

Alert No. 2016-1

U.S. ASR Hip Settlement Alert – 2/16/16

Documentation Requirements for Matrix Level VII Lost Earnings Claims

1. **Introduction.** Section 8.4.15.1.1 of the Settlement Agreement and the PART B Award Schedule provide that a QUSC may be eligible for extraordinary unreimbursed out-of-pocket loss of earnings at the discretion of the SOC and the Team. The Claims Processor is actively reviewing EIF claims and working with the SOC and the Team to make eligibility determinations. This Alert provides the documentation requirements for Matrix Level VII Lost Earnings claims.
2. **Document Requirements.** Below are the document requirements for Matrix Level VII Lost Earnings claims:
 - (a) **Documentation Defining Claimed Loss Period.** The Loss Period is defined as the period in which the QUSC was either totally disabled and unable to work in any vocation or partially disabled. For QUSCs who are partially disabled, the Claims Processor shall take into account the amount the QUSC earned. The documentation must clearly state the periods in which the QUSC was either partially or totally disabled and is claiming for the purposes of the Matrix Level VII Lost Earnings claim. Documentation can include and is not limited to:
 - (1) Letter from the claimant or attorney;
 - (2) Letter from the employer;
 - (3) Medical records from the treating surgeon; and/or
 - (4) FMLA, Short-Term Disability, or Long Term Disability paperwork.
 - (b) **Year-end Tax Documentation.** Year-end tax documents are required to perform a Lost Earnings calculation. Year-end tax documentation includes and is not limited to Form W-2s, Form 1040 U.S. Individual Income Tax Return, Form 1099-MISC, Form Schedule C, Form Schedule E, and business tax returns for the business in which the claimant was an owner or an officer. The QUSC must provide year-end tax documentation for the following periods:
 - (1) **Year-end Tax Documentation for Two Years Preceding ASR Index Surgery.**

The two years before the ASR Index Surgery are either:

 - a. The two consecutive calendar years before the calendar year of the QUSC's ASR Index Surgery, if the ASR Index Surgery occurred on or after January 1st and on or before August 31st; or

- b. The calendar year immediately preceding the year of the ASR Index Surgery and the calendar year of the ASR Index Surgery, if the ASR Index Surgery occurred on or after September 1st and on or before December 31st.
- (2) Yearend Tax Documentation for the Claimed Loss Period.** The QUSC must provide yearend tax documentation for any years included in the claimed Loss Period.
- (c) Causation Documentation.** The QUSC must provide documentation demonstrating the lost income is a result of the ASR Index Surgery or subsequent surgery related to the ASR device.
- 3. 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.