eligibility Notices that meet or exceed the threshold amount rendering them eligible for appeal by BP. Of those, BP has either filed an appeal or the deadline for BP to file an appeal has passed for 29,757 Notices. Of those 29,757 Notices, BP has filed 7,426 appeals, a 25.0% appeal rate. Table 5 provides summary information on the status of BP appeals.

<b>Table 5. Status of BP Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	Status	As of Last Report	Since Last Report	Total
1.	BP Appeals Filed	7,302	124	7,426
2.	Resolved Appeals	6,850	111	6,961
(a).	Resolved by Panel Decision	2,805	30	2,835
(b).	Resolved by Parties	1,246	50	1,296

<sup>5</sup> Changes to the figures related to outcomes of Reconsideration Notices as compared to the previous outcomes are a result of multiple claimants receiving new Notices and subsequently requesting further Reconsideration, which resulted in the removal of the claims associated with these new Reconsideration requests from this Report.

<b>Table 5. Status of BP Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
(c).	<b>Remand to Claims Administrator</b>	232	15	247
(d).	<b>Administratively Closed</b>	423	0	423
(e).	<b>Withdrawn</b>	443	7	450
(f).	<b>Inactive Under Reconsideration/Re-Review</b>	256	9	265
(g).	<b>Return for Review Under Policy 495</b>	1,445	0	1,445
<b>B. Pending Appeals</b>				
1.	<b>In "Baseball" Process</b>		176	
2.	<b>Submitted to Panel</b>		214	
3.	<b>Under Discretionary Court Review</b>		75	
4.	<b>TOTAL PENDING</b>		<b>465</b>	

**(b) Claimant Appeals.**

Before a claimant may file an appeal, the claimant must request Reconsideration and receive a Post-Reconsideration Eligibility or Denial Notice. To date, the CAO has issued 12,211 Post-Reconsideration Eligibility and Denial Notices. Of those, the claimant has either filed an appeal or the deadline for the claimant to file an appeal has passed for 11,892 Notices. Of those 11,892 Notices, claimants have filed 2,771 appeals, a 23.3% appeal rate. Of the 2,771 claimant appeals, 2,043 are appeals of Post-Reconsideration Denial Notices, while 728 are appeals of Post-Reconsideration Eligibility Notices. Table 6 provides summary information on the status of Claimant Appeals.

<b>Table 6. Status of Claimant Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
1.	<b>Claimant Appeals Filed</b>	<b>2,613</b>	<b>158</b>	<b>2,771</b>
2.	<b>Resolved Appeals</b>	<b>1,989</b>	<b>49</b>	<b>2,038</b>
(a).	<b>Resolved by Panel Decision</b>	1,568	33	1,601
(b).	<b>Resolved by Parties</b>	93	1	94
(c).	<b>Remand to Claims Administrator</b>	103	7	110
(d).	<b>Administratively Closed</b>	80	7	87
(e).	<b>Withdrawn</b>	55	1	56

<b>Table 6. Status of Claimant Appeals.</b>				
<b>A. Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
(f).	<b>Return for Review Under Policy 495</b>	90	0	90
<b>B. Pending Appeals</b>				
1.	<b>In "Baseball" Process</b>			39
2.	<b>In "Non-Baseball" Process</b>			250
3.	<b>Submitted to Panel</b>			110
4.	<b>Under Discretionary Court Review</b>			334
5.	<b>TOTAL PENDING</b>			<b>733</b>

**(c) Resolved Appeals.**

As reported in the table below, 8,999 appeals have been resolved. Table 7 provides a summary of these resolved appeals by Claim Type. The comparison between the Post-Appeal Award Amount and the Award Amount within the original notice does not take into consideration the 5.0% increase in compensation that a claimant who prevails upon appeal receives.

<b>Table 7. Outcome After Appeal.</b>												
<b>Claim Type</b>		<b>Appeals Settled or Decided by Panel</b>						<b>With- drawn</b>	<b>Admin. Closed</b>	<b>Inactive Under Recon./Re- Review</b>	<b>Return for Review Under Policy 495</b>	<b>Total</b>
		<b>Compensation Amount Following Appeal Compared to That of Original Notice</b>										
		<b>Higher</b>	<b>Lower</b>	<b>Same</b>	<b>Denial Upheld</b>	<b>Denial Over- turned</b>	<b>Remand</b>					
1.	<b>Seafood</b>	79	22	171	57	7	23	52	9	9	0	<b>429</b>
2.	<b>IEL</b>	28	70	128	112	15	52	16	26	8	0	<b>455</b>
3.	<b>IPV/FV</b>	0	0	0	1	1	0	0	1	0	0	<b>3</b>
4.	<b>BEL</b>	74	1,428	2,332	503	108	253	385	445	232	1,535	<b>7,295</b>
5.	<b>Coastal RP</b>	38	1	29	161	8	2	8	8	0	0	<b>255</b>
6.	<b>Wetlands RP</b>	3	10	6	61	3	1	3	12	16	0	<b>115</b>
7.	<b>RPS</b>	0	8	27	43	0	1	5	2	0	0	<b>86</b>
8.	<b>Subsistence</b>	1	1	16	4	1	7	1	3	0	0	<b>34</b>
9.	<b>VoO</b>	17	32	49	67	20	6	28	4	0	0	<b>223</b>
10.	<b>VPD</b>	2	29	32	21	0	12	8	0	0	0	<b>104</b>
11.	<b>TOTAL</b>	<b>242</b>	<b>1,601</b>	<b>2,790</b>	<b>1,030</b>	<b>163</b>	<b>357</b>	<b>506</b>	<b>510</b>	<b>265</b>	<b>1,535</b>	<b>8,999</b>

**(d) Incompleteness Appeals.**

The Appeal for Insufficient Documentation (Incompleteness Appeal) allows Economic Class Members to have their claims reviewed by a separate Documentation Reviewer when the CAO denies their claims because of insufficient documentation. The Documentation Reviewer reviews the claimant's documentation to determine whether the Settlement Program correctly denied the claim.

Before sending the claim to the Documentation Reviewer, the CAO reviews the appeal request along with any newly submitted documents. If the claimant has submitted the requested documentation and cured the incompleteness, the CAO issues the appropriate Notice. If the claimant still has not submitted the requested documentation, the CAO sends the claim to the Documentation Reviewer for review.

Before a claimant may file an appeal of an Incompleteness Denial, the claimant must request Reconsideration and receive a Post-Reconsideration Incompleteness Denial Notice. To date, the CAO has issued 9,050 Post-Reconsideration Incompleteness Denial Notices. Of those, the claimant's appeal deadline has passed or an appeal has been filed for 8,840 Notices. Of the 8,840 Notices eligible for appeal, 4,604 (52.1%) appeal requests have been filed. Table 8 provides summary information on the status of Incompleteness Appeals.

<b>Table 8. Incompleteness Appeals.</b>				
<b>A. Incompleteness Appeal Filing/Resolution</b>				
	<b>Status</b>	<b>As of Last Report</b>	<b>Since Last Report</b>	<b>Total</b>
<b>1.</b>	<b>Incompleteness Appeals Filed</b>	<b>4,386</b>	<b>218</b>	<b>4,604</b>
<b>2.</b>	<b>Appeals Resolved</b>	<b>2,688</b>	<b>106</b>	<b>2,794</b>
(a).	Withdrawn/Closed Claims	32	5	37
(b).	Cured	863	61	924
(c).	Incompleteness Denial Affirmed	1,641	14	1,655
(d).	Incompleteness Denial Overturned	152	26	178

<b>Table 8. Incompleteness Appeals.</b>		
<b>B. Pending Incompleteness Appeals</b>		
<b>3.</b>	<b>In Pre-Documentation Reviewer Process</b>	1,124
<b>4.</b>	<b>Currently Before Documentation Reviewer</b>	686
<b>5.</b>	<b>TOTAL PENDING</b>	<b>1,810</b>

**(e) Fifth Circuit Appeals.**

As a result of decisions handed down by the United States Court of Appeals for the Fifth Circuit (the “Fifth Circuit”) on May 8, 2015, the Parties now have the right to notice further appeals to the Fifth Circuit from rulings made by the District Court on discretionary review of individual claims. The CAO has finalized procedures with the District Court to implement and facilitate the Fifth Circuit’s rulings since changes were required with respect to the docketing of discretionary review requests and rulings, and the creation of appeal records. Claimants primarily have taken various appeals, which have been argued, are awaiting oral argument, and/or are pending decision before the Fifth Circuit.

**E. Seafood Supplemental Distribution.**

The Settlement Agreement calls for BP to finance a \$2.3 billion Seafood Compensation Program Settlement Fund. The Settlement Agreement states that any balance available after the first distribution will be distributed to each claimant in proportion to the claimant’s gross compensation, unless the Court-Appointed Seafood Neutrals recommend a different formula. On September 19, 2014, the Seafood Neutrals submitted to the Court their Recommendations for the Seafood Compensation Program Supplemental Distribution (which can be located on the Settlement Program’s Website). On November 18, 2014, the Court approved the Seafood Supplemental Distribution formula established under the Court-Designated Neutrals’ Recommendations for Seafood Compensation Program Supplemental Distribution. The Court approved a partial Supplemental Distribution targeted at \$500 million of the remaining

undistributed portion of the aggregate \$2.3 billion fund for the Seafood Compensation Program. Payments will be disbursed in multiple phases.

The Seafood Neutrals also recommended that if a claimant or BP disagrees with a claimant's award in the Supplemental Distribution, the challenge must be limited to whether the formulas described in Sections II (A) and III (F) of the Recommendations were properly implemented with respect to the individual claim at issue. The Seafood Neutrals also recommended that the Claims Administrator have the discretion and authority to promulgate procedural and evidentiary rules as well as limit and define appellate rights. On November 18, 2014, the Court approved the Seafood Neutrals' Recommendations in full, and on December 29, 2014, the Claims Administrator promulgated Rules Governing the Seafood Supplemental Distribution Calculation Objection Process pursuant to the Court-approved Seafood Neutrals' recommendations.

On December 17, 2015, the Claims Administrator submitted a letter report and recommendations to the Court providing for a subsequent distribution ("Supplemental Distribution Round Two"), and thereafter a residual distribution ("Residual Distribution"). The Claims Administrator recommended that Supplemental Distribution Round Two follow the Seafood Neutrals' pro rata approach and include (1) claimants that were not included in the partial distribution approved by the Court on November 18, 2014 ("Supplemental Distribution Round One") but now have eligible claims and (2) claimants whose eligible claim populations or values increased subsequent to their Supplemental Distribution Round One calculations. The Claims Administrator also recommended that the Residual Distribution be administered after completion of Supplemental Distribution Rounds One and Two to proportionally divide the remainder of the \$2.3 billion fund to all eligible claimants from those rounds. On January 7, 2016, the Court approved the Claims Administrator's report and recommendations in full, requiring that the Claims

Administrator consult with the Seafood Neutrals, Class Counsel, and BP regarding the timing and amount of the Residual Distribution before disbursing it.

As of December 31, 2015, the Settlement Program has issued 4,795 Seafood Supplemental Distribution Eligibility Notices for a total Supplemental Distribution Value of \$472,142,801. The Seafood Supplemental Distribution Notices are included in the report where appropriate. As of December 31, 2015, the Settlement Program issued payments of \$457,602,658 from the Supplemental Distribution to 4,077 claimants.

## **II. CONCLUSION**

The Claims Administrator offers this Report to ensure that the Court is informed of the status of the Settlement Program to date. If the Court would find additional information helpful, the Claims Administrator stands ready to provide it at the Court's convenience.

          /s/ Patrick Juneau            
PATRICK A. JUNEAU  
CLAIMS ADMINISTRATOR

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing pleading has been served on All Counsel by electronically uploading the same to LexisNexis File & Serve in accordance with Pretrial Order No. 12, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 29th day of January, 2016.

/s/ Patrick Juneau  
PATRICK A. JUNEAU  
CLAIMS ADMINISTRATOR



Claims Administrator Patrick Juneau has announced that the Settlement Program began issuing payments on July 31, 2012, and has been issuing outcome Notices since July 15, 2012. The Program will issue Notices on a rolling basis as we complete reviews, and they will include Eligibility Notices, Incompleteness Notices, and Denial Notices. Each Notice will provide information explaining the outcome. We will post Notices on the secure DWH Portal for any law firm or unrepresented claimant who uses the DWH Portal. We will notify firms and unrepresented claimants by email at the end of each day if we have posted a Notice that day. Firms and unrepresented claimants may then log onto the DWH Portal to see a copy of the Notice(s). Law Firms or claimants who do not use the DWH Portal will receive Notices in the mail. Claimants who receive an Eligibility Notice and qualify for a payment will receive that payment after all appeal periods have passed, if applicable, and the claimant has submitted all necessary paperwork, including a fully executed Release and Covenant Not to Sue.

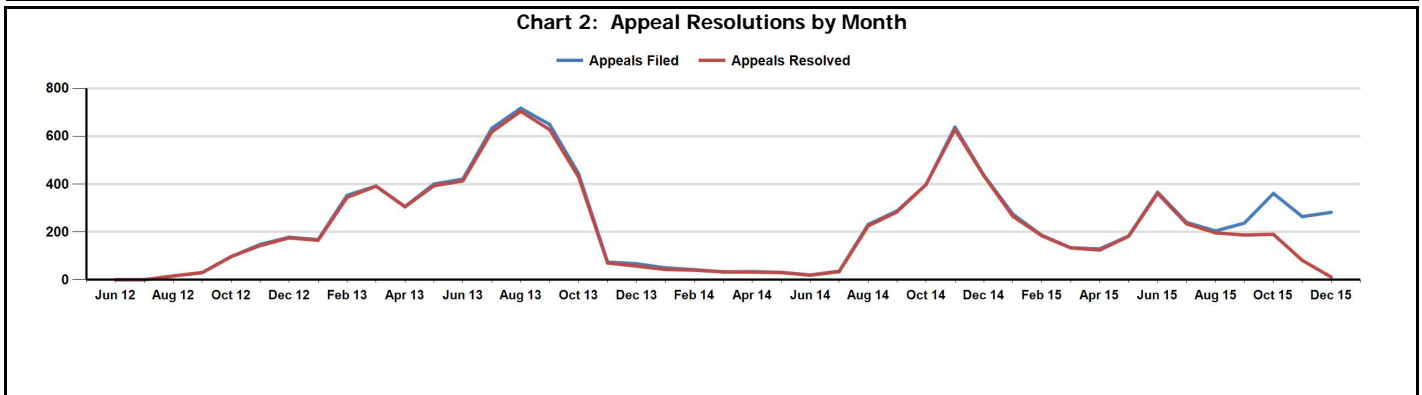
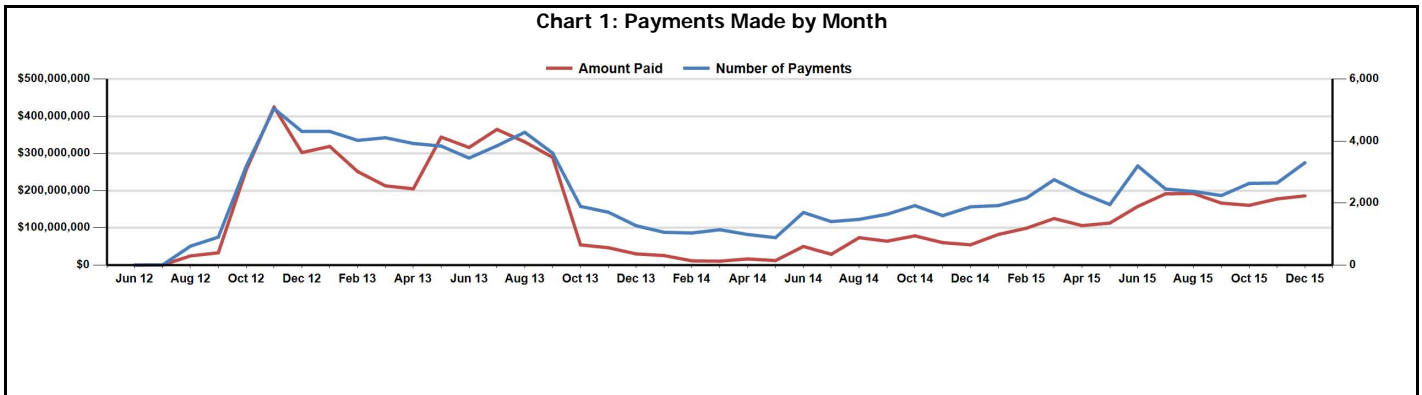
Table 1	Filings by State of Residence			
	State	Claims		Unique Claimants with Forms Submitted
		Form Submitted	%	
1.	Alabama	63,095	16.5%	46,919
2.	Florida	104,700	27.4%	76,647
3.	Louisiana	117,895	30.8%	75,964
4.	Mississippi	44,707	11.7%	35,421
5.	Texas	19,505	5.1%	11,185
6.	Other	32,290	8.4%	15,167
7.	<b>Total</b>	<b>382,192</b>	<b>100.0%</b>	<b>261,303</b>

Table 2	Number of Claims by Claim Type			
	Claim Type	Claims		Unique Claimants with Form Submitted
		Form Submitted	%	
1.	Seafood Compensation Program	24,948	6.5%	10,542
2.	Individual Economic Loss	60,760	15.9%	58,592
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	388	0.1%	382
4.	Business Economic Loss	132,928	34.8%	93,594
5.	Start-Up Business Economic Loss	7,680	2.0%	6,129
6.	Failed Business Economic Loss	5,552	1.5%	4,700
7.	Coastal Real Property	42,098	11.0%	28,621
8.	Wetlands Real Property	26,586	7.0%	4,484
9.	Real Property Sales	3,065	0.8%	1,608
10.	Subsistence	67,672	17.7%	67,202
11.	VoO Charter Payment	8,961	2.3%	6,293
12.	Vessel Physical Damage	1,554	0.4%	1,307
13.	<b>Total</b>	<b>382,192</b>	<b>100.0%</b>	<b>261,303</b>

Table 3	Claim Type	Eligible - Payable	Eligible - No Payment	Incomplete	Denial					Opt-Outs	Withdrawn	Closed	Total Claims Issued Notice
					Exclusion Denials	Prior GCCF Release	Causation Denials	Other Denials	Incomplete Denials				
					Notices Issued								
1.	Seafood Compensation Program	13,781	1,488	269	55	2,403	0	1,357	4,650	1,164	2,534	2,215	29,916
2.	Individual Economic Loss	6,664	1,642	8,076	3,452	2,462	100	3,382	21,727	783	2,042	3,431	53,761
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	8	0	13	12	28	0	80	179	3	94	47	464
4.	Business Economic Loss	29,287	901	28,182	1,633	891	5,578	4,409	19,351	956	5,191	4,705	101,084
5.	Start-Up Business Economic Loss	917	39	1,360	69	60	369	793	2,044	111	226	477	6,465
6.	Failed Business Economic Loss	50	66	714	79	140	398	1,195	1,339	115	144	478	4,718
7.	Coastal Real Property	29,278	55	407	14	958	0	5,764	1,587	389	503	2,519	41,474
8.	Wetlands Real Property	7,227	11	253	28	95	0	5,462	117	94	204	2,656	16,147
9.	Real Property Sales	862	7	4	11	88	37	690	102	21	84	177	2,083
10.	Subsistence	19,425	614	10,932	34	2,294	0	1,619	8,878	270	452	2,527	47,045
11.	VoO Charter Payment	7,093	12	22	16	0	0	611	792	94	71	175	8,886
12.	Vessel Physical Damage	814	24	42	7	0	0	174	276	19	48	137	1,541
13.	<b>Total</b>	<b>115,406</b>	<b>4,859</b>	<b>50,274</b>	<b>5,410</b>	<b>9,419</b>	<b>6,482</b>	<b>25,536</b>	<b>61,042</b>	<b>4,019</b>	<b>11,593</b>	<b>19,544</b>	<b>313,584</b>

Table 4	Claim Type	Payment Information						
		Eligibility Notices Issued with Payment Offer		Accepted Offers		Payments Made		
		Number	Amount	Number	Amount	Number	Amount	Unique Claimants Paid
1.	Seafood Compensation Program	13,781	\$1,639,553,519	13,256	\$1,612,699,191	12,538	\$1,604,928,172	5,059
2.	Individual Economic Loss	6,664	\$81,331,830	6,362	\$78,902,192	6,160	\$74,834,984	6,160
3.	Individual Periodic Vendor or Festival Vendor Economic Loss	8	\$77,085	8	\$77,085	8	\$77,085	8
4.	Business Economic Loss	29,287	\$4,517,287,295	27,435	\$4,136,061,352	26,082	\$3,896,314,762	24,166
5.	Start-Up Business Economic Loss	917	\$144,045,445	871	\$136,900,294	831	\$129,320,786	782
6.	Failed Business Economic Loss	50	\$4,240,301	41	\$3,468,690	37	\$3,271,393	37
7.	Coastal Real Property	29,278	\$162,832,312	28,720	\$158,199,086	28,304	\$156,321,777	22,235
8.	Wetlands Real Property	7,227	\$206,041,657	6,995	\$182,785,042	6,892	\$182,321,589	1,760
9.	Real Property Sales	862	\$40,459,995	857	\$40,365,135	850	\$40,231,630	752
10.	Subsistence	19,425	\$162,347,164	16,714	\$142,972,990	15,595	\$131,748,807	15,595
11.	VoO Charter Payment	7,093	\$282,262,787	7,062	\$280,103,514	7,034	\$279,337,923	5,351
12.	Vessel Physical Damage	814	\$12,498,459	806	\$12,422,959	792	\$12,234,194	739
13.	<b>Totals on DWH Releases</b>	<b>115,406</b>	<b>\$7,252,977,848</b>	<b>109,127</b>	<b>\$6,784,957,530</b>	<b>105,123</b>	<b>\$6,510,943,100</b>	<b>77,818</b>
14.	<b>Paid As 40% Payments to Claimants with Transition Payments</b>					<b>3,302</b>	<b>\$54,729,097</b>	<b>3,302</b>
15.	<b>6% Refund</b>					<b>453</b>	<b>\$1,450,641</b>	<b>453</b>
16.	<b>Total Payments:</b>					<b>108,878</b>	<b>\$6,567,122,838</b>	<b>81,125</b>

Table 5	Appeals Received			
	Resolved Appeals			
	Appeal Status	BP Appeals	Claimant Appeals	Total Appeals
1.	Resolved by Panel Decision	2,835	1,601	4,436
2.	Resolved by Parties	1,296	94	1,390
3.	Withdrawn	450	56	506
4.	Administratively Closed	423	87	510
5.	Inactive Under Reconsideration/Re-Review	265	0	265
6.	Remand to Claims Administrator	247	110	357
7.	Return for Review Under Policy 495	1,445	90	1,535
8.	<b>Total</b>	<b>6,961</b>	<b>2,038</b>	<b>8,999</b>
Pending Appeals				
9.	In "Baseball" Process	176	39	215
10.	In "Non-Baseball" Process	0	250	250
11.	Submitted to Panel	214	110	324
12.	Under Discretionary Court Review	75	334	409
13.	<b>Total</b>	<b>465</b>	<b>733</b>	<b>1,198</b>
Grand Total				
14.	<b>Total Appealed Claims</b>	<b>7,426</b>	<b>2,771</b>	<b>10,197</b>



**Legend:**

1. Form Submitted - Includes electronically filed claim forms after the claimant or his attorney completes the electronic signature and clicks the Submit button. This definition also includes hard copy claim forms where the DWH Intake Team has completed both the linking of scanned images and the data entry on that form.
2. Unique Claimants with Form Submitted - Counts the unique number of claimants with at least one Claim Form Submitted for each Claim Type. Because claimants may file claims for more than one Claim Type, the sum of all Claim Types will not equal the count of total unique claimants.
3. Notices Issued – The Seafood Compensation Program row (row 1) of Table includes Seafood Supplemental Distribution Claims. The count of Notices Issued in Table counts each unique claim issued a Notice only once. For claims issued multiple Notices, this report uses the following hierarchy when counting the claim: (1) Eligibility Notice if the claim has been paid; (2) Most recent active Notice if the claim has not been paid; (3) If the claim has been closed it will not be counted as an Eligibility Notice unless the claim has been paid.
4. Payment Information - The timing of payment can be affected by a number of factors. Even after the D HECC receives a Release, delay in receipt of a W -9, or in receipt of the Attorney Fee Acknowledgment Form can delay payment. In addition, any alterations or omissions on the Release Form, or an assertion of a third-party lien against an award amount, can delay payment. As a result, this report will show a higher number of Accepted Offers than Amounts Paid. The Seafood Compensation Program row (row 1) of Table includes Seafood Supplemental Distribution Claims.
5. Appeals Received - Excludes Appeals closed pursuant to 4/24/13 Court Order.
6. Note: The Claims Administrator continually monitors the status of all claim filings. Through this process, the Claims Administrator may find duplicate claims from the same claimant. In such cases, the Claims Administrator will close the duplicate claim and only process the remaining valid claim. This report excludes duplicate claims from all counts of claims filed.
7. Note: The Seafood Supplemental Distribution Notices are included in the Exhibit A as appropriate.
8. Note: The final deadline for filing all claims other than those that fall into the Seafood Compensation Program was 6/8/15.
9. Note: The total claims received may continue to experience insignificant changes as the CAO continues to process outstanding claims.
10. As to Table 3, the Total Claims Issued Notice figure contains 3,489 Notices of Withdrawal, Closure, and Denial which have previously been issued to claimants prior to the finalization and submissions of their associated Claim Forms. The partially completed Claim Forms associated with these Notices are not included within the total population of Claim Forms Submitted in Table 1.