

## Policy for Reimbursement of Lost Wages

A victim who sustains an injury as a result of the commission of a criminal act shall be eligible for reimbursement of wages lost.

### ELIGIBILITY GUIDELINES:

- 1)** A victim, or the parent or guardian of a minor victim, shall be eligible for reimbursement of wages lost due to work missed because of, but not limited to, the following reasons: injury; court appearance; participation in depositions; investigative interviews or other criminal justice proceedings; funeral services; counseling, medical, or other appointments or activities that become necessary as a direct result of the crime.
- 2)** For the purposes of calculating reimbursement, lost wages will be paid at 85% of the victim's gross wages at the time of the loss. The Board may deny an award for lost wages when it is determined the victim failed to report those wages to State and Federal revenue departments as required by law. No compensation will be provided for unreported wages.
- 3)** For victims who are self-employed, the value of actual wages lost shall be determined according to net income as reported on one or more of the following:
  - a. the previous year's and/or current Federal and State Income Tax returns;
  - b. the previous year's and/or current Federal 1099 forms;
  - c. the previous year's and/or current Schedule C;
  - d. W-2s, if applicable;
  - e. other proof of income at the time of the loss.

**4a) For Compensation claims filed prior to 7/10/08** to be considered eligible for reimbursement of more than one month's lost wages, a victim must submit his/her Physician's Report, or a statement from his/her mental health provider which states the nature of the disability and indicates when the victim will be able to return to work. Victims who are self-employed may be required to submit a Physician's Report or a statement from his/her mental health provider for wages lost beyond one week.

**4b) For Compensation claims filed on or after 7/10/08** to be considered eligible for reimbursement of more than two weeks lost wages, a victim must submit his/her Physician's Report, or a statement from his/her mental health provider which states the nature of the disability and indicates when the victim will be able to return to work.

Victims who are self-employed may be required to submit a Physician's Report or a statement from his/her mental health provider for wages lost beyond two weeks.

If a victim is deemed disabled, he/she must submit proof of application for disability benefits as well as his/her Physician's Report, or a statement from his/her mental health provider which states the nature of the disability and indicates when the victim will be able to return to work.

**5)** The Victims Compensation Program will reimburse lost wages not to exceed a maximum reimbursement of \$500.00 per week per claim, and for not longer than 12 weeks per claim.

**6)** If a victim is eligible for any other benefits, including, disability income, worker's compensation, unemployment compensation, or witness fees, the amount of the benefits received from other sources will be deducted from the Victims Compensation reimbursement.

If a victim receives paid time off from an employer, they generally will not be required to use paid leave time for crime-related missed work.

**7)** Any family member of an injured victim may be considered eligible for reimbursement of wages lost because of work missed while the family member cares for the injured victim. Such reimbursement is subject to the same limitation applicable to the victim in paragraph 5, above.

**8)** Lost wages paid through the Victims Compensation Program are not reportable income for state and federal income tax purposes.