

Look Back Window Deadline Extension Gives Second Chance for All Forgotten 9/11 Victim Compensation Fund Claims

By Christopher M. Collora

New York, NY- Lenny from the lower east side of Manhattan didn't know that his mother's illness was 9/11 related. His mother, Clara, passed away in 2005 from pulmonary fibrosis. This was before the [Zedroga Act](#) reactivated the 9/11 Victim Compensation Fund (VCF) in 2011.

Lenny doesn't want his last name used for privacy reasons but told us his story. Until the recent news coverage about the VCF and 9/11 related illnesses, Lenny had no idea that his mother's illness was most likely caused by her exposure to the ground zero toxic dust that covered the neighborhoods in the lower east side where they lived in the wake of the 9/11/01 terrorist attacks that destroyed the World Trade Center and saturated the air south of Canal Street in toxic dust.

At the time, Lenny lived about 20 blocks away from ground zero; his mother lived only about 5 blocks away. Only since 2012 has science conclusively linked illnesses including Pulmonary Fibrosis, many cancers and other diseases to exposure to that ground zero toxic dust.

"The dust seeped into my apartment and I remember having to go out and buy vacuums and air purifiers at P.C. Richards and having to clean up all that dust... then the smell lingered for a while after that," Lenny recalled.

At the time, the Environmental Protection Agency (EPA) told area residents that the air was safe to breathe and local residents could return to their homes. Lenny at the time believed that assessment and even recalls getting a new air conditioner from the government to help filter the air.

Lenny had applied for the World Trade Center Health Fund but says he didn't know that residents were covered by the VCF, believing that it was only for first responders.

"I didn't know anything about the VCF at all," Lenny said.

Lenny learned about the 9/11 VCF in the past year, long past the two-year deadline to file a wrongful death claim for his mother -- a claim that needed to be filed within two years of the date of death or two years after the VCF opened on October 3, 2011, or by October 3, 2013.

At the time, there was no reason for Lenny to think there was a link between his mother's environmental exposure to the toxic ground zero dust and the Pulmonary Fibrosis she suffered since when she died, the medical science was not yet accepted. Lenny also didn't know that the VCF would provide benefits to people other than first responders, like his mother who was a downtown resident.

“I believe that downtown residents should have been better informed about the VCF,” Lenny said. “I never heard about it at all until the ads started running on television.”

Lenny, like an estimated 25,000 or more people in similar situations, missed the two-year deadline to register and apply for the VCF wrongful death benefits his family was entitled to. Now because of a recent deadline policy change, he and every eligible VCF claimant can now re-apply.

In December 2019, VCF Special Master Rupa Bhattacharyya made a decision, announced in a public [conference call](#), to change the deadline policy and make all cases current giving a brief look back window until 7/29/21 for anyone that missed the previous deadline to register as a current claim.

The old deadline gave claimants two years from the date of their medical diagnosis or family members death to register with the VCF and submit their claims. Under the new policy, all claims will be considered timely if registered within two years of July 29, 2019, the date the VCF became permanent. The VCF says as of December 6, 2019, every claim currently on file is timely, and every future claim that is filed prior to July 29, 2021, will be timely.

“The changes made by the Permanent Reauthorization Act provided the VCF with an opportunity to change our timeliness policy to benefit the 9/11 community,” said VCF Special Master Rupa Bhattacharyya. “The revised policy is intended to address the concerns about claimants who missed prior deadlines because they did not know that the VCF existed or was open to them, did not know that their condition (or the death of their loved one) was related to 9/11 exposure, or did not realize that they were eligible to file a VCF claim or that the VCF would be in place beyond the previous 2020 end date. This policy change presents a tremendous opportunity to take steps over the next year or two to find every potentially eligible claimant and ensure that they register before July 29, 2021.”

The Congressional Budget Office (CBO), estimates about 410,000 people were exposed to the 9/11 related ground zero toxic dust released into the air in lower Manhattan in the area surrounding the World Trade Center site below Canal Street from September 11, 2001 to May 30, 2002. An estimated 67,000 of those 410,000 exposed people have died since 2001 (CBO report page 9).

According to a [report](#) by the VCF Special Master, as of December 2019, out of an estimated 67,000 people exposed to the ground zero toxic dust who have died since 2001, only 1,295 families (less than 2%) have successfully filed wrongful death claims (which include funeral and burial expense reimbursement claims) with the VCF.

This policy change is welcome news to 9/11 Victim Advocate Phil Alvarez. He is the brother of the late Luis Alvarez who despite his own 9/11 illness testified before congress alongside Jon Stewart to extend the VCF last June so that the fund would continue to be available to help people effected with 9/11 related illnesses well into the future.

“These numbers are staggering,” said Phil Alvarez. “There’s a lot of people out there whose claims were previously denied because for some reason or other they missed the old deadline and may be suffering, especially if they’re dealing with an illness or families dealing with funeral costs from a 9/11 related illness. This do-over period gives us an opportunity to go back and help a lot of those people and that was something that was really important to my brother.”

Alvarez is continuing his brother’s work to find, help and educate all victims of the 9/11 terror attacks. He is working with Hansen & Rosasco, a VCF law firm representing 9/11 Victims since 2001. They are leading the effort to spread awareness of this VCF policy change and process more of these forgotten 9/11 VCF claims.

“There’s a widespread misconception that the VCF only applies to first responders,” Alvarez explains. “It in fact applies to anyone that lived, worked, went to school or was exposed to the toxic ground zero dust and developed an illness.”

Following the attacks and collapse of the World Trade Center, many residents returned to their homes in that area or worked in that area and were exposed to the toxic air for months, after being told the air was safe to breath by the Environmental Protection Agency. Years later many developed illnesses and rare cancers as a result of environmental exposure but didn’t connect the dots since the science didn’t confirm the link until 2012.

It's amazing that after so many years and so much news coverage that these families, many who struggle due to the loss, still don't know their absolute right to receive financial support from the 9/11 Victim Compensation Fund,” said Daniel Hansen, a VCF policy expert from Hansen & Rosasco.

Hansen says his firm has had many clients that missed the old two-year registration deadline and were denied compensation because they didn’t know at the time that the illness was 9/11 related or that the VCF applied to non-first responders.

The VCF helps cover medical expenses related to treating 9/11 covered illnesses and other benefits like the wrongful death benefit cover funeral and burial reimbursement costs.

“Thousands of families don't know that they may qualify for 100% reimbursement or all out-of-pocket burial/memorial expenses plus a substantial cash award.” said Hansen. “In some cases, this amounts to thousands of dollars in compensation for reimbursement, so it’s worth the time to see if your claim qualifies.”

Experts say if you think you or someone you know has a potential VCF claim, the best next steps are to consult experienced VCF policy experts who advise and help with the claim process. Above all don’t wait until the last minute.

“A July 2021 deadline may seem like a long way off, but in cases where someone has died, there is a lot of work that needs to be done to win an award for a 9/11 deceased claim,” Hansen explained. “This work can take many months to accomplish.”

For more information go to <https://www.vcf.gov/>