



1. Any Plaintiff who is dissatisfied with a decision of the Settlement Administrator concerning his or her payment for Personal Injury or Property Damage Claims may file with the Settlement Administrator a written appeal of the Settlement Administrator's decision within 30 days after the date the Plaintiff receives written notice of such payment decision. The written appeal of the payment decision shall describe the reasons why the Plaintiff believes the decision of the Settlement Administrator should be reconsidered. This written appeal shall be accompanied by either: (a) the claimants' Personal Injury or Property Damage check or (b) the claimant's letter from the Administrator that explained why no payment is due. **However, Plaintiffs shall NOT be allowed to be retested for PCBs: the results of the PCB blood test conducted by the Settlement Administrator are final. Moreover, Plaintiffs shall NOT be allowed to appeal the basic formula used to calculate the personal injury payments <sup>1</sup> or the formula used calculate the property damage payments. <sup>2</sup>**

2. The Settlement Administrator shall normally issue a written determination on the merits of the appeal within 90 days from the receipt of the Plaintiff's appeal.

3. Any Plaintiff who remains dissatisfied with the determination of the Settlement Administrator following his decision on appeal may, within 30 days after receipt of the Settlement Administrator's decision on appeal, seek further review from the Appeals Special Master, Kenneth O. Simon. The Settlement Administrator, at the time he provides his decision on appeal, shall

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<sup>1</sup> Personal Injury Formula: 70% of total score for PCB blood test results + 15% of total score for Nurse Interview (PCB blood test must be positive for Nurse Interview to count) + 15% of total score for living or working in the Area of Concern (must have lived or worked at least 10 years in Area of Concern to be paid for this part).

<sup>2</sup> Property Damage Formula: At least 1/8th of the tax assessed property value.

provide the claimant with simple instructions concerning how to seek further review by the Appeals Special Master, such as by checking a box. Plaintiffs seeking review by the Appeals Special Master shall be limited to the record of evidence previously submitted to the Settlement Administrator. The Special Master may exercise the same degree of equitable discretion on such matters as has been exercised by the Settlement Administrator. The Appeals Special Master shall normally issue a written determination on the merits of the appeal within 90 days from the receipt of the Plaintiff's appeal. All decisions of the Appeals Special Master shall be final. No appeals or reviews from such decisions shall be permitted. **Appeals to the Court will NOT be considered.**

This the 31 day of September, 2004.



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U. W. Clemon  
Chief United States District Judge