

MINUTE ENTRY
WILKINSON, M. J.
OCTOBER 11, 2019

IN RE: OIL SPILL BY THE OIL RIG
“DEEPWATER HORIZON” IN THE
GULF OF MEXICO ON APRIL 20, 2010

MDL NO. 2179

SECTION “J”

THIS DOCUMENT RELATES TO:

JUDGE BARBIER
MAG. JUDGE WILKINSON

Civil Action Nos. 12-970, 15-4143,
15-4146 and 15-4654

CLAIMS APPEAL DETERMINATION AND REASONS
[Halliburton and Transocean Settlement]

The Claims Administrator has provided me with the Appeal Determination Notices, Court Review Request, Claim Form, Deficiency Notice, Appeal Form, and Settlement Program Appeal Determination letter concerning the appeals of [REDACTED], Claim No. [REDACTED] (Transaction Nos. [REDACTED], [REDACTED]), denying his claims for payment from the Halliburton/Transocean Settlement Agreements under the Commercial Fisherman-Seafood Crew framework. Having reviewed these materials, the determination of the Claims Administrator is **REVERSED AND REMANDED**.

The Claims Administrator initially determined that claimant was eligible for compensation for a recognized loss of \$6,800.00 in Line 1 (“Vessel Owner Shrimp”) and a recognized loss of \$10,850.00 in Line 2 (“Boat Captain Shrimp”) based on the classification of his vessel as a shrimp boat using ice as the cooling method. Determination Notice, Court Review Request for [REDACTED]. Claimant appealed the Claims

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Administrator's determination, arguing that his vessel ("██████████") was a freezer boat and he was eligible for higher compensation. Appeal Form for ██████████. The Claims Administrator denied claimant's appeal, finding that "there [was] no documentation submitted substantiating that a freezer was used in cooling." Appeal Determination Notices for ██████████. In his Court Review Request, claimant reiterates his argument that ██████████ was a freezer boat and therefore he is eligible for higher levels of compensation. Court Review Request for ██████████. In support of that argument, claimant attaches a signed letter in which he states that "██████████ is a 65.6 [foot] freezer boat and my claim should be valued as such. . . . The only proof of my boat being a freezer boat is the photo of the boat I found in my files from when I had the boat. I have attached the document as Exhibit A." See Court Review Request for ██████████. He attached the photo, appropriately labeled Exhibit A, which clearly depicts a large freezer on board a vessel. See Court Review Request for ██████████, Exhibit A.

Claimant has also signed Section III of the standard form, which provides:

I certify and declare under penalty of perjury pursuant to 28 U.S.C. [§] 1746 that all the information I have provided in this Court Review Request, including separate statements I have attached, is true and accurate to the best of my knowledge, and that documents submitted in support of this Court Review Request and the information contained therein is true, accurate, and complete to the best of my knowledge, and I understand that false statements or claims made in connection with this Court Review Request may result in denial of my claim, fines, imprisonment, and/or any other remedy available by law to the Federal Government, and that suspicious claims will be forwarded to federal, state, and local law enforcement agencies for possible investigation and prosecution.

See Court Review Request for [REDACTED], Section III: Certification and Signature.

I find that the claimant has attached sufficient evidence, in the form of the photograph and his statement, sworn under penalty of perjury, that his vessel was used as a freezer boat, and that he is eligible for payment of his claims at the higher levels of compensation for a freezer boat.

For the foregoing reasons, IT IS ORDERED that the decision of the Claims Administrator is REVERSED AND REMANDED for a determination consistent with this order.



JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE

**CLERK TO NOTIFY:
HON. CARL J. BARBIER
and
HESI/TRANSOCEAN SETTLEMENT
CLAIMS ADMINISTRATOR**

