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JAMES F. MEWBORN
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NOELLE L. SCHUBERT
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KEY QUESTIONS AND RECOMMENDATIONS
FOR COVID-19 CLAIMS HANDLING PROCESS

QUESTIONS

1. Business Interruption Claims

A. Exposure

- Have insured or any employees tested positive for COVID-19
- Have insured or any employees exhibited symptoms that medical professional has identified as consistent with COVID-19 exposure
- Are insured or any employees subject to quarantine due to suspected exposure/suspected family member exposure/being in high risk group under CDC guidelines
- Has workplace had actual or suspected exposure/contamination

B. Reasons for Business Interruption (Business Income or Extra Expense)

- Shutdown or limitation due to government mandate? (e.g. non-essential business)
- Shutdown due to actual/suspected workplace contamination
- Shutdown voluntary due to lack of market
- Losses due to essential employee quarantine or infection
- Food spoilage
- For bar/restaurant, still doing curbside pickup
- Any neighboring businesses contaminated (e.g. businesses in same building or adjacent)

C. Relief Program Access

- Has insured applied for relief under CARES Act (including PPP)?
- Has insured been asked to provide documentation of no coverage for Business Interruption in conjunction with application?

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2. Liability Claims

- Business deemed essential
- Safeguards/programs in place
- Compliance with state/federal guidelines/restrictions
- Temperature monitoring
- Program in place for limiting access to workplace (for employees, vendors, etc.)
- Any actual positive COVID-19 employees
- Any actual contamination at workplace
- If there was exposure/contamination at workplace, what was response (e.g. quarantine, deep cleaning/disinfecting)

RECOMMENDATIONS/TIPS TO AVOID BAD FAITH CLAIMS

- Treat each claim independently and do not assume no coverage based on past claims
- Do not assume all policies contain same property damage requirements or exclusions
- Conduct actual investigation, including documentation of financial loss
- Document the file