

LEG. FINANCE - BILLS 1977 - 1978 849

CSHB 927 cont., thru HB 929

STATE
of ALASKA

MEMORANDUM

TO: Ron Lind, Director
Division of Budget & Management

DATE: March 17, 1978

FILE NO:

TELEPHONE NO:

FROM: Chuck Taylor, Budget Analyst *CT*
Division of Budget & Management
Office of the GovernorSUBJECT: Department of Natural Resources
Request for Additional Funding
to Address Natural Gas Issues

The Department of Natural Resources, Office of the Commissioner, requested either a supplemental appropriation or a budget amendment so the Department could address natural gas issues. The natural gas issues are:

1. Additional hearings relating to the Northwest Pipeline prior to issuance of a final certificate. (\$52,000)
2. If Congress enacts natural gas pricing legislation:
 - a. Conditioning Plant Hearings (\$71,000)
 - b. Incremental Price Hearing (\$66,000)
3. If Congress does not adopt natural gas pricing legislation, State will participate in a rate-making proceeding for Alaska gas (\$96,000). Additionally, funds for transcript cost, travel, phones, postage, and xeroxing will be necessary (\$10,000 to \$25,000). Total costs can range from \$158,000 to \$214,000.

The Department recommends \$10,000 be introduced as a supplemental to continue participation in the Cook Inlet LNG rate-making proceeding and the remainder be a budget amendment.

It should also be noted that the Department of Law has \$80,000 to address these issues. The Department of Natural Resources feels that this is a high priority item and the Department of Law has stated that if their budget is cut the \$80,000 would be cut first.

I recommend that the Administration introduce a supplemental of \$10,000 for the Cook Inlet LNG rate-making proceeding. Also, the Administration should introduce a budget amendment of \$204,000 for the Department of Natural Resources and a reduction of \$80,000 in the Department of Law. The net addition to the FY 79 budget will be \$124,000.

Introduced: 4/12/78
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 928

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Natural Resources, Office of the Com-
8 missioner, and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$10,000 is appropriated from the general fund
11 to the Department of Natural Resources, Office of the Commissioner, for the
12 purpose of the state's continued participation in the Cook Inlet LNG rate
13 proceedings.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

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COMMITTEE REPORT

HOUSE

4/12/78

FURTHER: _____

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 928

"An Act making a supplemental appropriation to the Department of Natural Resources, Office of the Commissioner; eif. date."

under consideration and (a majority of the committee) (the committee reports it back as follows)

recommends it do pass recommends it do not pass

recommends it do pass with attached amendment(s)

recommends it be replaced with CS for _____

and _____ new title same title

AND attaches a Letter of Intent New Fiscal Note

reports it back without recommendation

and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Original sponsor: Rules Committee by
request of the Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 927

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making supplemental appropriations to the
7 Department of Natural Resources; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$139,200 is appropriated from the general fund to
11 the Department of Natural Resources to fund wage increases and full operation
12 of the Federal-State Land Use Planning Commission during fiscal year 1979.

13 * Sec. 2. The sum of \$10,000 is appropriated from the general fund to the
14 Department of Natural Resources, office of the commissioner, for the purpose
15 of the state's continued participation in the Cook Inlet LNG rate proceedings.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

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Introduced: 4/12/75
Referred: Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 928

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

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13 proceedings.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

HB 928

April 12, 1978

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill making a supplemental appropriation to the Department of Natural Resources, Office of the Commissioner.

This request is made to fund legal services for the state to continue participation in the Cook Inlet LNG rate-making proceedings.

Fiscal information is enclosed.

Sincerely,

Jay S. Hammond
Governor

STATE
of ALASKA

MEMORANDUM

TO: Ron Lind, Director
Division of Budget & Management

DATE: March 17, 1978

FILE NO:

TELEPHONE NO:

FROM: Chuck Taylor, Budget Analyst *CT*
Division of Budget & Management
Office of the Governor

SUBJECT: Supplemental Appropriation
for the Department of
Natural Resources

The Department of Natural Resources, Office of the Commissioner, requests a \$10,000 supplemental appropriation. Currently, the State is involved in the Cook Inlet LNG rate-making proceedings. This supplemental will allow the State to continue to effectively participate in these hearings.

STATE
of ALASKA

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TO: Ron Lind, Director
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ALASKA STATE LEGISLATURE

TERM... Legislature SECOND.. Session

HOUSE BILL..... NO. 928

By THE RULES COMMITTEE BY.....
REQUEST OF THE GOVERNOR

"An Act making a supplemental appropriation to the Department of Natural Resources, Office of the Commissioner; and providing for an effective date."

supp. approp. Dept. of Nat. Resources

Introduced in the House 4-12-1978

HISTORY IN THE HOUSE													
19 78													
Apr. 12	Read first time and referred to Committee on Finance												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
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	Reported correctly engrossed												
	Signed by Speaker												
	Sent to Senate												
CHIEF CLERK OF THE HOUSE													

HISTORY IN THE SENATE													
19													
	Read first time and referred to Committee on												
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	Returned to House												
SECRETARY OF THE SENATE													

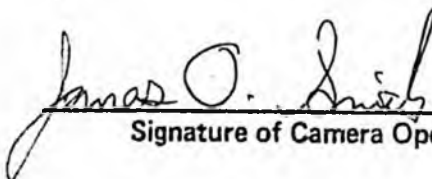
HISTORY IN THE HOUSE	
19	
	Received from Senate
	Concurred in Senate amendment thus adopting:
	Failed to concur in Senate amendment; asked Sen. to recede
	Senate receded from amendment
	Senate failed to recede from amendment
	FCC appointed by House
	FCC appointed by Senate
	FCC adopted
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.



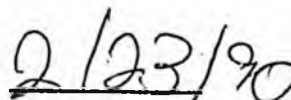
RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.



Signature of Camera Operator



Date

94B929

April 12, 1978

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill making a supplemental appropriation to the Department of Health and Social Services, Violent Crimes Compensation Board.

The board has twenty-eight claims pending at this time, three of which are death claims. Additional claims are filed every day. Although the board has been prudently awarding claims, it was difficult to accurately predict the number and amount of claims during the budget process. This supplemental request is necessary in order to carry out the Violent Crimes Compensation Program as intended.

Fiscal information is enclosed.

Sincerely,

S/ JSH

Jay S. Hammond
Governor

75,000 - approp 18
250,000

MEMORANDUM

State of Alaska

TO: Ron Lind, Director
Division of Budget & Management
Department of Administration

DATE: March 14, 1978

FILE NO:

TELEPHONE NO:

FROM: *Helen D. Beirne*
Helen D. Beirne, Commissioner
Department of Health & Social Services

SUBJECT: Request for a Supplemental
Appropriation for FY 78

Transmitted herewith is our request for a supplemental appropriation of \$75,000.00 for FY 78 for the Violent Crimes Compensation Board.

The Board has \$41,395.74 remaining in the appropriation for FY 78. At the February 27th meeting, the Board awarded grants totaling \$101,985.66. Three of these awards were for death claims totaling \$73,100.00. Death claims are generally for large amounts since they are awarded to dependents of the innocent victims. For example, one of the three death claims was to a widow with six children who had no collateral sources.

The Board has twenty-eight claims pending at this time, three of which are death claims, with more claims coming in each day. As of July 1, 1976, the Board is no longer allowed to encumber funds from prior fiscal year appropriations for pending claims. Conversely, this year they have spent \$94,379.30 on prior year claims.

As in some other programs, it is impossible to predict how many claims there will be during one year, and if they will be only for medical expenses and loss of earnings, or if many will be death claims.

The Board feels it has been very conservative since the inception of the program, and feels this has been reflected by the \$139,238.43 lapse last year and similar lapses in previous years. If the Board receives the supplemental appropriation, as requested, they will be as prudent about this money as in years past, and will lapse any money not expended by the end of the fiscal year.

STATE
OF ALASKA

MEMORANDUM

TO: [Hon. Helen D. Bierne, Commissioner
Department of Health and Social Ser-
vices


DATE: February 28, 1978

FILE NO:

TELEPHONE NO:

FROM: Avrum M. Gross
Attorney General

SUBJECT: Supplemental Appropriations.

By: Richard L. Peter 
Assistant Attorney General

You have asked if the annual appropriation for the Violent Crimes Compensation Board is "closed" or "open-ended". In other words you are asking if the Board may properly request a supplemental appropriation when its annual appropriation is exhausted.

Although it is the policy of the administration to keep requests for supplemental appropriations at a minimum, it is sometimes necessary to request additional funds because of the difficulty of estimating expenditures in some programs. However, there is no legal barrier to the request for, or grant of such supplemental appropriations, unless perhaps the legislature would by a specific letter of intent with the annual appropriation serve notice on the agency that it would consider no requests for supplemental funding.

The Violent Crimes Compensation Board received a supplemental appropriation amounting to \$50,000 two years ago which was authorized by §2, ch 156, SLA 1976, so there is also a history of such requests by the agency.

Whether the Board seeks additional funding this fiscal year, or delays payment of awards until its annual appropriation has been received, is a question that may be answered by a policy decision, as there are no legal restrictions involved.

RLP: ps

VIOLENT CRIMES COMPENSATION BOARD

PENDING CLAIMS

Claim #78-073. The claimant, a 31 year old male, was shot and seriously injured when a man walked into a market and fatally wounded one man and injured the claimant. The assailant has since been convicted of First Degree Murder and Assault with Intent to Kill. The claimant was given an Emergency Award of \$1,500.00 and the claim will be determined as soon as the Board has documentation from the doctor as to the extent of the injuries and the percentage of disability. The award will probably not exceed \$10,000.00.

Claim #78-072. The claimant is requesting funeral expenses, air fare and telephone calls due to the death of her son who was shot and killed. According to the newspaper clippings, there may be some evidence of provocation and, if there is, the Board would not award the claimant. If it is determined there was no provocation, the award could be \$3,000.00.

Claim #78-017. The claimant, a 23 year old male, states that he was severely beaten by unknown assailants. He is requesting medical expenses and loss of earnings for approximately \$2,300.00.

Claim #78-060 & 061. The claimant has filed two claims due to separate incidents in which he was injured quite severely with significant loss of function of the right hand and forearm, along with losing many of his teeth. The incidents described are very vague and, in one of the incidents, medical expenses were covered by Medicaid. If we cannot obtain more documentation or information, the claim probably would be denied because of lack of evidence that he was an innocent victim of a violent crime.

Claim #78-036. The claimant, a 29 year old male, was shot in the stomach with a 38 revolver by a man who was sharing an apartment with him. He is requesting \$3,200.00 in medical expenses and transportation costs and \$20,000.00 for loss of earnings. Documentation will be necessary to prove that the claimant was not living with the offender as a member of the same family or household, in order to be eligible for an award.

Claim #78-033. The claimant, a 30 year old female, was assaulted by her roommate's boyfriend who hit her in the face, breaking her glasses and chipping a tooth, and then kicked her in the back and leg. She is requesting \$2,000.00 for medical expenses and loss of earnings.

Claim #78-039. The claimant, a 58 year old male, was attacked by three men who broke into his house. He received multiple facial lacerations, lost all of his lower teeth and many of the upper teeth. He is requesting medical expenses but we do not have the billings on the amount.

Claim #78-069. The claimant, a 25 year old male, was attacked by three men when he helped the management escort a man out of a bar. He received two extremely deep head wounds, one of which required 16 stitches and the other, 12 stitches. He is requesting medical expenses but did not include the billings.

Claims #78-045 - 048. The claimant, a 32 year old female, is requesting compensation for herself and her three children because of the death of her husband. The husband was killed in a shooting incident at a friend's house. We do not have all the documentation necessary to take this claim to the Board. If the claim is eligible, the award could be as high as \$40,000.00.

Claim #78-070. The claimant, a 32 year old male, suffered a gunshot wound to the right leg just below the knee when he interferred in a family dispute. He is requesting loss of earnings in the amount of \$17,000.00.

Claim #78-063. The claimant, a 30 year old male, was standing in front of an apartment building waiting for the rest of his softball team, when he saw a fight two apartments down. He and his friend walked over and broke up the fight. One man walked away and came back a little later with a revolver. He started shooting, hitting the claimant in the leg and, at about the same time, hitting an old gentleman who was returning home with groceries. The bullet broke the claimant's left femur just above the knee. The claimant has been unable to work since the incident as he has been in traction and a walking cast. He is requesting loss of earnings and out of pocket expenses that total approximately \$10,000.00.

Claim #78-062. The claimant, a 21 year old male, had an argument with a man. Later that same day, the man came to the residence of a friend. The claimant answered the knock at the door and the man shot him in the thigh with a 22 rifle. The claimant is requesting \$5,000.00 for loss of earnings.

Claim #78-049. The claimant, a 49 year old male, received gunshot wounds to the lower back and a jaw injury in the same incident as described in Claim #78-039. The claimant is requesting loss of earnings for approximately \$1,000.00.

Claim #78-023. The claimant, a 56 year old male, was employed at a bar and asked a man to leave as he was bothering other people. The man came back a short time later and struck the claimant with a 2X4 causing severe injury to the head. The claimant is requesting approximately \$2,500.00 for medical expenses and loss of earnings.

Claim #78-004. The claimant, a 47 year old male, went to the restroom at a bar, was assaulted and found a short time later. He received serious injuries to his head and an injury to his eye. The claimant is requesting approximately \$1,000.00 for medical expenses and loss of earnings.

Claim #78-065. The claimant, a 25 year old male, was in his apartment when two men forced their way into the apartment. One man observed while the other man beat and kicked the claimant. The claimant is requesting approximately \$4,000.00 for medical expenses and loss of earnings.

Claim #78-066. The claimant, a 22 year old male, states that he was severely beaten in a bar and received a broken nose, facial lacerations and four fractured ribs. He is requesting approximately \$2,000.00 in medical expenses and loss of earnings.

Claim #78-064. The claimant, a 22 year old female, was raped and beaten by two men who had given her a ride. Both suspects were convicted of Assault with Intent to Commit Rape. She is requesting approximately \$3,000.00 in expenses and loss of earnings.

Claim #78-056. The claimant, a 51 year old female, is requesting \$40,000.00 in loss of support because of the shooting death of her son. The documentation is incomplete at this time.

Claim #78-044. The claimant, a 25 year old female, was raped by a man whom she had picked up hitchhiking. She is requesting approximately \$2,000.00 in medical expenses and loss of earnings.

Claim #78-057 & 058. These two claims were filed on behalf of two children, ages eight and ten, based on the death of their father as the result of a gunshot wound to the head. They are requesting \$40,000.00.

Claim #78-034. The claimant, a 40 year old female, is requesting funeral expenses in the amount of \$1,500.00 because of the death of her daughter who was shot and killed by a man who entered her apartment.

Claims #78-051 & 052. These claims were filed on behalf of two children, ages seven and four, based on the death of their mother described in the incident in Claim #78-034. They are requesting \$40,000.00.

Claim #78-074. The claimant, a 21 year old male, had an altercation with a person and decided to leave the scene in his pickup. However, the person broke the window in his truck and attacked and stabbed the claimant. The claimant is requesting approximately \$2,000.00 in medical expenses and loss of earnings.

Claim #78-075. The claimant, a 36 year old male, was in a bar talking to a friend when another man came up and started attacking him. He suffered a broken nose, broken front teeth and lacerations. He is requesting approximately \$1,500.00 for medical expenses and loss of earnings.

Claim #78-076. The claimant, a 21 year old female, was walking home from work one night and accepted a ride with two men. They took her to a remote area and raped her many times. She is requesting loss of earnings of approximately \$112.00 plus out of pocket expenses.

Claim #78-077. The claimant, a 44 year old male, started to get into his car when he was attacked by four or five people. He received a laceration of the forehead three inches long, a laceration above the left eye, multiple contusions of the face and rib fractures. He is requesting approximately \$3,000.00 for medical expenses and loss of earnings.

Claim #78-078. The claimant, a 45 year old female, is requesting funeral expenses based on the death of her nine year old daughter in a beating and attempted rape incident. The funeral expenses requested are in the amount of \$4,986.00.

DETERMINATION OF CLAIMS

 , Jr., Claim #77-048. This is the incident where the claimant is the son of a 23 year old male who died of a gunshot wound at his residence. The Board denied the claim on the grounds that the weight of the evidence indicated it was a self inflicted gunshot wound. The attorney for the claimant submitted a copy of the Inquest proceedings. It was the Board's decision to reaffirm the denial on the grounds that the weight of the evidence indicated a self inflicted wound.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless...the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

 , Claim #77-010. This is the incident where the claimant alleges that she was raped while walking to a girlfriend's house. At the last meeting, the Board had requested further information. Information was received from the doctor involved in the case so a determination could be made. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award her medical expenses in the amount of \$336.00.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 336.00

No attorney fees necessary.

All Board members concurred with the decision.

 , Claim #77-030

 , CLAIM #77-030. The claimant, a 26 year old man, was involved in an incident where he entered a bar in the early hours of the morning and before ordering a drink, went to the restroom. When he was about to leave the restroom, three men rushed in and began attacking him. He suffered two knife wounds in the chest and lung. It was the determination of the Board that he was an innocent victim of a violent crime and it was their decision to award him \$1,610.00 for loss of earnings at their Standards of Compensation of \$230.00 a week for seven weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,610.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #77-054. The claimant is the mother of a 31 year old male who was found dead with a massive crush injury to the head. Further information was submitted to the Board and it was the determination of the Board that he was an innocent victim of a violent crime and it was the decision of the Board to award the claimant funeral expenses in the amount of \$1,058.50.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 1,058.50

No attorney fees necessary

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claims #77-078/079. The claimants are the children of the victim and in the custody of their mother and ex-wife of the victim. The mother requested compensation on behalf of the children for the death of the father. The victim was a 31 year old male who was found dead with a massive crush injury to the head. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was their decision to award each of the children \$7,500.00.

AWARDED: Under Section 18.67.110(3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$15,000.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #77-026. The claimant, a 26 year old woman, was involved in an incident whereby she left her husband at a hotel and walked down the street to get something to eat. She was assaulted by an unknown assailant and suffered a fractured jaw. Because of the conflicting evidence the Board ordered a hearing prior to making a determination on the claim.

~~XXXXXXXXXXXX~~ Claim #77-069. The claimant is the brother of a 44 year old man who was shot and killed in an incident where two children were throwing snowballs at a man's window. The man came out of the apartment house with a gun and threatened to shoot the children. The claimant's brother attempted to talk to the man and the man shot and killed the brother. The claimant requested funeral expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was their decision to award the claimant funeral expenses.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 1,848.69

No attorney fees necessary.

All Board members concurred with the decision.

XXXXXXXXXX, Sr., Claim #77-083. The claimant is the father of a 24 year old man who was found lying in a ditch. He had been shot and died at the hospital several weeks later. The claimant requested funeral expenses and out of pocket expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was the decision of the Board to award the claimant funeral expenses in the amount of \$2,682.41 and out of pocket expenses in the amount of \$789.72.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 3,472.13

No attorney fees necessary.

All Board members concurred with the decision.

XXXXXXXXXX, Claim #77-071. The claimant was involved in an incident wherein a truck stopped in front of him. He got out to see what was the matter and a man got out of the truck and hit him. The claimant suffered the loss of an eye. It was the determination of the Board that the claimant was an innocent victim of a violent crime. It was their decision to compensate the claimant for loss of earnings under their Standards of Compensation of \$230.00 per week for thirty-seven weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 8,510.00

No attorney fees necessary.

All Board members concurred with the decision.

XXXXXXXXXX Claim #78-007. This is the incident where the claimant alleges that he was struck on the head at a bar by an unknown assailant. All witnesses in the bar state it was an accident as the claimant was intoxicated and fell, hitting his head. It was the decision of the Board to deny the claim on the grounds that he was not a victim of any violent crime.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless... the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #78-005. This is the incident where the claimant entered a bar looking for a friend and was assaulted by a man with a knife and while trying to get away, was stabbed. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award \$524.50 for medical expenses and \$920.00 for four weeks loss of earnings under the Standards of Compensation of \$230.00 per week.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,444.50

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #78-002. The mother of the victim filed a claim on behalf of her son as he was involved in an incident where he was walking home from town when a man, he knew slightly, joined him. The man forced the boy to walk around for quite awhile hitting and abusing him. Then the assailant sexually assaulted the boy and stabbed him in the throat. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded medical expenses in the amount of \$197.00, out of pocket expenses to the claimant's parents of \$232.10 and \$500.00 as the claimant was subjected to a substantially emotional trauma. The claimant's parent was also advised that if plastic surgery was indicated because of the scar and their insurance would not cover it, the Board would pay that expense. They also suggested counselling for the claimant and that the Board was willing to pay for that expense also.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (4) any other loss resulting from the personal injury or death of the victim which the Board determines to be reasonable.

Motion made and carried to award: \$ 929.10

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #78-018. The claimant, a 20 year old female, was sexually assaulted while walking from her place of employment. It was the determination of the Board that the claimant was an innocent victim of a violent crime and compensated her for loss of earnings under their Standards of Compensation of \$230.00 per week for five weeks and awarded her \$500.00 for emotional trauma. The Board also recommended that if she had any unpaid medical bills or was, in fact, pregnant and needed the cost of an abortion, the claim could be reopened for these expenses.

AWARDED: Under Section 18.67.110(2) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (4) any other loss resulting from the personal injury or death of the victim which the Board determines to be reasonable.

Motion made and carried to award: \$ 1,650.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #76-011. This is the incident where the claimant's wife was beaten to death with a club. It was the determination of the Board that the victim was an innocent victim of a violent crime. It was the decision of the Board to award the claimant funeral expenses plus \$140.00 for one week's loss of earnings.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,363.13

Attorney fees to J. Ken Nunley - \$50.00

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #77-085. The claimant, a 51 year old male, was assaulted by several individuals while on duty as a Security Guard. It was the determination of the Board that he was an innocent victim of a violent crime but denied an award on the grounds that he received Workmen's Compensation for all of his medical expenses and loss of earnings.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including...his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #77-077. The claimant is the mother of a 22 year old male who was shot to death. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #77-072. This is the incident where the claimant was a passenger in a vehicle that struck the rear of another vehicle. An argument ensued and the claimant was struck about the face and head. It was the decision of the Board to deny the claim on the grounds that the evidence was controverted and the weight of the evidence does not go in either direction.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #77-045. This is the incident where the claimant opened the door and the assailant shot him in the hand. The claimant then returned fire, hitting the assailant in the head and killing him. It was the decision of the Board to deny the claim on the grounds that there was lack of information to establish the fact that he was an innocent victim and the claimant failed to appear at a hearing to produce the information.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #77-046. This is the incident where the claimant's husband and the father of her four children was shot to death in the home of the wife's uncle, by the uncle. The Board had previously denied the claim on the grounds that the evidence was conflicting and the Board was not convinced that he was an innocent victim. It particularly appeared that the social history could have provided provocation for the shooting. A hearing was held and the Board reviewed the hearing officer's findings. It was the decision of the Board to concur with the hearing officer's findings. It was the Board's decision to award the claimant and her children \$30,000.00 for loss of support of the husband and father. It was also their decision to pay out of pocket expenses for the funeral in the amount of \$1,516.80.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award:

\$31,516.80

Russellyn Carruth abstained.

Attorney fees pending itemized statement.

~~XXXXXXXXXX~~ Claim #77-026. The claimant, a 26 year old woman, was involved in an incident whereby she left her husband in a hotel and walked down the street to get something to eat. She was allegedly assaulted by an unknown assailant and sustained a fractured jaw. Because of the conflicting evidence, the Board ordered a hearing prior to making a determination. A hearing was held and the Board reviewed the hearing officer's findings and conclusions. It was the decision of the Board to concur with the hearing officer's findings and to deny the claim on the grounds that there were inconsistencies with the police report which led to lack of conclusive evidence and insufficient proof to show the claimant was an innocent victim of an unprovoked criminal act.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury...

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-055. This was the case of the murder of a young woman in her apartment in Fairbanks by a single gunshot wound to the abdomen. There was a question whether the gunshot wound was self-inflicted or inflicted by an unknown assailant. The claimant is the husband of the victim and father of their young daughter. The Board requested more information from Mr. Pundai and also a copy of the coroner's report from Fairbanks. After reviewing the information and transcript, it was the decision of the Board to deny the claim on the grounds that the weight of the evidence indicated an self-inflicted gunshot wound.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless... the personal injury or death was the result of an incident or offence listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #78-027. This is the case where the claimant's son was shot to death. It was the determination of the Board that he was an innocent victim of a violent crime and had made an award to his wife and children. The Board, at that time, agreed to pay funeral expenses if the applications were submitted by the victim's parents. It was the decision of the Board to award the claimant \$695.50 for out of pocket expenses for the funeral.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award:

\$ 695.50

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~, Claim #78-031. This is the case where the claimant's son was shot to death. It was the determination of the Board that he was an innocent victim of a violent crime and had made an award to the wife and children. The Board, at that time, agreed to pay funeral expenses if the applications were submitted by the victim's parents. It was the decision of the Board to award the claimant \$810.15 for out of pocket expenses for the funeral.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 810.15

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~, Claim #78-026. The claimant, a 55 year old woman, was the night clerk at an apartment building when she was shot in the back of the head and left leg by two assailants. It was the determination of the Board that she was an innocent victim of a violent crime but denied the claim on the grounds that collateral sources, namely Workmen's Compensation, covered all of her expenses and her disability as she is unable to work.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including...his need for financial aid and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXX~~, Claim #78-010. This is the incident where a group of young men were standing outside of a drinking establishment when several other men came out of the bar and one man started shooting. The claimant was shot in the buttocks. It was the determination of the Board that he was an innocent victim of a violent crime and it was their decision to award him \$1,625.40 for loss of earnings. This was computed at the claimants earnings of \$180.60 per week for nine weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,625.40

No Attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-003. The claimant, a 36 year old man, was involved in an incident where he and several other friends went to a bar. As they were leaving, the claimant states that several men harrassed him. The claimant and friends started to leave in a car but the other men stopped the car. The claimant and his friend got out to see what was the matter. The claimant states he was beat on the head with a club. It was the decision of the Board to deny the claim on the grounds that there was conflicting evidence and there was not conclusive evidence that he was an innocent victim of a violent crime.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his or death.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-012. The claimant, a 34 year old cab driver, suffered gunshot wounds to the head and shoulder when two men reportedly robbed the claimant, shot him and drove off in his cab. It was the determination of the Board that the claimant was an innocent victim of a violent crime and eligible for compensation. It was the decision of the Board to compensate the claimant for loss of earnings based on their Standards of Compensation of \$230.00 per week for nine weeks. It was also their decision to compensate him for out of pocket expenses for cab fare to and from the hospital in the amount of \$25.00.

AWARDED: Under Section 18.67.110(1) expenses acutally and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award:

\$ 2,095.00

No Attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-019. The claimant, a year old ~~son~~, and other members of the Brothers Motorcycle Club entered a bar in Healy and there was an altercation between the railroad workers and the Brothers Motorcycle Club. During the incident the claimant was shot. It was the decision of the Board to deny the claim on the grounds that there was conflicting evidence, some of which indicated consent and/or provocation.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #77-051. The claimant, a 22 year old man, was involved in an altercation at a bar and was taken to the hospital for head injuries and multiple bruises. It was the decision of the Board to deny the claim on the grounds that there was an indication of consent to the fight. Also, there was no evidence that even if it were an unprovoked attack, that it is covered under Section 100.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury; and Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless...the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-021. The claimant, a 23 year old woman, was in her apartment when her ex-boyfriend came in and, following an argument, began striking her. It was the decision of the Board to deny the claim on the grounds that there appeared to be a boyfriend-girlfriend relationship and, also, it did not appear to be a crime eligible under Section 100.

DENIED: Under Section 18.67.130(b) No compensation may be awarded if the victim (2) is, at the time of the personal injury...living with the offender...or maintaining a sexual relationship, whether illicit or not, with the offender; and Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless...the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-008. The claimant, a 22 year old male, was involved in an incident at a cannery where he and the night watchman had as two young males in a boat to keep the noise down. Apparently, there was some words and the claimant threw several rocks at their skiff. The two men came back with a third man and struck the claimant several times in the back with a piece of pipe. It was the decision of the Board to deny the claim on the grounds that there was conflicting evidence as to whether there was provocation or actions to contribute to the incident. There was no medical confirmation of disability although the claimant was requesting disability for a rather extended length of time.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-001. The claimant, a 15 year old girl, was on her way to school when she was attacked from behind, dragged into the graveyard and raped. It was the determination of the Board that the claimant was an innocent victim of a violent crime. It was the decision of the Board to award medical expenses and other out of pocket expenses which the Board determined to be reasonable.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 683.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #78-015. This is the incident where the claimant went into a bar to pick up his girlfriend who was working in the bar. There was an altercation in the bar and the claimant received a gunshot wound to the face. It was the decision of the Board to deny the claim on the grounds that there was provocation/consent.

DENIED: Under Section 18.67.020(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #77-084. The claimant, a 42 year old woman, was involved in an incident in which she states her ex-boyfriend had come to her apartment and had hit her, breaking her jaw. It was the decision of the Board to deny the claim on the grounds that there was a relationship between the claimant and assailant. Also, it appears that this was a case of simple assault which does not qualify under Section 100 and there was conflicting information given by the claimant on different occasions.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless... the personal injury or death was the result of an incident or offense listed under Section 100 of this chapter; (b) No compensation may be awarded if the victim (2) is, at the time of the personal injury...living with the offender...or maintaining a sexual relationship, whether illicit or not, with the offender.

All Board members concurred with the decision.

~~Claim #73-022.~~ Claim #73-022. The claimant, a 30 year old man, is requesting compensation for himself and his three children based on the death of his wife. There was a commotion in front of their and his wife was awakened when a rock was thrown through the window. She stepped outside of the house onto the porch to see what had happened and, while standing there, incurred a fatal gunshot wound to the chest. It was the determination of the Board that she was an innocent victim of a violent crime and the claimant was eligible for compensation. It was the decision of the Board to award out of pocket expenses for the funeral in the amount of \$580.00. It was also the decision of the Board to award Mr. Walker and the children \$25,000.00 for pecuniary loss.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$25,580.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~Claim #76-066.~~ Claim #76-066. This is the incident where the victim, a 31 year old male, was assaulted and received serious injuries to his leg as a person, who he stated owed him wages, attacked him without provocation. The Board awarded him \$3,850.00 for temporary total disability, \$1,386.00 for temporary partial disability, plus medical expenses in the amount of \$9,816.45. The total award was \$13,552.45. Mr. Merriman wrote a letter submitting several more medical billings, one for \$721.00 and one for \$387.00. The Administrator wrote Mr. Merriman and quoted the statute as saying "all payments shall be made in a lump sum." In the letter, it was requested that Mr. Merriman check with Vocational Rehabilitation to see if medical bills would not be covered under their office and requested a reply by the time of the Board meeting. It was the Board's recommendation to take no action on the billings until a reply was received from Mr. Merriman.

~~Claim #77-082.~~ Claim #77-082. The claimant, a 36 year old man, was involved in an incident wherein he was stabbed in the back. The Board had awarded him loss of earnings for twelve days according to their Standards of Compensation for a total of \$552.00. The claimant's attorney submitted a billing for \$52.50 for the ambulance and \$74.68 for the doctor. In the original claim, Mr. Vasquez had thought his insurance would pay all of his medical expenses. It was the determination of the Board that the billings were legitimate and awarded Mr. Vasquez \$127.18.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 127.18

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #77-045. This is the incident where the claimant, a 42 year old male, opened the door and the assailant shot him in the hand. The claimant then returned fire hitting the assailant in the head, killing him. The Board denied the claim on the grounds that there was lack of information to establish the fact that he was an innocent victim. The claimant failed to appear at the Board meeting as requested. He later requested a hearing and a hearing was scheduled in Anchorage. Mr. TreScott again failed to appear at the hearing and the hearing officer recommended that the applicant's claim be dismissed with prejudice. The Board concurred with the hearing officer's report and reaffirmed their denial.

DENIED: Under Section 18.67.030(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #77-034. This is the case where the claimant, a 42 year old woman, stated that her ex-boyfriend had come to her apartment and had hit her, breaking her jaw. The Board denied the claim on the grounds that there was a relationship between the claimant and the assailant and that it was a case of simple assault which does not qualify under Section 100 of the statute. A hearing was scheduled on the request of the claimant and the claimant did not appear. It was the recommendation of the hearing officer that the claim be dismissed with prejudice. The Board concurred with the hearing officer's report and reaffirmed their denial.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless... the personal injury or death was the result of an incident or offense listed under Section 100 of this chapter; (b) No compensation may be awarded if the victim (2) is, at the time of the personal injury...living with the offender...or maintaining a sexual relationship, whether illicit or not, with the offender.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #76-057. The claimant, a 24 year old female, was working in an all night cafe when a male came in with a drink in his hand. The claimant requested he leave the cafe and, at this point, he slapped her causing her to hit her head on a metal waitress stand. The claim had been pending for some time waiting for a decision from Workmen's Compensation. It was the decision of the Board to deny the claim on the grounds that; (1) she has not exhausted her Workmen's Compensation remedy, (2) she is receiving SSI of \$259.00 per month, and (3) the information does not clearly establish the causal relationship between the attack and the disability nor the extent of the disability.

DENIED: Under Section 18.67.030(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, his need for financial aid, or any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-039. The claimant, a 31 year old female, is requesting compensation for herself and five children because of the death of her husband. Her husband was apparently asleep at the time the assailant came in and killed him with one shot from a 22 caliber pistol. Although Mrs. Joe was claiming compensation for the five children, the youngest child was the only legal child of the victim. It was the determination of the Board that the claimant's husband was an innocent victim of a violent crime and the claimant was eligible for compensation. It was the decision of the Board to award Mrs. Joe \$150.00 a month for thirteen year for a total amount of \$23,400.00.

AWARDED: Under Section 18.67.110(3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award:

\$23,400.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~, Claim #77-091. The claimant, a 24 year old male, took a girl to his apartment. An altercation took place and the girl shot him nine times. It was the decision of the Board to deny the claim on the grounds that, (1) he was engaged in an act of prostitution which is a crime, (2) he was engaged in a sexual encounter, while it might not be considered maintaining a sexual relationship, it was a sexual encounter, and (3) there was some evidence that he was engaged in an attempted rape.

DENIED: Under Section 18.67.130(b) No compensation may be awarded if the victim (2) is, at the time of the personal injury...of the victim living with the offender as a member of the same family or household, or maintaining a sexual relationship, whether illicit or not, with the offender...; and (3) violated a penal law of the state, which violation caused or contributed to his injuries.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-086. The claimant is the wife of a 26 year old male who was shot to death. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXX~~ Claim #77-087. The claimant, a 61 year old male, was arrested by a policeman who was intoxicated. The claimant had committed no offense, however, in route to the jail, the policeman shot the claimant four times with a 38 special revolver in the arms, legs and in the chest. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him \$7,500.00 based on permanent partial disability.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award:

\$ 7,500.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #78-009. The claimant, a 47 year old male, was making a phone call from a pay phone when a man approached him asked him for a ride to a nearby apartment building. The claimant gave him a ride and when they had arrived at the apartment, the man asked him to get out of the car and help him find his sister's car. The man got behind the claimant and struck him a powerful blow behind the left ear, robbed him of his wallet and stole his car. Because of this incident, the claimant has a permanent partial hearing loss. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him \$5,980.00 for permanent partial disability. They also awarded medical expenses of \$50.00.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 6,030.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #78-016. The claimant, a 64 year old male, was sitting in the lobby of an apartment building when an elderly woman started shooting. The claimant was badly injured after being hit in the left leg with a bullet. His medical expenses were covered by Medicare, however, it was the determination of the Board that Mr. Traylor was an innocent victim of a violent crime and awarded him \$1,200.00 loss of earnings and agreed to pay for part of the Homemaker service which could not be covered by the State in the amount of \$746.24.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,946.24

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #78-020. The claimant, a 23 year old female, was attacked in her apartment. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXXXX~~, Claim #78-025. The claimant, a 28 year old female, made a derogatory remark to the man her girlfriend had just married. The man struck the claimant in the face with a drinking glass. It was the determination of the Board that she was an innocent victim of a violent crime and the Board awarded her \$221.95 for medical expenses and \$254.34 for six days loss of earnings.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 476.23

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-029. The claimant, a 23 year old male, had his apartment broken into by friends who chased him out of his apartment and struck him about the head and body, causing a severe concussion and other injuries. It was the decision of the Board to deny the claim on the grounds that, (1) he did not press charges, and (2) there is an indication he was engaged in criminal activities.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury...; and Section 18.67.130(b) No compensation may be awarded if the victim (3) violated a penal law of the state, which violation caused or contributed to his injuries.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-029. The claimant, a 27 year old male, was pulled out of his car and kicked and beaten. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXXXX~~, Claim #78-032. The claimant, a 20 year old male, was walking home when he was struck on the back of the head with a large piece of wood and robbed. He suffered a mild concussion. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him loss of earnings of \$203.00 a week for three weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 609.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Jr., Claim 3-035. The claimant, a 52 year old male, was robbed at gunpoint in a parking lot. The claimant tried to grab the man with the gun after handing him his money and, in the process, the gun went off and the claimant's shoulder was injured. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded him \$260.50 in medical expenses and \$1,150.00 for five weeks loss of earnings at \$230.00 per week. From this amount was deducted the \$1,200.00 Emergency Award granted.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,410.50

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-037. The claimant, a 21 year old female, requested loss of support for her daughter, Mia, based on the stabbing death of the claimant's ex-husband and father of Mia. At the February 1, 1977 meeting, the Board had determined that the claimant's ex-husband was an innocent victim of a violent crime. They awarded the claimant, on behalf of the daughter, \$11,200.00 for loss of support of the father. This was computed at \$75.00 per month for approximately thirteen years.

AWARDED: Under Section 18.67.110(c) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$11,200.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-040. The claimant, a 21 year old male, was standing by his pickup while a man was pouring gas in the truck. The man turned and threw the remaining gas on the claimant's legs. The man then invited him into his trailer for the purpose of changing clothes. The claimant, after waiting about five minutes, approached the man who struck a cigarette lighter at his legs and ignited the claimant's pants. The claimant suffered burns on both forelegs. He was transferred out of state for grafting of the non-healing burn wound on his right foreleg. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him \$4,554.26 for medical expenses, \$2,000.00 for projected medical expenses and loss of earnings for nine weeks at \$230.00 a week for a total of \$2,070.00. An Emergency Award of \$1,500.00 had been granted prior to the Board meeting and is to be deducted from the total amount.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 8,624.26

No attorney fees necessary.

All Board members concurred with the decision.

~~WARREN~~ Claim #78-041. The claimant, a 49 year old male, who lived and worked at a lodge, had closed the lodge for the night when he heard a knock at the door. He opened the door and saw three men standing there. As one man had a gun, he quickly slammed the door shut. Four shots were fired through the door and two bullets struck the claimant in the back with one lodging next to his heart. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him \$977.75 for medical expenses and \$300.00 for loss of earnings.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,277.75

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~WARREN~~, Claim #78-053. The claimant, a 35 year old female, requested compensation for herself and six children based on the death of her husband and the children's father. The victim was shot and killed and another person critically injured when a man walked into a market and started shooting with a 357 magnum. The assailant was later convicted of First Degree Murder and sentenced to life in prison. It was the determination of the Board that the claimant and her six children were eligible for compensation. The Board awarded the maximum amount of \$40,000.00 for the dependents of the deceased victim. An Emergency Award of \$1,500.00 had been granted prior to the Board meeting.

AWARDED: Under Section 18.67.110(3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$40,000.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~WARREN~~, Claim #78-055. The claimant, a 62 year old female, requested funeral expenses due to the death of her daughter. The daughter was found by the side of the road over an embankment with numerous injuries. She had already expired and was identified at a later date. It was the decision of the Board to deny the claim on the grounds that there was lack of evidence that she was an innocent victim of a violent crime. There was evidence that indicated a possible hit and run accident. There was also the possibility that someone attacked her, however, the evidence was not conclusive to prove she was the victim of a violent crime compensable under this program.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case

or social history, if any, of the victim, his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-059. The claimant, an 18 year old female, was confronted by three females whom she knew and a fight ensued. The claimant was struck on the head with a pair of nunchucks. It was the decision of the Board to deny the claim on the grounds there was evidence that indicated consent and/or provocation.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim with directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-058. The claimant, a 54 year old female, requested funeral expenses due to the death of her foster son. The victim was hitchhiking when he was picked up by a male and female who later beat him brutally and shot him to death. It was the determination of the Board that the claimant was eligible for compensation and awarded funeral expenses in the amount of \$697.00.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 697.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-054. The claimant, a 29 year old male, was home with his wife and new baby when the landlord entered the home and accused the claimant of hiding the landlord's girlfriend. The landlord picked up a part of a handy-man jack and beat the claimant, breaking his arm in addition to giving him several cuts, bruised the claimant's wife and threatened harm to the baby and destroyed several articles of furniture. A hearing was held and it was the hearing officer's recommendation that the claimant's wife be reimbursed for one week loss of wages as she was the sole support of the family and babysitting expenses for six months. The claimant was not employed at the time of the incident and was receiving disability from the Veteran's Administration. The medical reports indicated that the claimant would be disabled because of the broken arm for a period of six months. Medical expenses were paid by the Veteran's Administration. It was the decision of the Board to award babysitting expenses in the amount of \$1,200.00 and one week loss of wages in the amount of \$187.50.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of the total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,387.50

No attorney fees necessary.

All Board members concurred with the decision.

FY 78 SUPPLEMENTAL REQUEST ANALYSIS

	FY 76 ACTUAL	FY 77 FINAL AUTH.	FY 77 ACTUAL	FY 78 GOV. BUDGET	FY 78 INITIAL AUTH.	FY 78 CURRENT AUTH.	EXPENDITURES + ENCUMBRANCES 7/1 - 10/31	OTHER OBLIGATIONS 7/1 - 10/31	PROJECTED EXPENDITURES + ENCUMBRANCES 11/1 - 6/30	FY 78 (DEFICIT) OR EXCESS	FY 78 MAINTENANCE REQUEST
PERSONAL SERVICES	43.2	44.5	55.4	45.5	45.5	56.7	34.1			-0-	
TRAVEL	6.7	13.4	6.1	13.4	13.4	15.4	2.9	.5		5.0	
CONTRACTUAL SERVICES	14.0	13.5	12.4	13.5	13.5	13.5	5.7			-0-	
COMMODITIES	.7	1.4	1.4	1.4	1.4	1.4	.5			.5	
EQUIPMENT											
LANDS, BLESS. ...											
GRANTS, CLAIMS, ...	221.2	250.0	110.8	250.0	250.0	250.0	106.6	102.0	116.4	(75.0)	2500
MISCELLANEOUS											
TOTAL	285.6	322.6	186.1	325.6	323.6	335.0					
FEDERAL RECEIPTS											
REQUIRED GF MATCHING											
OTHER GENERAL FUND	285.6	322.6	186.1	325.6	323.6	335.0					
INTER-AGENCY RECEIPTS											

AGENCY Dept. of Health & Social Services Bay Violent Crimes Comp. Bd.

COMPONENT Violent Crimes Comp. Bd.

REVISED 3/10/78

COMMITTEE REPORT

SENATE

FURTHER: Finance

4/26/78

Date:

Mr. President:

The Committee on JUDICIARY has had HB 929 supplemental appropriation to Dept. of Health & Social Services, Violent Crimes Compensation Board

under consideration and (a majority of the committee) (the committee reports it back as follows)

(/) recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

() recommends it be replaced with CS for _____

and _____ () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1 [Signature]
1 [Signature]
1 [Signature]

[Blank lines for other recommendations]

[Signature]
Chairman

POSITION PAPER ON

HOUSE BILL 929

This bill provides for an Act making a supplemental appropriation to the Department of Health and Social Services, Violent Crimes Compensation Board; and providing for an effective date.

The Board supports this bill as they have twenty-eight claims pending at this time, three of which are death claims, with more claims coming in each day. As of July 1, 1976, the Board is no longer allowed to encumber funds from prior fiscal year appropriations for pending claims. Conversely, this year they have spent \$94,379.30 on prior year claims.

The Board now has \$41,395.74 remaining in the appropriation for FY 78. At the February 27th meeting, the Board awarded grants totaling \$101,985.66. Three of these awards were for death claims totaling \$73,100.00. Death claims are generally for large amounts since they are awarded to dependents of the innocent victims. For example, one of the three death claims was to a widow with six children who had no collateral sources.

As in some other programs, it is impossible to predict how many claims there will be during one year, and if they will be only for medical expenses and loss of earnings, or if many will be death claims.

The Board feels they have been very conservative since the inception of the program, and feels this has been reflected by the \$139,238.43 lapse last year and similar lapses in previous years. If the Board receives the supplemental appropriation, as requested, they will be as prudent about this money as in years past, and will lapse any money not expended by the end of the fiscal year.

Approved by: Nola K. Capp
Nola K. Capp, Administrator
Violent Crimes Compensation Board

April 18, 1978
Date

Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and Social Services

4/18/78
Date

Introduced: 4/12/78
Referred: Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 929

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Health and Social Services, Violent
8 Crimes Compensation Board; and providing for an
9 effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$75,000 is appropriated from the general fund
12 to the Department of Health and Social Services, for the purpose of paying
13 violent crimes compensation in Fiscal Year 1978.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

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COMMITTEE REPORT
SENATE

6/8/78

FURTHER: NONE

Date: _____

Mr. President:

The Committee on FINANCE has had HB 929
supplemental appropriation to Dept. of Health & Social Services, Violent
Crimes Compensation Board

under consideration and (a majority of the committee) (the committee
reports it back as follows)

- recommends it do pass recommends it do not pass
 recommends it do pass with attached amendment(s)
 recommends it be replaced with CS for _____

- and _____ new title same title
 AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT

SENATE

FURTHER: Finance

4/26/78

Date: _____

Mr. President:

The Committee on JUDICIARY has had HB 929 supplemental appropriation to Dept. of Health & Social Services, Violent Crimes Compensation Board

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass () recommends it do not pass
- () recommends it do pass with attached amendment(s)
- () recommends it be replaced with CS for _____
- and _____ () new title () same title
- () AND attaches a Letter of Intent () New Fiscal Note
- () reports it back without recommendation
- () and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1 Hahn
 1 Collitta
 1 ROOBY

[Signature]
 Chairman

Introduced: 4/12/78
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 929

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Health and Social Services, Violent
8 Crimes Compensation Board; and providing for an
9 effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$75,000 is appropriated from the general fund
12 to the Department of Health and Social Services, for the purpose of paying
13 violent crimes compensation in Fiscal Year 1978.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

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COMMITTEE COPY

94B929

April 12, 1978

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill making a supplemental appropriation to the Department of Health and Social Services, Violent Crimes Compensation Board.

The board has twenty-eight claims pending at this time, three of which are death claims. Additional claims are filed every day. Although the board has been prudently awarding claims, it was difficult to accurately predict the number and amount of claims during the budget process. This supplemental request is necessary in order to carry out the Violent Crimes Compensation Program as intended.

Fiscal information is enclosed.

Sincerely,

S/JSJH

Jay S. Hammond
Governor

MEMORANDUM

State of Alaska

TO: Ron Lind, Director
Division of Budget & Management
Department of Administration

DATE: March 14, 1978

FILE NO:

TELEPHONE NO:

FROM: *Helen D. Beirne*
Helen D. Beirne, Commissioner
Department of Health & Social Services

SUBJECT: Request for a Supplemental
Appropriation for FY 78

Transmitted herewith is our request for a supplemental appropriation of \$75,000.00 for FY 78 for the Violent Crimes Compensation Board.

The Board has \$41,395.74 remaining in the appropriation for FY 78. At the February 27th meeting, the Board awarded grants totaling \$101,985.66. Three of these awards were for death claims totaling \$73,100.00. Death claims are generally for large amounts since they are awarded to dependents of the innocent victims. For example, one of the three death claims was to a widow with six children who had no collateral sources.

The Board has twenty-eight claims pending at this time, three of which are death claims, with more claims coming in each day. As of July 1, 1976, the Board is no longer allowed to encumber funds from prior fiscal year appropriations for pending claims. Conversely, this year they have spent \$94,379.30 on prior year claims.

As in some other programs, it is impossible to predict how many claims there will be during one year, and if they will be only for medical expenses and loss of earnings, or if many will be death claims.

The Board feels it has been very conservative since the inception of the program, and feels this has been reflected by the \$139,238.43 lapse last year and similar lapses in previous years. If the Board receives the supplemental appropriation, as requested, they will be as prudent about this money as in years past, and will lapse any money not expended by the end of the fiscal year.

STATE
OF ALASKA

MEMORANDUM

TO: Hon. Helen D. Bierne, Commissioner
Department of Health and Social Ser-
vices


DATE: February 28, 1978

FILE NO:

TELEPHONE NO:

FROM: Avram M. Gross
Attorney General

SUBJECT: Supplemental Appropriations.

By: Richard L. Peter 
Assistant Attorney General

You have asked if the annual appropriation for the Violent Crimes Compensation Board is "closed" or "open-ended". In other words you are asking if the Board may properly request a supplemental appropriation when its annual appropriation is exhausted.

Although it is the policy of the administration to keep requests for supplemental appropriations at a minimum, it is sometimes necessary to request additional funds because of the difficulty of estimating expenditures in some programs. However, there is no legal barrier to the request for, or grant of such supplemental appropriations, unless perhaps the legislature would by a specific letter of intent with the annual appropriation serve notice on the agency that it would consider no requests for supplemental funding.

The Violent Crimes Compensation Board received a supplemental appropriation amounting to \$50,000 two years ago which was authorized by §2, ch 156, SLA 1976, so there is also a history of such requests by the agency.

Whether the Board seeks additional funding this fiscal year, or delays payment of awards until its annual appropriation has been received, is a question that may be answered by a policy decision, as there are no legal restrictions involved.

RLP: ps

VIOLENT CRIMES COMPENSATION BOARD

PENDING CLAIMS

Claim #78-073. The claimant, a 31 year old male, was shot and seriously injured when a man walked into a market and fatally wounded one man and injured the claimant. The assailant has since been convicted of First Degree Murder and Assault with Intent to Kill. The claimant was given an Emergency Award of \$1,500.00 and the claim will be determined as soon as the Board has documentation from the doctor as to the extent of the injuries and the percentage of disability. The award will probably not exceed \$10,000.00.

Claim #78-072. The claimant is requesting funeral expenses, air fare and telephone calls due to the death of her son who was shot and killed. According to the newspaper clippings, there may be some evidence of provocation and, if there is, the Board would not award the claimant. If it is determined there was no provocation, the award could be \$3,000.00.

Claim #78-017. The claimant, a 23 year old male, states that he was severely beaten by unknown assailants. He is requesting medical expenses and loss of earnings for approximately \$2,300.00.

Claim #78-060 & 061. The claimant has filed two claims due to separate incidents in which he was injured quite severely with significant loss of function of the right hand and forearm, along with losing many of his teeth. The incidents described are very vague and, in one of the incidents, medical expenses were covered by Medicaid. If we cannot obtain more documentation or information, the claim probably would be denied because of lack of evidence that he was an innocent victim of a violent crime.

Claim #78-036. The claimant, a 29 year old male, was shot in the stomach with a 38 revolver by a man who was sharing an apartment with him. He is requesting \$3,200.00 in medical expenses and transportation costs and \$20,000.00 for loss of earnings. Documentation will be necessary to prove that the claimant was not living with the offender as a member of the same family or household, in order to be eligible for an award.

Claim #78-033. The claimant, a 30 year old female, was assaulted by her roommate's boyfriend who hit her in the face, breaking her glasses and chipping a tooth, and then kicked her in the back and leg. She is requesting \$2,000.00 for medical expenses and loss of earnings.

Claim #78-039. The claimant, a 58 year old male, was attacked by three men who broke into his house. He received multiple facial lacerations, lost all of his lower teeth and many of the upper teeth. He is requesting medical expenses but we do not have the billings on the amount.

Claim #78-069. The claimant, a 25 year old male, was attacked by three men when he helped the management escort a man out of a bar. He received two extremely deep head wounds, one of which required 16 stitches and the other, 12 stitches. He is requesting medical expenses but did not include the billings.

Claim #78-064. The claimant, a 22 year old female, was raped and beaten by two men who had given her a ride. Both suspects were convicted of Assault with Intent to Commit Rape. She is requesting approximately \$3,000.00 in expenses and loss of earnings.

Claim #78-056. The claimant, a 51 year old female, is requesting \$40,000.00 in loss of support because of the shooting death of her son. The documentation is incomplete at this time.

Claim #78-044. The claimant, a 25 year old female, was raped by a man whom she had picked up hitchhiking. She is requesting approximately \$2,000.00 in medical expenses and loss of earnings.

Claim #78-057 & 058. These two claims were filed on behalf of two children, ages eight and ten, based on the death of their father as the result of a gunshot wound to the head. They are requesting \$40,000.00.

Claim #78-034. The claimant, a 40 year old female, is requesting funeral expenses in the amount of \$1,500.00 because of the death of her daughter who was shot and killed by a man who entered her apartment.

Claims #78-051 & 052. These claims were filed on behalf of two children, ages seven and four, based on the death of their mother described in the incident in Claim #78-034. They are requesting \$40,000.00.

Claim #78-074. The claimant, a 21 year old male, had an altercation with a person and decided to leave the scene in his pickup. However, the person broke the window in his truck and attacked and stabbed the claimant. The claimant is requesting approximately \$2,000.00 in medical expenses and loss of earnings.

Claim #78-075. The claimant, a 36 year old male, was in a bar talking to a friend when another man came up and started attacking him. He suffered a broken nose, broken front teeth and lacerations. He is requesting approximately \$1,500.00 for medical expenses and loss of earnings.

Claim #78-076. The claimant, a 21 year old female, was walking home from work one night and accepted a ride with two men. They took her to a remote area and raped her many times. She is requesting loss of earnings of approximately \$112.00 plus out of pocket expenses.

Claim #78-077. The claimant, a 44 year old male, started to get into his car when he was attacked by four or five people. He received a laceration of the forehead three inches long, a laceration above the left eye, multiple contusions of the face and rib fractures. He is requesting approximately \$3,000.00 for medical expenses and loss of earnings.

Claim #78-078. The claimant, a 45 year old female, is requesting funeral expenses based on the death of her nine year old daughter in a beating and attempted rape incident. The funeral expenses requested are in the amount of \$4,986.00.

DETERMINATION OF CLAIMS

 , Jr., Claim #77-048. This is the incident where the claimant is the son of a 23 year old male who died of a gunshot wound at his residence. The Board denied the claim on the grounds that the weight of the evidence indicated it was a self inflicted gunshot wound. The attorney for the claimant submitted a copy of the Inquest proceedings. It was the Board's decision to reaffirm the denial on the grounds that the weight of the evidence indicated a self inflicted wound.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless...the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

 Claim #77-040. This is the incident where the claimant alleges that she was raped while walking to a girlfriend's house. At the last meeting, the Board had requested further information. Information was received from the doctor involved in the case so a determination could be made. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award her medical expenses in the amount of \$336.00.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 336.00

No attorney fees necessary.

All Board members concurred with the decision.

 Claim #77-030. The claimant, a 26 year old man, was involved in an incident where he entered a bar in the early hours of the morning and before ordering a drink, went to the restroom. When he was about to leave the restroom, three men rushed in and began attacking him. He suffered two knife wounds in the chest and lung. It was the determination of the Board that he was an innocent victim of a violent crime and it was their decision to award him \$1,610.00 for loss of earnings at their Standards of Compensation of \$230.00 a week for seven weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,610.00

No attorney fees necessary.

All Board members concurred with the decision.

Claim #77-054. The claimant is the mother of a 31 year old male who was found dead with a massive crush injury to the head. Further information was submitted to the Board and it was the determination of the Board that he was an innocent victim of a violent crime and it was the decision of the Board to award the claimant funeral expenses in the amount of \$1,058.50.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 1,058.50

No attorney fees necessary

All Board members concurred with the decision.

 , Claims #77-078/079. The claimants are the children of the victim and in the custody of their mother and ex-wife of the victim. The mother requested compensation on behalf of the children for the death of the father. The victim was a 31 year old male who was found dead with a massive crush injury to the head. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was their decision to award each of the children \$7,500.00.

AWARDED: Under Section 18.67.110(3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$15,000.00

No attorney fees necessary.

All Board members concurred with the decision.

 Claim #77-026. The claimant, a 26 year old woman, was involved in an incident whereby she left her husband at a hotel and walked down the street to get something to eat. She was assaulted by an unknown assailant and suffered a fractured jaw. Because of the conflicting evidence the Board ordered a hearing prior to making a determination on the claim.

 , Claim #77-069. The claimant is the brother of a 44 year old man who was shot and killed in an incident where two children were throwing snowballs at a man's window. The man came out of the apartment house with a gun and threatened to shoot the children. The claimant's brother attempted to talk to the man and the man shot and killed the brother. The claimant requested funeral expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was their decision to award the claimant funeral expenses.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 1,048.69

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Sr., Claim #77-083. The claimant is the father of a 24 year old man who was found lying in a ditch. He had been shot and died at the hospital several weeks later. The claimant requested funeral expenses and out of pocket expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was the decision of the Board to award the claimant funeral expenses in the amount of \$2,682.41 and out of pocket expenses in the amount of \$789.72.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 3,472.13

No attorney fees necessary.

All Board members concurred with the decision..

~~XXXXXXXXXXXX~~, Claim #77-071. The claimant was involved in an incident wherein a truck stopped in front of him. He got out to see what was the matter and a man got out of the truck and hit him. The claimant suffered the loss of an eye. It was the determination of the Board that the claimant was an innocent victim of a violent crime. It was their decision to compensate the claimant for loss of earnings under their Standards of Compensation of \$230.00 per week for thirty-seven weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 8,510.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #73-007. This is the incident where the claimant alleges that he was struck on the head at a bar by an unknown assailant. All witnesses in the bar state it was an accident as the claimant was intoxicated and fell, hitting his head. It was the decision of the Board to deny the claim on the grounds that he was not a victim of any violent crime.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless... the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-005. This is the incident where the claimant entered a bar looking for a friend and was assaulted by a man with a knife and while trying to get away, was stabbed. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award \$524.50 for medical expenses and \$920.00 for four weeks loss of earnings under the Standards of Compensation of \$230.00 per week.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award:

\$ 1,444.50

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-002. The mother of the victim filed a claim on behalf of her son as he was involved in an incident where he was walking home from town when a man, he knew slightly, joined him. The man forced the boy to walk around for quite awhile hitting and abusing him. Then the assailant sexually assaulted the boy and stabbed him in the throat. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded medical expenses in the amount of \$197.00, out of pocket expenses to the claimant's parents of \$232.10 and \$500.00 as the claimant was subjected to a substantially emotional trauma. The claimant's parent was also advised that if plastic surgery was indicated because of the scar and their insurance would not cover it, the Board would pay that expense. They also suggested counselling for the claimant and that the Board was willing to pay for that expense also.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (4) any other loss resulting from the personal injury or death of the victim which the Board determines to be reasonable.

Motion made and carried to award:

\$ 929.10

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-018. The claimant, a 20 year old female, was sexually assaulted while walking from her place of employment. It was the determination of the Board that the claimant was an innocent victim of a violent crime and compensated her for loss of earnings under their Standards of Compensation of \$230.00 per week for five weeks and awarded her \$500.00 for emotional trauma. The Board also recommended that if she had any unpaid medical bills or was, in fact, pregnant and needed the cost of an abortion, the claim could be reopened for these expenses.

AWARDED: Under Section 18.67.110(2) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (4) any other loss resulting from the personal injury or death of the victim which the Board determines to be reasonable.

Motion made and carried to award: \$ 1,650.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #78-011. This is the incident where the claimant's wife was beaten to death with a club. It was the determination of the Board that the victim was an innocent victim of a violent crime. It was the decision of the Board to award the claimant funeral expenses plus \$140.00 for one week's loss of earnings.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,363.13

Attorney fees to J. Ken Nunley - \$50.00

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-095. The claimant, a 51 year old male, was assaulted by several individuals while on duty as a Security Guard. It was the determination of the Board that he was an innocent victim of a violent crime but denied an award on the grounds that he received Workmen's Compensation for all of his medical expenses and loss of earnings.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including...his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-077. The claimant is the mother of a 22 year old male who was shot to death. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXXXX~~ Claim #77-026. The claimant, a 26 year old woman, was involved in an incident whereby she left her husband in a hotel and walked down the street to get something to eat. She was allegedly assaulted by an unknown assailant and sustained a fractured jaw. Because of the conflicting evidence, the Board ordered a hearing prior to making a determination. A hearing was held and the Board reviewed the hearing officer's findings and conclusions. It was the decision of the Board to concur with the hearing officer's findings and to deny the claim on the grounds that there were inconsistencies with the police report which led to lack of conclusive evidence and insufficient proof to show the claimant was an innocent victim of an unprovoked criminal act.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury...

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #77-055. This was the case of the murder of a young woman in her apartment in Fairbanks by a single gunshot wound to the abdomen. There was a question whether the gunshot wound was self-inflicted or inflicted by an unknown assailant. The claimant is the husband of the victim and father of their young daughter. The Board requested more information from Mr. Pundal and also a copy of the coroner's report from Fairbanks. After reviewing the information and transcript, it was the decision of the Board to deny the claim on the grounds that the weight of the evidence indicated an self-inflicted gunshot wound.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 20 of this chapter unless... the personal injury or death was the result of an incident or offence listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-027. This is the case where the claimant's son was shot to death. It was the determination of the Board that he was an innocent victim of a violent crime and had made an award to his wife and children. The Board, at that time, agreed to pay funeral expenses if the applications were submitted by the victim's parents. It was the decision of the Board to award the claimant \$695.50 for out of pocket expenses for the funeral.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 695.50

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #78-031. This is the case where the claimant's son was shot to death. It was the determination of the Board that he was an innocent victim of a violent crime and had made an award to the wife and children. The Board, at that time, agreed to pay funeral expenses if the applications were submitted by the victim's parents. It was the decision of the Board to award the claimant \$810.15 for out of pocket expenses for the funeral.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 810.15

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #78-026. The claimant, a 55 year old woman, was the night clerk at an apartment building when she was snot in the back of the head and left leg by two assailants. It was the determination of the Board that she was an innocent victim of a violent crime but denied the claim on the grounds that collateral sources, namely Workmen's Compensation, covered all of her expenses and her disability as she is unable to work.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including...his need for financial aid and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #78-010. This is the incident where a group of young men were standing outside of a drinking establishment when several other men came out of the bar and one man started shooting. The claimant was shot in the buttocks. It was the determination of the Board that he was an innocent victim of a violent crime and it was their decision to award him \$1,625.40 for loss of earnings. This was computed at the claimants earnings of \$180.60 per week for nine weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,625.40

No Attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-003. The claimant, a 36 year old man, was involved in an incident where he and several other friends went to a bar. As they were leaving, the claimant states that several men harrassed him. The claimant and friends started to leave in a car but the other men stopped the car. The claimant and his friend got out to see what was the matter. The claimant states he was beat on the head with a club. It was the decision of the Board to deny the claim on the grounds that there was conflicting evidence and there was not conclusive evidence that he was an innocent victim of a violent crime.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his or death.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-012. The claimant, a 34 year old cab driver, suffered gunshot wounds to the head and shoulder when two men reportedly robbed the claimant, shot him and drove off in his cab. It was the determination of the Board that the claimant was an innocent victim of a violent crime and eligible for compensation. It was the decision of the Board to compensate the claimant for loss of earnings based on their Standards of Compensation of \$230.00 per week for nine weeks. It was also their decision to compensate him for out of pocket expenses for cab fare to and from the hospital in the amount of \$25.00.

AWARDED: Under Section 18.67.110(1) expenses acutally and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 2,095.00

No Attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-019. The claimant, a year old man, and other members of the Brothers Motorcycle Club entered a bar in Healy and there was an altercation between the railroad workers and the Brothers Motorcycle Club. During the incident the claimant was shot. It was the decision of the Board to deny the claim on the grounds that there was conflicting evidence, some of which indicated consent and/or provocation.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-051. The claimant, a 22 year old man, was involved in an altercation at a bar and was taken to the hospital for head injuries and multiple bruises. It was the decision of the Board to deny the claim on the grounds that there was an indication of consent to the fight. Also, there was no evidence that even if it were an unprovoked attack, that it is covered under Section 100.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury; and Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless...the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #78-021. The claimant, a 23 year old woman, was in her apartment when her ex-boyfriend came in and, following an argument, began striking her. It was the decision of the Board to deny the claim on the grounds that there appeared to be a boyfriend-girlfriend relationship and, also, it did not appear to be a crime eligible under Section 100.

DENIED: Under Section 18.67.130(b) No compensation may be awarded if the victim (2) is, at the time of the personal injury...living with the offender...or maintaining a sexual relationship, whether illicit or not, with the offender; and Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless...the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #78-098. The claimant, a 22 year old male, was involved in an incident at a cennery where he and the night watchman had as two young males in a boat to keep the noise down. Apparently, there was some words and the claimant threw several rocks at their skiff. The two men came back with a third man and struck the claimant several times in the back with a piece of pipe. It was the decision of the Board to deny the claim on the grounds that there was conflicting evidence as to whether there was provocation or actions to contribute to the incident. There was no medical confirmation of disability although the claimant was requesting disability for a rather extended length of time.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-001. The claimant, a 15 year old girl, was on her way to school when she was attacked from behind, dragged into the graveyard and raped. It was the determination of the Board that the claimant was an innocent victim of a violent crime. It was the decision of the Board to award medical expenses and other out of pocket expenses which the Board determined to be reasonable.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 683.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #78-015. This is the incident where the claimant went into a bar to pick up his girlfriend who was working in the bar. There was an altercation in the bar and the claimant received a gunshot wound to the face. It was the decision of the Board to deny the claim on the grounds that there was provocation/consent.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~, Claim #77-084. The claimant, a 42 year old woman, was involved in an incident in which she states her ex-boyfriend had come to her apartment and had hit her, breaking her jaw. It was the decision of the Board to deny the claim on the grounds that there was a relationship between the claimant and assailant. Also, it appears that this was a case of simple assault which does not qualify under Section 100 and there was conflicting information given by the claimant on different occasions.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless... the personal injury or death was the result of an incident or offense listed under Section 100 of this chapter; (b) No compensation may be awarded if the victim (2) is, at the time of the personal injury...living with the offender...or maintaining a sexual relationship, whether illicit or not, with the offender.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #73-022. The claimant, a 30 year old man, is requesting compensation for himself and his three children based on the death of his wife. There was a commotion in front of their and his wife was awakened when a rock was thrown through the window. She stepped outside of the house onto the porch to see what had happened and, while standing there, incurred a fatal gunshot wound to the chest. It was the determination of the Board that she was an innocent victim of a violent crime and the claimant was eligible for compensation. It was the decision of the Board to award out of pocket expenses for the funeral in the amount of \$530.00. It was also the decision of the Board to award Mr. Walker and the children \$25,000.00 for pecuniary loss.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$25,580.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #76-066. This is the incident where the victim, a 31 year old male, was assaulted and received serious injuries to his leg as a person, who he stated owed him wages, attacked him without provocation. The Board awarded him \$3,850.00 for temporary total disability, \$1,386.00 for temporary partial disability, plus medical expenses in the amount of \$9,816.45. The total award was \$13,552.45. Mr. Merriman wrote a letter submitting several more medical billings, one for \$721.00 and one for \$387.00. The Administrator wrote Mr. Merriman and quoted the statute as saying "all payments shall be made in a lump sum." In the letter, it was requested that Mr. Merriman check with Vocational Rehabilitation to see if medical bills would not be covered under their office and requested a reply by the time of the Board meeting. It was the Board's recommendation to take no action on the billings until a reply was received from Mr. Merriman.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #77-082. The claimant, a 36 year old man, was involved in an incident wherein he was stabbed in the back. The Board had awarded him loss of earnings for twelve days according to their Standards of Compensation for a total of \$552.00. The claimant's attorney submitted a billing for \$52.50 for the ambulance and \$74.68 for the doctor. In the original claim, Mr. Vasquez had thought his insurance would pay all of his medical expenses. It was the determination of the Board that the billings were legitimate and awarded Mr. Vasquez \$127.18.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 127.18

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #77-045. This is the incident where the claimant, a 42 year old male, opened the door and the assailant shot him in the hand. The claimant then returned fire hitting the assailant in the head, killing him. The Board denied the claim on the grounds that there was lack of information to establish the fact that he was an innocent victim. The claimant failed to appear at the Board meeting as requested. He later requested a hearing and a hearing was scheduled in Anchorage. Mr. Prescott again failed to appear at the hearing and the hearing officer recommended that the applicant's claim be dismissed with prejudice. The Board concurred with the hearing officer's report and reaffirmed their denial.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #77-084. This is the case where the claimant, a 42 year old woman, stated that her ex-boyfriend had come to her apartment and had hit her, breaking her jaw. The Board denied the claim on the grounds that there was a relationship between the claimant and the assailant and that it was a case of simple assault which does not qualify under Section 100 of the statute. A hearing was scheduled on the request of the claimant and the claimant did not appear. It was the recommendation of the hearing officer that the claim be dismissed with prejudice. The Board concurred with the hearing officer's report and reaffirmed their denial.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless... the personal injury or death was the result of an incident or offense listed under Section 100 of this chapter; (b) No compensation may be awarded if the victim (2) is, at the time of the personal injury...living with the offender...or maintaining a sexual relationship, whether illicit or not, with the offender.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #76-057. The claimant, a 24 year old female, was working in an all night cafe when a male came in with a drink in his hand. The claimant requested he leave the cafe and, at this point, he slapped her causing her to hit her head on a metal waitress stand. The claim had been pending for some time waiting for a decision from Workmen's Compensation. It was the decision of the Board to deny the claim on the grounds that, (1) she has not exhausted her Workmen's Compensation remedy, (2) she is receiving SSI of \$259.00 per month, and (3) the information does not clearly establish the causal relationship between the attack and the disability nor the extent of the disability.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, his need for financial aid, or any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-039. The claimant, a 31 year old female, is requesting compensation for herself and five children because of the death of her husband. Her husband was apparently asleep at the time the assailant came in and killed him with one shot from a 22 caliber pistol. Although Mrs. Joe was claiming compensation for the five children, the youngest child was the only legal child of the victim. It was the determination of the Board that the claimant's husband was an innocent victim of a violent crime and the claimant was eligible for compensation. It was the decision of the Board to award Mrs. Joe \$150.00 a month for thirteen year for a total amount of \$23,400.00.

AWARDED: Under Section 18.67.110(3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$23,400.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-081. The claimant, a 24 year old male, took a girl to his apartment. An altercation took place and the girl shot him nine times. It was the decision of the Board to deny the claim on the grounds that, (1) he was engaged in an act of prostitution which is a crime, (2) he was engaged in a sexual encounter, while it might not be considered maintaining a sexual relationship, it was a sexual encounter, and (3) there was some evidence that he was engaged in an attempted rape.

DENIED: Under Section 18.67.130(b) No compensation may be awarded if the victim (2) is, at the time of the personal injury...of the victim living with the offender as a member of the same family or household, or maintaining a sexual relationship, whether illicit or not, with the offender...; and (3) violated a penal law of the state, which violation caused or contributed to his injuries.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-086. The claimant is the wife of a 26 year old male who was shot to death. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXX~~ Claim #77-087. The claimant, a 61 year old male, was arrested by a policeman who was intoxicated. The claimant had committed no offense, however, in route to the jail, the policeman shot the claimant four times with a 38 special revolver in the arms, legs and in the chest. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him \$7,500.00 based on permanent partial disability.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 7,500.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #78-002. The claimant, a 47 year old male, was making a phone call from a pay phone when a man approached him asked him for a ride to a nearby apartment building. The claimant gave him a ride and when they had arrived at the apartment, the man asked him to get out of the car and help him find his sister's car. The man got behind the claimant and struck him a powerful blow behind the left ear, robbed him of his wallet and stole his car. Because of this incident, the claimant has a permanent partial hearing loss. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him \$5,980.00 for permanent partial disability. They also awarded medical expenses of \$50.00.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 6,030.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #78-016. The claimant, a 64 year old male, was sitting in the lobby of an apartment building when an elderly woman started shooting. The claimant was badly injured after being hit in the left leg with a bullet. His medical expenses were covered by Medicare, however, it was the determination of the Board that Mr. Traylor was an innocent victim of a violent crime and awarded him \$1,200.00 loss of earnings and agreed to pay for part of the Homemaker service which could not be covered by the State in the amount of \$746.24.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,946.24

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #78-020. The claimant, a 23 year old female, was attacked in her apartment. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXXXXXXXXXXXX~~, Claim #78-025. The claimant, a 28 year old female, made a derogatory remark to the man her girlfriend had just married. The man struck the claimant in the face with a drinking glass. It was the determination of the Board that she was an innocent victim of a violent crime and the Board awarded her \$221.95 for medical expenses and \$254.34 for six days loss of earnings.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 476.23

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-028. The claimant, a 23 year old male, had his apartment broken into by friends who chased him out of his apartment and struck him about the head and body, causing a severe concussion and other injuries. It was the decision of the Board to deny the claim on the grounds that, (1) he did not press charges, and (2) there is an indication he was engaged in criminal activities.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury...; and Section 18.67.130(b) No compensation may be awarded if the victim (3) violated a penal law of the state, which violation caused or contributed to his injuries.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-029. The claimant, a 27 year old male, was pulled out of his car and kicked and beaten. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-032. The claimant, a 20 year old male, was walking home when he was struck on the back of the head with a large piece of wood and robbed. He suffered a mild concussion. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him loss of earnings of \$203.00 a week for three weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 609.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Jr., Claim #78-035. The claimant, a 52 year old male, was robbed at gunpoint in a parking lot. The claimant tried to grab the man with the gun after handing him his money and, in the process, the gun went off and the claimant's shoulder was injured. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded him \$269.50 in medical expenses and \$1,150.00 for five weeks loss of earnings at \$230.00 per week. From this amount was deducted the \$1,200.00 Emergency Award granted.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,410.50

No attorney fees necessary.

All Board members concurred with the decision.

AWARDED: Claim #78-037. The claimant, a 21 year old female, requested loss of support for her daughter, Mia, based on the stabbing death of the claimant's ex-husband and father of Mia. At the February 1, 1977 meeting, the Board had determined that the claimant's ex-husband was an innocent victim of a violent crime. They awarded the claimant, on behalf of the daughter, \$11,200.00 for loss of support of the father. This was computed at \$75.00 per month for approximately thirteen years.

AWARDED: Under Section 18.67.110(c) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$11,200.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

AWARDED: Claim #78-040. The claimant, a 21 year old male, was standing by his pickup while a man was pouring gas in the truck. The man turned and threw the remaining gas on the claimant's legs. The man then invited him into his trailer for the purpose of changing clothes. The claimant, after waiting about five minutes, approached the man who struck a cigarette lighter at his legs and ignited the claimant's pants. The claimant suffered burns on both forelegs. He was transferred out of state for grafting of the non-healing burn wound on his right foreleg. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him \$4,554.26 for medical expenses, \$2,000.00 for projected medical expenses and loss of earnings for nine weeks at \$230.00 a week for a total of \$2,070.00. An Emergency Award of \$1,500.00 had been granted prior to the Board meeting and is to be deducted from the total amount.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 3,624.26

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #78-041. The claimant, a 49 year old male, who lived and worked at a lodge, had closed the lodge for the night when he heard a knock at the door. He opened the door and saw three men standing there. As one man had a gun, he quickly slammed the door shut. Four shots were fired through the door and two bullets struck the claimant in the back with one lodging next to his heart. It was the determination of the Board that he was an innocent victim of a violent crime and awarded him \$977.75 for medical expenses and \$300.00 for loss of earnings.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,277.75

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXX~~, Claim #78-053. The claimant, a 35 year old female, requested compensation for herself and six children based on the death of her husband and the children's father. The victim was shot and killed and another person critically injured when a man walked into a market and started shooting with a 357 magnum. The assailant was later convicted of First Degree Murder and sentenced to life in prison. It was the determination of the Board that the claimant and her six children were eligible for compensation. The Board awarded the maximum amount of \$40,000.00 for the dependents of the deceased victim. An Emergency Award of \$1,500.00 had been granted prior to the Board meeting.

AWARDED: Under Section 18.67.110(3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$40,000.00

Attorney fees pending itemized statement.

All Board members concurred with the decision.

~~XXXXXXXXXX~~, Claim #78-055. The claimant, a 62 year old female, requested funeral expenses due to the death of her daughter. The daughter was found by the side of the road over an embankment with numerous injuries. She had already expired and was identified at a later date. It was the decision of the Board to deny the claim on the grounds that there was no evidence that she was an innocent victim of a violent crime. There was evidence that indicated a possible hit and run accident. There was also the possibility that someone attacked her, however, the evidence was not conclusive to prove she was the victim of a violent crime compensable under this program.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case

or social history, if any, of the victim, his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-059. The claimant, an 18 year old female, was confronted by three females whom she knew and a fight ensued. The claimant was struck on the head with a pair of nunchucks. It was the decision of the Board to deny the claim on the grounds there was evidence that indicated consent and/or provocation.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim with directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-058. The claimant, a 54 year old female, requested funeral expenses due to the death of her foster son. The victim was ~~biting~~ when he was picked up by a male and female who later beat him ~~brutally~~ and shot him to death. It was the determination of the Board that the claimant was eligible for compensation and awarded funeral expenses in the amount of \$697.00.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 697.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXXXXXXXXXX~~ Claim #78-054. The claimant, a 29 year old male, was home with his wife and new baby when the landlord entered the home and accused the claimant of hiding the landlord's girlfriend. The landlord picked up a part of a handy-man jack and beat the claimant, breaking his arm in addition to giving him several cuts, bruised the claimant's wife and threatened harm to the baby and destroyed several articles of furniture. A hearing was held and it was the hearing officer's recommendation that the claimant's wife be reimbursed for one week loss of wages as she was the sole support of the family and babysitting expenses for six months. The claimant was not employed at the time of the incident and was receiving disability from the Veteran's Administration. The medical reports indicated that the claimant would be disabled because of the broken arm for a period of six months. Medical expenses were paid by the Veteran's Administration. It was the decision of the Board to award babysitting expenses in the amount of \$1,200.00 and one week loss of wages in the amount of \$187.50.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of the total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,387.50

No attorney fees necessary.

All Board members concurred with the decision.

FY 78 SUPPLEMENTAL REQUEST ANALYSIS

	FY 76 ACTUAL	FY 77 FINAL AUTH.	FY 77 ACTUAL	FY 78 GOV. BUDGET	FY 78 INITIAL AUTH.	FY 78 CURRENT AUTH.	EXPENDITURES + ENCUMBRANCES 7/1 - 10/31	OTHER OBLIGATIONS 7/1 - 10/31	PROJECTED EXPENDITURES + ENCUMBRANCES 11/1 - 6/30	FY 78 (DEFICIT) OR EXCESS	FY 79 MAINTENANCE REQUEST
PERSONAL SERVICES	43.2	44.3	55.4	45.3	45.3	56.7	34.1			-0-	
TRAVEL	6.7	13.4	6.1	13.4	13.4	13.4	2.9	.5		5.0	
CONTRACTUAL SERVICES	14.0	13.5	12.4	13.5	13.5	13.5	3.7			-0-	
COMMODITIES	.7	1.4	1.4	1.4	1.4	1.4	.5			.8	
EQUIPMENT											
LANDS, BLDGS. ...											
GRANTS, CLAIMS, ...	221.2	250.0	110.8	250.0	250.0	250.0	106.6	102.0	116.4	(75.0)	250.0
MISCELLANEOUS											
TOTAL	285.8	322.6	186.1	323.6	323.6	335.0					
FEDERAL RECEIPTS											
REQUIRED GF MATCHING											
OTHER GENERAL FUND	285.8	322.6	186.1	323.6	323.6	335.0					
INTER-AGENCY RECEIPTS											

ALASKA STATE LEGISLATURE

TENTH Legislature SECOND Session

HOUSE BILL NO. 929

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

"An Act making a supplemental appropriation to the Department of Health and Social Services, Violent Crimes Compensation Board; and providing for an effective date."

supp. approp. Violent Crimes Bnd.

Introduced in the House 4-12-1978

HISTORY IN THE HOUSE

1978	Read first time and referred to Committee on Finance										
Apr. 12											
Apr. 20	Reported back with recommendation that <i>amend again to finance</i>										
Apr. 25	Read second time and <i>ad. v.</i>										
Apr. 25	Read third time and										
Apr. 25	<table border="0"> <tr> <td>PASS <i>ad.</i></td> <td>Effective Date</td> </tr> <tr> <td>Yeas 37</td> <td>Yeas</td> </tr> <tr> <td>Nays 1</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent <i>same</i></td> </tr> <tr> <td>Excused 3</td> <td>Excused</td> </tr> </table>	PASS <i>ad.</i>	Effective Date	Yeas 37	Yeas	Nays 1	Nays	Absent	Absent <i>same</i>	Excused 3	Excused
PASS <i>ad.</i>	Effective Date										
Yeas 37	Yeas										
Nays 1	Nays										
Absent	Absent <i>same</i>										
Excused 3	Excused										
	Reconsideration										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
Apr. 25	Reported correctly engrossed										
" 25	Signed by Speaker										
" 25	Sent to Senate										
	<i>John Peckham</i> CHIEF CLERK OF THE HOUSE										

HISTORY IN THE SENATE

1978	Read first time and referred to Committee on										
7 26	<i>Jud - Fin</i>										
6 8	Reported back with recommendation that <i>3 dep. to finance</i>										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
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Excused	Excused										
	Reconsideration										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Returned to House										
	SECRETARY OF THE SENATE										

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting:
	Failed to concur in Senate amendment; asked Sen. to recede
	Senate receded from amendment
	Senate failed to recede from amendment
	FCC appointed by House
	FCC appointed by Senate
	FCC adopted
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Irish
Signature of Camera Operator

2/23/90
Date

COMMITTEE REPORT

HOUSE

4/12/78

FURTHER: _____

Date: 4/19/78

Mr. Speaker:

The Committee on FINANCE has had HB 929
"An Act making a supplemental appropriation to the Department of Health
and Social Services, Violent Crimes Compensation Board; eff. date."

under consideration and (a majority of the committee) (the committee
reports it back as follows)

recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

() recommends it be replaced with CS for _____

and _____ () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

F. Freeman

D. ...

...

F. Freeman
Chairman

Introduced: 4/12/78
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 929

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Health and Social Services, Violent
8 Crimes Compensation Board; and providing for an
9 effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$75,000 is appropriated from the general fund
12 to the Department of Health and Social Services, for the purpose of paying
13 violent crimes compensation in Fiscal Year 1978.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

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MEMORANDUM

State of Alaska

TO: Ron Lind, Director
 Division of Budget & Management
 Department of Administration

DATE: March 14, 1978

FILE NO:

TELEPHONE NO:

FROM: *Helen D. Beirne*
 Helen D. Beirne, Commissioner
 Department of Health & Social Services

SUBJECT: Request for a Supplemental
 Appropriation for FY 78

Transmitted herewith is our request for a supplemental appropriation of \$75,000.00 for FY 78 for the Violent Crimes Compensation Board.

The Board has \$41,395.74 remaining in the appropriation for FY 78. At the February 27th meeting, the Board awarded grants totaling \$101,985.66. Three of these awards were for death claims totaling \$73,100.00. Death claims are generally for large amounts since they are awarded to dependents of the innocent victims. For example, one of the three death claims was to a widow with six children who had no collateral sources.

The Board has twenty-eight claims pending at this time, three of which are death claims, with more claims coming in each day. As of July 1, 1976, the Board is no longer allowed to encumber funds from prior fiscal year appropriations for pending claims. Conversely, this year they have spent \$94,379.30 on prior year claims.

As in some other programs, it is impossible to predict how many claims there will be during one year, and if they will be only for medical expenses and loss of earnings, or if many will be death claims.

The Board feels it has been very conservative since the inception of the program, and feels this has been reflected by the \$139,238.43 lapse last year and similar lapses in previous years. If the Board receives the supplemental appropriation, as requested, they will be as prudent about this money as in years past, and will lapse any money not expended by the end of the fiscal year.

H file

STATE
of ALASKA

MEMORANDUM

TO: Hon. Helen D. Bierne, Commissioner
Department of Health and Social Services


DATE: February 28, 1978

FILE NO:

TELEPHONE NO.

FROM: Avrum M. Gross
Attorney General

SUBJECT: Supplemental Appropriations.

By: Richard L. Peter 
Assistant Attorney General

You have asked if the annual appropriation for the Violent Crimes Compensation Board is "closed" or "open-ended". In other words you are asking if the Board may properly request a supplemental appropriation when its annual appropriation is exhausted.

Although it is the policy of the administration to keep requests for supplemental appropriations at a minimum, it is sometimes necessary to request additional funds because of the difficulty of estimating expenditures in some programs. However, there is no legal barrier to the request for, or grant of such supplemental appropriations, unless perhaps the legislature would by a specific letter of intent with the annual appropriation serve notice on the agency that it would consider no requests for supplemental funding.

The Violent Crimes Compensation Board received a supplemental appropriation amounting to \$50,000 two years ago which was authorized by §2, ch 156, SLA 1976, so there is also a history of such requests by the agency.

Whether the Board seeks additional funding this fiscal year, or delays payment of awards until its annual appropriation has been received, is a question that may be answered by a policy decision, as there are no legal restrictions involved.

RLP: ps

VIOLENT CRIMES COMPENSATION BOARD

PENDING CLAIMS

Claim #78-073. The claimant, a 31 year old male, was shot and seriously injured when a man walked into a market and fatally wounded one man and injured the claimant. The assailant has since been convicted of First Degree Murder and Assault with Intent to Kill. The claimant was given an Emergency Award of \$1,500.00 and the claim will be determined as soon as the Board has documentation from the doctor as to the extent of the injuries and the percentage of disability. The award will probably not exceed \$10,000.00.

Claim #78-072. The claimant is requesting funeral expenses, air fare and telephone calls due to the death of her son who was shot and killed. According to the newspaper clippings, there may be some evidence of provocation and, if there is, the Board would not award the claimant. If it is determined there was no provocation, the award could be \$3,000.00.

Claim #78-017. The claimant, a 23 year old male, states that he was severely beaten by unknown assailants. He is requesting medical expenses and loss of earnings for approximately \$2,300.00.

Claim #78-060 & 061. The claimant has filed two claims due to separate incidents in which he was injured quite severely with significant loss of function of the right hand and forearm, along with losing many of his teeth. The incidents described are very vague and, in one of the incidents, medical expenses were covered by Medicaid. If we cannot obtain more documentation or information, the claim probably would be denied because of lack of evidence that he was an innocent victim of a violent crime.

Claim #78-036. The claimant, a 29 year old male, was shot in the stomach with a 38 revolver by a man who was sharing an apartment with him. He is requesting \$3,200.00 in medical expenses and transportation costs and \$20,000.00 for loss of earnings. Documentation will be necessary to prove that the claimant was not living with the offender as a member of the same family or household, in order to be eligible for an award.

Claim #78-033. The claimant, a 30 year old female, was assaulted by her roommate's boyfriend who hit her in the face, breaking her glasses and chipping a tooth, and then kicked her in the back and leg. She is requesting \$2,000.00 for medical expenses and loss of earnings.

Claim #78-039. The claimant, a 58 year old male, was attacked by three men who broke into his house. He received multiple facial lacerations, lost all of his lower teeth and many of the upper teeth. He is requesting medical expenses but we do not have the billings on the amount.

Claim #78-069. The claimant, a 25 year old male, was attacked by three men when he helped the management escort a man out of a bar. He received two extremely deep head wounds, one of which required 16 stitches and the other, 12 stitches. He is requesting medical expenses but did not include the billings.

ing
apartment.
man walked
shooting, hitting
the claimant's
He is
unable to work
total approximate
The claimant, a 21 year old male, received a
knock at the door and the
bullet broke the walking cast. He is
requesting loss of earnings for ap-
proximately \$5,000.
The claimant is requesting approximately \$2,500.00
for medical expenses and loss of earnings.
The claimant, a 49 year old male, was employed at a bar
and a 2x4 causing severe
injury in the same incident as de-
scribed above. The man came to the rest room at a
bar, was assaulted and struck the claimant with a
2x4 causing severe
injury to his head and an injury to his eye. The claimant is requesting approximately \$2,500.00
for medical expenses and loss of earnings.
The claimant, a 56 year old male, went to the restroom at a
bar, was assaulted and struck the claimant with a
2x4 causing severe
injury to his head and an injury to his eye. The claimant is requesting approximately \$2,500.00
for medical expenses and loss of earnings.
The claimant, a 47 year old male, was in his apartment when two
men beat and kicked the claimant. The claimant is requesting approximately \$2,500.00
for medical expenses and loss of earnings.
The claimant, a 25 year old male, states that he was severely
beaten in a bar and received a broken nose, facial lacerations and four
fractured ribs. He is requesting approximately \$2,000.00 in medical
expenses and loss of earnings.
The claimant, a 22 year old male, facial lacerations and four
fractured ribs. He is requesting approximately \$2,000.00 in medical
expenses and loss of earnings.
The claimant, a 22 year old male, facial lacerations and four
fractured ribs. He is requesting approximately \$2,000.00 in medical
expenses and loss of earnings.

Claim #78-064. The claimant, a 22 year old female, was raped and beaten by two men who had given her a ride. Both suspects were convicted of Assault with Intent to Commit Rape. She is requesting approximately \$3,000.00 in expenses and loss of earnings.

Claim #78-056. The claimant, a 51 year old female, is requesting \$40,000.00 in loss of support because of the shooting death of her son. The documentation is incomplete at this time.

Claim #78-044. The claimant, a 25 year old female, was raped by a man whom she had picked up hitchhiking. She is requesting approximately \$2,000.00 in medical expenses and loss of earnings.

Claim #78-057 & 058. These two claims were filed on behalf of two children, ages eight and ten, based on the death of their father as the result of a gunshot wound to the head. They are requesting \$40,000.00.

Claim #78-034. The claimant, a 40 year old female, is requesting funeral expenses in the amount of \$1,500.00 because of the death of her daughter who was shot and killed by a man who entered her apartment.

Claims #78-051 & 052. These claims were filed on behalf of two children, ages seven and four, based on the death of their mother described in the incident in Claim #78-034. They are requesting \$40,000.00.

Claim #78-074. The claimant, a 21 year old male, had an altercation with a person and decided to leave the scene in his pickup. However, the person broke the window in his truck and attacked and stabbed the claimant. The claimant is requesting approximately \$2,000.00 in medical expenses and loss of earnings.

Claim #78-075. The claimant, a 36 year old male, was in a bar talking to a friend when another man came up and started attacking him. He suffered a broken nose, broken front teeth and lacerations. He is requesting approximately \$1,500.00 for medical expenses and loss of earnings.

Claim #78-076. The claimant, a 21 year old female, was walking home from work one night and accepted a ride with two men. They took her to a remote area and raped her many times. She is requesting loss of earnings of approximately \$112.00 plus out of pocket expenses.

Claim #78-077. The claimant, a 44 year old male, started to get into his car when he was attacked by four or five people. He received a laceration of the forehead three inches long, a laceration above the left eye, multiple contusions of the face and rib fractures. He is requesting approximately \$3,000.00 for medical expenses and loss of earnings.

Claim #78-078. The claimant, a 45 year old female, is requesting funeral expenses based on the death of her nine year old daughter in a beating and attempted rape incident. The funeral expenses requested are in the amount of \$4,986.00.

DETERMINATION OF CLAIMS

~~XXXXXXXXXX~~, Jr., Claim #77-048. This is the incident where the claimant is the son of a 23 year old male who died of a gunshot wound at his residence. The Board denied the claim on the grounds that the weight of the evidence indicated it was a self inflicted gunshot wound. The attorney for the claimant submitted a copy of the Inquest proceedings. It was the Board's decision to reaffirm the denial on the grounds that the weight of the evidence indicated a self inflicted wound.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless...the personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-040. This is the incident where the claimant alleges that she was raped while walking to a girlfriend's house. At the last meeting, the Board had requested further information. Information was received from the doctor involved in the case so a determination could be made. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award her medical expenses in the amount of \$336.00.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 336.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-030. The claimant, a 26 year old man, was involved in an incident where he entered a bar in the early hours of the morning and before ordering a drink, went to the restroom. When he was about to leave the restroom, three men rushed in and began attacking him. He suffered two knife wounds in the chest and lung. It was the determination of the Board that he was an innocent victim of a violent crime and it was their decision to award him \$1,610.00 for loss of earnings at their Standards of Compensation of \$230.00 a week for seven weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,610.00

No attorney fees necessary.

All Board members concurred with the decision.

~~AWARDED~~ Claim #77-054. The claimant is the mother of a 31 year old male who was found dead with a massive crush injury to the head. Further information was submitted to the Board and it was the determination of the Board that he was an innocent victim of a violent crime and it was the decision of the Board to award the claimant funeral expenses in the amount of \$1,058.50.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 1,058.50

No attorney fees necessary

All Board members concurred with the decision.

~~AWARDED~~ Claims #77-078/079. The claimants are the children of the victim and in the custody of their mother and ex-wife of the victim. The mother requested compensation on behalf of the children for the death of the father. The victim was a 31 year old male who was found dead with a massive crush injury to the head. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was their decision to award each of the children \$7,500.00.

AWARDED: Under Section 18.67.110(3) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award: \$15,000.00

No attorney fees necessary.

All Board members concurred with the decision.

~~AWARDED~~ Claim #77-026. The claimant, a 26 year old woman, was involved in an incident whereby she left her husband at a hotel and walked down the street to get something to eat. She was assaulted by an unknown assailant and suffered a fractured jaw. Because of the conflicting evidence the Board ordered a hearing prior to making a determination on the claim.

~~AWARDED~~ Claim #77-069. The claimant is the brother of a 44 year old man who was shot and killed in an incident where two children were throwing snowballs at a man's window. The man came out of the apartment house with a gun and threatened to shoot the children. The claimant's brother attempted to talk to the man and the man shot and killed the brother. The claimant requested funeral expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was their decision to award the claimant funeral expenses.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 1,848.69

No attorney fees necessary

All Board members concurred with the decision.

~~XXXXXXXXXX~~, Sr., Claim #77-083. The claimant is the father of a 24 year old man who was found lying in a ditch. He had been shot and died at the hospital several weeks later. The claimant requested funeral expenses and out of pocket expenses. It was the determination of the Board that the victim was an innocent victim of a violent crime and it was the decision of the Board to award the claimant funeral expenses in the amount of \$2,682.41 and out of pocket expenses in the amount of \$789.72.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim.

Motion made and carried to award: \$ 3,472.13

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~, Claim #77-071. The claimant was involved in an incident wherein a truck stopped in front of him. He got out to see what was the matter and a man got out of the truck and hit him. The claimant suffered the loss of an eye. It was the determination of the Board that the claimant was an innocent victim of a violent crime. It was their decision to compensate the claimant for loss of earnings under their Standards of Compensation of \$230.00 per week for thirty-seven weeks.

AWARDED: Under Section 18.67.110(2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 8,510.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #73-007. This is the incident where the claimant alleges that he was struck on the head at a bar by an unknown assailant. All witnesses in the bar state it was an accident as the claimant was intoxicated and fell, hitting his head. It was the decision of the Board to deny the claim on the grounds that he was not a victim of any violent crime.

DENIED: Under Section 18.67.130(a) No order for the payment of compensation may be made under Section 80 of this chapter unless... The personal injury or death was the result of an incident or offense listed in Section 100 of this chapter.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-005. This is the incident where the claimant entered a bar looking for a friend and was assaulted by a man with a knife and while trying to get away, was stabbed. It was the determination of the Board that the claimant was an innocent victim of a violent crime and it was their decision to award \$524.50 for medical expenses and \$920.00 for four weeks loss of earnings under the Standards of Compensation of \$230.00 per week.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award:

\$ 1,444.50

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-002. The mother of the victim filed a claim on behalf of her son as he was involved in an incident where he was walking home from town when a man, he knew slightly, joined him. The man forced the boy to walk around for quite awhile hitting and abusing him. Then the assailant sexually assaulted the boy and stabbed him in the throat. It was the determination of the Board that the claimant was an innocent victim of a violent crime and awarded medical expenses in the amount of \$197.00, out of pocket expenses to the claimant's parents of \$232.10 and \$500.00 as the claimant was subjected to a substantially emotional trauma. The claimant's parent was also advised that if plastic surgery was indicated because of the scar and their insurance would not cover it, the Board would pay that expense. They also suggested counselling for the claimant and that the Board was willing to pay for that expense also.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (4) any other loss resulting from the personal injury or death of the victim which the Board determines to be reasonable.

Motion made and carried to award:

\$ 929.10

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-012. The claimant, a 20 year old female, was sexually assaulted while walking from her place of employment. It was the determination of the Board that the claimant was an innocent victim of a violent crime and compensated her for loss of earnings under their Standards of Compensation of \$230.00 per week for five weeks and awarded her \$500.00 for emotional trauma. The Board also recommended that if she had any unpaid medical bills or was, in fact, pregnant and needed the cost of an abortion, the claim could be reopened for these expenses.

AWARDED: Under Section 18.67.110(2) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (4) any other loss resulting from the personal injury or death of the victim which the Board determines to be reasonable.

Motion made and carried to award: \$ 1,650.00

No attorney fees necessary.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #78-011. This is the incident where the claimant's wife was beaten to death with a club. It was the determination of the Board that the victim was an innocent victim of a violent crime. It was the decision of the Board to award the claimant funeral expenses plus \$140.00 for one week's loss of earnings.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) loss of earning power as a result of total or partial incapacity of the victim.

Motion made and carried to award: \$ 1,363.13

Attorney fees to J. Ken Nunley - \$50.00

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #77-035. The claimant, a 51 year old male, was assaulted by several individuals while on duty as a Security Guard. It was the determination of the Board that he was an innocent victim of a violent crime but denied an award on the grounds that he received Workmen's Compensation for all of his medical expenses and loss of earnings.

DENIED: Under Section 18.67.090(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including...his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXXXX~~ Claim #77-077. The claimant is the mother of a 22 year old male who was shot to death. The Board requested further information on the case before they could make a determination.

~~XXXXXXXXXX~~ Claim #77-072. This is the incident where the claimant was a passenger in a vehicle that struck the rear of another vehicle. An argument ensued and the claimant was struck about the face and head. It was the decision of the Board to deny the claim on the grounds that the evidence was controverted and the weight of the evidence does not go in either direction.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-045. This is the incident where the claimant opened the door and the assailant shot him in the hand. The claimant then returned fire, hitting the assailant in the head and killing him. It was the decision of the Board to deny the claim on the grounds that there was lack of information to establish the fact that he was an innocent victim and the claimant failed to appear at a hearing to produce the information.

DENIED: Under Section 18.67.080(c) In determining whether to make an order under this section, the Board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, his need for financial aid, and any other relevant matters.

All Board members concurred with the decision.

~~XXXXXXXXXX~~ Claim #77-046. This is the incident where the claimant's husband and the father of her four children was shot to death in the home of the wife's uncle, by the uncle. The Board had previously denied the claim on the grounds that the evidence was conflicting and the Board was not convinced that he was an innocent victim. It particularly appeared that the social history could have provided provocation for the shooting. A hearing was held and the Board reviewed the hearing officer's findings. It was the decision of the Board to concur with the hearing officer's findings. It was the Board's decision to award the claimant and her children \$30,000.00 for loss of support of the husband and father. It was also their decision to pay out of pocket expenses for the funeral in the amount of \$1,516.80.

AWARDED: Under Section 18.67.110(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and (2) pecuniary loss to the dependents of the deceased victim.

Motion made and carried to award:

\$31,516.80

Russellyn Carreth abstained.

Attorney fees pending itemized statement.