

Subpart J. [Reserved]

Chap.	Sec.
191. [Reserved]	191.1

CHAPTER 191. [Reserved]

Source

The provisions of this Chapter 191 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815.

§ 191.1. [Reserved].

Source

The provisions of this § 191.1 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended January 4, 1980, effective January 5, 1980, 10 Pa.B. 40; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; amended July 28, 1989, effective July 29, 1989, 19 Pa.B. 3164; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial pages (290735) to (290736) and (261627) to (261628).

Notes of Decisions

Other Services Reasonably Necessary

Subparagraph (vii) of the definition of “other services reasonably necessary,” has no rational basis because insurance proceeds used to pay the estate’s expenses do not constitute a payment to the claimant; therefore, the section must be struck under the pronouncement of *Spicer v. Department of Public Welfare*, 428 A.2d 1008 (Pa. Cmwlth. 1981). *Sharpe v. Crime Victim’s Compensation Board*, 530 A.2d 520 (Pa. Cmwlth. 1987); appeal denied 539 A.2d 812 (Pa. 1988).

§ 191.2. [Reserved].

Source

The provisions of this § 191.2 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended January 4, 1980, effective January 5, 1980, 10 Pa.B. 40; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; amended July 28, 1989, effective July 29, 1989, 19 Pa.B. 3164; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial pages (261628), (237977) to (237978) and (261629).

Notes of Decisions

Date Postmarked

The date postmarked and not the date of receipt is determinative of whether a claim with the Crime Victim’s Compensation Board has been filed timely by mail under subsection (f). *Albert v. Crime Victim’s Compensation Board*, 472 A.2d 751 (Pa. Cmwlth. 1984).

§ 191.3. [Reserved].

Source

The provisions of this § 191.3 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended January 4, 1980, effective January 5, 1980, 10 Pa.B. 40; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; amended July 28, 1989, effective July 29, 1989, 19 Pa.B. 3164; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B.7815. Immediately preceding text appears at serial pages (261629) to (261630).

§ 191.4. [Reserved].

If the Board renders a decision without a hearing, the claimant and the General Counsel shall be informed of their right to request a hearing by giving written notice to the Board within 20 days of receipt of the decision of the Board. This hearing may be before the entire Board or a member of the Board, as the Board deems appropriate.

Source

The provisions of this § 191.4 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial page (261630).

§ 191.5. [Reserved].

Source

The provisions of this § 191.5 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial page (261630).

§ 191.6. [Reserved].

Source

The provisions of this § 191.6 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial pages (261630) and (237981) to (237982).

§ 191.7. [Reserved].

Source

The provisions of this § 191.7 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended January 4, 1980, effective January 5, 1980, 10 Pa.B. 40; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial pages (237982) and (261631).

Notes of Decisions*Attorney's Fees*

The act gives the Board the power to award attorney's fees. *Sharpe v. Crime Victim's Compensation Board*, 530 A.2d 520 (Pa. Cmwlth. 1987); appeal denied 539 A.2d 812 (Pa. 1988).

§ 191.8. [Reserved].**Source**

The provisions of this § 191.8 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial page (261631).

§ 191.9. [Reserved].**Source**

The provisions of this § 191.9 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended January 4, 1980, effective January 5, 1980, 10 Pa.B. 40; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; amended July 28, 1989, effective July 29, 1989, 19 Pa.B. 3164; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial pages (261632), (237985) to (237986) and (261633) to (261635).

Notes of Decisions*Admissible Evidence*

Crime Victim's Compensation Board need not consider evidence regarding future inflation and likelihood of victim's future salary increases since such evidence would be purely speculative and outside the scope of compensation for actual losses under The Administrative Code of 1929 (71 P. S. §§ 180-7—180-7.18); the statutory formulation of compensation excludes traditional measures of tort damages. *Fortson v. Crime Victim's Compensation Board*, 512 A.2d 734 (Pa. Cmwlth. 1986); appeal denied 520 A.2d 1386 (Pa. 1987).

Deferral of Payments

The Board erred in failing to make a present award to a petitioner for loss of support, although it may elect to defer payments until such time as the petitioner's Social Security payments fall below the amount her husband would have provided. *Peterson v. Crime Victim's Compensation Board*, 404 A.2d 1364 (Pa. Cmwlth. 1979).

Funeral and Burial Expenses

Reimbursement received from Crime Victim's Compensation Board for out-of-pocket expenses incurred in funeral and burial of claimant's spouse is limited to \$2,000, which amount must be reduced by amount of social security death benefit, but not, however, by amount of survivor's benefits received by children of claimant and deceased. *Friedman v. Crime Victim's Compensation Board*, 527 A.2d 177 (Pa. Cmwlth. 1987); appeal denied 532 A.2d 438 (Pa. 1987).

Guardian

The guardian of a minor's estate, never having physical custody of a minor, does not qualify as a "guardian" for purposes of pursuing compensation on behalf of a minor since the purpose of the fund is not to enrich the estate of a minor. *Ciaverelli v. Crime Victim's Compensation Board*, 621 A.2d 1232 (Pa. Cmwlth. 1993).

Innocent Victims

This regulation seeks to discourage rash behavior and is in accord with the legislative mandate that the Crime Victim's Compensation Board compensate only innocent victims of crime. *Ortell v. Crime Victims Compensation Board*, 552 A.2d 766 (Pa. Cmwlth. 1989).

Public Funds Offset

Payout from crime victim's pension fund, although from a public pension fund, is not within the "public funds offset" since such payout does not represent "a grant from the public treasury but instead constitutes deferred compensation which should not be treated differently from a pension received from a private employer." *Fortson v. Crime Victim's Compensation Board*, 512 A.2d 734 (Pa. Cmwlth. 1986); appeal denied 520 A.2d 1386 (Pa. 1987).

Sufficiency of the Evidence

A claimant's evidence, including slips of paper torn from a spiral notebook, of who provided services to her along with the amounts was insufficient information for the Board to determine the validity of a claim for actual losses. *Ortell v. Crime Victims Compensation Board*, 552 A.2d 766 (Pa. Cmwlth. 1989).

Where rudimentary and unsophisticated bookkeeping practices made it difficult to determine the precise amount of profit generated by the claimant's roofing business, the Crime Victim's Compensation Board did not err in finding the evidence insufficient to adequately measure the actual loss sustained, as required by this section. *In re Trama*, 473 A.2d 744 (Pa. Cmwlth. 1984).

Validity of Regulation

This regulation, which provides a formula for computing loss and offsetting payments, represents a rational attempt by the Board to conserve funds so that more victims of crimes will be able to receive awards and, therefore, is not inconsistent with section 477.9 of The Administrative Code of 1929 (71 P. S. § 180-7.9). *Sharpe v. Crime Victim's Compensation Board*, 530 A.2d 520 (Pa. Cmwlth. 1987); appeal denied 539 A.2d 812 (Pa. 1988).

§ 191.9a. [Reserved].**Source**

The provisions of this § 191.9a adopted January 4, 1980, effective January 5, 1980, 10 Pa.B. 40; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; amended July 28, 1989, effective July 29, 1989, 19 Pa.B. 3164; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial pages (261635) and (237989) to (237990).

§ 191.9b. [Reserved].**Source**

The provisions of this § 191.9b adopted February 4, 1980, effective February 5, 1980, 10 Pa.B. 40; amended July 28, 1989, effective July 29, 1989, 19 Pa.B. 3164; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial pages (237990) to (237993).

Notes of Decisions

Since the Crime Victim's Compensation Act (71 P. S. §§ 180-7—180-7.17) is to be liberally construed, the fact that estranged spouse of homicide victim had not received support payments for several years would not disqualify spouse from receiving compensation for lost future support where a

support order remained in effect at the time of the homicide. *Little v. Crime Victim's Compensation Board*, 492 A.2d 499 (Pa. Cmwlth. 1985).

§ 191.9c. [Reserved].

Source

The provisions of this § 191.9c adopted July 28, 1989, effective July 29, 1989, 19 Pa.B. 3164; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial page (237993).

§ 191.10. [Reserved].

Source

The provisions of this § 191.10 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial pages (237993) to (237994).

§ 191.11. [Reserved].

Source

The provisions of this § 191.11 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial page (237994).

§ 191.12. [Reserved].

Source

The provisions of this § 191.12 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial page (237994).

§ 191.13. [Reserved].

Source

The provisions of this § 191.13 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; reserved December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878. Immediately preceding text appears at serial page (104875).

§ 191.14. [Reserved].

Source

The provisions of this § 191.14 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; amended January 4, 1980, effective January 5, 1980, 10 Pa.B. 40; amended December 19, 1986, effective December 20, 1986, 16 Pa.B. 4878; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial page (237995).

§ 191.15. [Reserved].

Source

The provisions of this § 191.15 adopted October 7, 1977, effective October 8, 1977, 7 Pa.B. 2896; reserved December 22, 2006, effective December 23, 2006, 36 Pa.B. 7815. Immediately preceding text appears at serial page (237995).

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