

U.S. Department of  
Homeland Security

**United States  
Coast Guard**



Director  
National Pollution Funds Center  
United States Coast Guard

NPFC CA MS 7100  
US COAST GUARD  
4200 Wilson Blvd. Suite 1000  
Arlington, VA 20598-7100  
Staff Symbol: (CA)

Phone: [REDACTED]

E-mail: [REDACTED]

Fax: 202-493-6937

5890

1/12/2011

VIA MAIL and EMAIL: [REDACTED]

[REDACTED]  
Panama City, FL 32407

RE: Claim Number: N10036-0124

Dear [REDACTED]

The National Pollution Funds Center (NPFC), in accordance with 33 CFR Part 136, denies payment on the claim number N10036-0124 involving Deepwater Horizon. Please see the attached Claim Summary / Determination Form for an explanation of this denial.

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 claim. However, if you find that you will be unable to gather particular information within the time period, you may include a request for an extension of time for a specified duration with your reconsideration request. Reconsideration of the denial will be based upon the information provided. A claim may be reconsidered only once. Disposition of that reconsideration in writing 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 claim number N10036-0124.

Mail reconsideration requests to:

Director (ca)  
NPFC CA MS 7100  
US COAST GUARD  
4200 Wilson Blvd, Suite 1000  
Arlington, VA 20598-7100

Sincerely, [REDACTED]

[REDACTED]  
Claims Manager  
U.S. Coast Guard

Encl: Claim Summary / Determination Form

## CLAIM SUMMARY / DETERMINATION FORM

Date	: January 10, 2011
Claim Number	: N10036-0124
Claimant	: [REDACTED]
Type of Claimant	: Private (US)
Type of Claim	: Loss of Profits and Earning Capacity
Claim Manager	: [REDACTED]
Amount Requested	: \$10,000.00

### ***FACTS:***

On or about April 20, 2010, the Mobile Offshore Drilling Unit Deepwater Horizon (Deepwater Horizon) exploded and sank in the Gulf of Mexico. As a result of the explosion and sinking, oil was discharged from an offshore facility associated with the Deepwater Horizon and located on the Mississippi Canyon, Block 252 (the Deepwater Horizon incident). This area was leased by BP Exploration and Production, Inc. (BP). The Coast Guard designated the offshore facility as the source of the discharge and BP as the responsible party (RP) for the discharge. BP accepted the designation, advertised its OPA claims process, and compensated claimants. On August 23, 2010, the Gulf Coast Claims Facility (GCCF) began accepting and adjudicating claims on behalf of BP.

### ***CLAIM AND CLAIMANT***

On November 30, 2010, [REDACTED] (Claimant) presented a loss of profits & earnings claim in the amount of \$10,000.00 to the National Pollution Funds Center (NPFC). The Claimant is asserting that her condo cleaning business was not able to generate income due to cancellations as a direct result of the Deepwater Horizon incident.

On December 21, 2010 the Claimant submitted a Quick Payment Final Claim to the GCCF. The Claimant was compensated \$25,000.00 after signing the Quick Payment Final Claim and Release.

### ***APPLICABLE LAW:***

The Oil Pollution Act of 1990 (OPA) provides that each responsible party for a vessel or facility from which oil is discharged into or upon the navigable waters or adjoining shorelines or exclusive economic zone is liable for removal costs and damages. 33 U.S.C. § 2702(a). Damages include the loss of profits or impairment of earning capacity due to the injury, destruction or loss of real property, personal property, or natural resources, which shall be recoverable by any claimant. 33 U.S.C. § 2702(b)(2)(E).

The Oil Spill Liability Trust Fund (OSLTF), which is administered by the NPFC, is available to pay claims for uncompensated damages pursuant to 33 U.S.C. §§ 2712(a)(4) and 2713 and the OSLTF claims adjudication regulations at 33 C.F.R. Part 136. With certain exceptions a claim must first be presented to the responsible party. 33 U.S.C. § 2713(a). If the claim is either denied or not settled by any person by payment within 90 days after the date on which it was presented, the claimant may elect to commence an action in court or present the claim to the OSLTF. 33 U.S.C. § 2713(c). Finally, payment of any claim from the Fund is subject to the

United States Government acquiring all rights of the claimant to recover from the responsible party. 33 U.S.C. § 2712(f).

***DETERMINATION OF LOSS***

In this case, the Claimant has settled the claim with GCCF, acting on behalf of the responsible party. Claimant has been compensated for its claim under the GCCF Quick Payment Final Claim process and has released its rights to recover further from the responsible party. The Fund is not available to pay any additional amount for the compensated claim, therefore claim # N10036-0124 in the amount of \$10,000.00 is denied.

Claim Supervisor:	
Date of Supervisor's review:	<i>1/12/11</i>
Supervisor Action:	<i>Denial approved</i>
Supervisor's Comments:	