

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 2179
	*	SECTION: J(2)
Applies to:	*	JUDGE BARBIER
Nos. 12-970, 15-4143, 15-4146, 15- 4654	*	MAG. JUDGE CURRAULT

CLAIMS APPEAL DETERMINATION AND REASONS

[Halliburton and Transocean Settlements]

Re: [REDACTED]

Claimant [REDACTED] appeals from the Claims Administrator’s Appeal Determination Notice in the Halliburton and Transocean Settlement Program (“Settlement Program”).¹

The Settlement Program denied [REDACTED] claims because the Deepwater Horizon Economic and Property Damages Settlement Program (“DHEPDS”) issued Notice of Fraud, Waste, and Abuse (“FWA”) Claim Denial on [REDACTED]’s claim in the DHEPDS. [REDACTED] appeal to the Claims Administrator failed for essentially the same reason. [REDACTED] argues to this Court that there is no evidence of fraud, and the DHEPDS issued the FWA denial simply because [REDACTED] failed to respond to the FWA’s investigation.

Attached to [REDACTED] Court Review Request is the DHEPDS’s Notice of FWA Claim Denial dated October 5, 2015. That document states that [REDACTED] DHEPDS

¹ See Settlements § 8(e) (Rec. Docs. 14644, 153221); Order of 6/01/20 (Rec. [Doc. 26512](#)).

claim was denied “pursuant to Policy 488” because he failed to comply with multiple requests for information from the FWA’s investigators. The purpose of the FWA department is to detect, investigate, and deter fraud in the DHEPDS. The DHEPDS issued Policy 488 to address situations where the FWA team cannot complete its review because the claimant fails or refuses to comply with the FWA’s investigation. Under the Policy, the DHEPDS will first suspend a claim when a claimant’s non-compliance impedes the FWA’s investigation. If the claimant does not substantially cooperate within 30 days of the notice of suspension, the DHEPDS will “close and deny all claims filed by the Claimant and consider referring the Claimant to law enforcement for further investigation if appropriate.”

The Notice of FWA Claim Denial explains that ██████████ claim was suspended after he failed to respond to two requests by the FWA’s investigator to take his statement.² The DHEPDS issued a notice of suspension that required ██████████ to take affirmative steps to comply with the FWA’s requests within 30 days. ██████████ did not respond, and his claim was denied pursuant to Policy 488.

The New Class Distribution Model states, “Those claimants who were subject to a valid and final FWA denial under the DHEPDS program . . . shall not be eligible for compensation under this Distribution Model.” (Rec. [Doc. 18797 at 27](#)). Although the FWA department did not determine that ██████████ claims were fraudulent, ██████████ effectively prevented the FWA from reaching a conclusion. In this circumstance, denying ██████████ claims certainly comports with the spirit, if not also

² Policy 488 states that missing two or more scheduled meetings with FWA representatives without a reasonable explanation constitutes “non-compliance” with an FWA investigation.

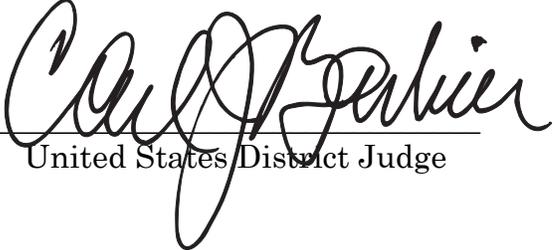
the letter, of the Distribution Model.³

Accordingly,

IT IS ORDERED that the Claims Administrator is AFFIRMED, and [REDACTED]

[REDACTED] claims shall remain DENIED.

New Orleans, Louisiana, this 4th day of March, 2021.


United States District Judge

³ See also Rec. [Doc. 18787 at 2-3](#) (“This Distribution Model seeks to take advantage of the extensive efforts already expended under the DHEPDS and thereby to streamline the claims review process and to avoid significant duplication of time and expenses, savings of which all work to the benefit of the New Class members. . . . For those DHEPDS Class Members whose claim(s) were evaluated by the DHEPDS, eligibility within the New Class will be based solely upon the submissions made to the DHEPDS and upon the determination(s) made by the DHEPDS.”)