

### Chief Adjudicator Directive

Article 15 of the Settlement Agreement provides for a top-up of DR awards made under the geographic specific award grid and for the re-opening of hearings to potentially award higher Consequential Loss of Opportunity levels to ADR recipients.

To avoid having to top-up decisions rendered post Implementation (19 Sept. 07), whether or not the hearing was held pre-Implementation, and to avoid having to re-open DR hearings held post-implementation (Sept. 19), the following instructions are issued:

1- ADR adjudicators are directed to calculate points for Acts/Harms/Aggravating Factors and Future Care using the ADR compensation rules, whether or not the hearing was held pre Implementation.

2- Further, where the hearing is held post Implementation (19 Sept. 07), or where the hearing was held prior to September 19<sup>th</sup> but closing submissions have not been made, ADR adjudicators are directed to establish Consequential Loss of Opportunity levels and calculate points using the new IAP compensation rules. More specifically, they are directed to treat the Consequential Loss of Opportunity Claim as if it were within the standard track of the IAP (p. 36 and 37 in the IAP Model), which means that no award can be made at the level 4 or 5 for Consequential Loss of Opportunity without an expert assessment or the parties have agreed to dispense with it. It is understood that this measure is conditional upon the claimant agreeing to renounce any right to a re-opening of the hearing under S. 15.01(2) b) of the IRSSA, and the decision should state this clearly.

3- Once the total points are calculated in this way, Adjudicators are directed to award compensation based on the National Grid in the IAP model. "

4- Adjudicators may not apply any other elements of the IAP compensation rules within the DR Model without specific instructions to this effect.

(Approved by IAPOC 7/11/07)