

GLOSSARY OF TERMS

APPEAL—A claimant’s formal opportunity to challenge the decision made by VCAP regarding a claim. There are specific time frames within which a claimant can appeal VCAP’s decision.

AWARD—The money paid by VCAP for eligible crime related expenses.

BENEFIT STATEMENT—A document that shows income amounts and the source of income (such as social security, disability, retirement/pension, court-ordered spousal or child support, life insurance, etc.)

CLAIMANT—The person who filed the claim for compensation. (In most situations, the victim and the claimant are the same person; however, there are situations where someone else must file the claim on behalf of the victim. Examples: A parent must file as the claimant for a minor victim or a family member files as the claimant for a homicide victim.)

CLAIMS REVIEW OFFICER (CRO)—A VCAP staff member who reviews and makes recommendations on claims where an assessment or denial may be warranted in accordance with law.

CLAIMS SPECIALIST (CS)—A VCAP staff member assigned to work on a claim throughout the process.

COLLECTION/CREDIT CONCERNS—The Program can send a letter to a service provider at the victim/claimant’s request acknowledging that the victim or claimant was a victim of crime, and is responsible for an outstanding bill from the provider. This letter will provide information on the expected length of time for the claim to be processed and requesting that the provider give consideration to the victim/claimant to prevent additional trauma and stress to them. This is not a guarantee that VCAP will pay the claim.

COMPENSATION—A monetary reimbursement for expenses incurred or earnings lost as a result of an injury directly related to a crime.

CONSULTATIVE SESSION—A meeting between the Program and the claimant to gather additional information in order to make a decision on the claim. A consultative session is one of the steps in the Program’s appeal process.

CONTRIBUTION—The amount an award is reduced based upon the degree to which the victim’s conduct contributed to, provoked, or prolonged the infliction of the injury. Exceptions: in domestic violence cases, unless the victim is determined to be the primary aggressor, the conduct of the victim shall not be considered; in the case of sexual assault, the conduct of the victim may not be considered. In homicide cases, the conduct of the victim will not be a factor when determining counseling eligibility for certain family members

COUNTY VICTIM SERVICE PROGRAM—The agency or agencies in each county that can help a victim file a claim for compensation. These agencies also provide additional resources that

may be of help to a victim. To obtain a listing of these agencies, please go to www.pacrimevictims.org.

CRIME— An act which was committed:

- (1) In this Commonwealth by a person, including a juvenile, without regard to legal exemption or defense which would constitute a crime under the following:
 - (i) The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.
 - (ii) 18 Pa.C.S. (relating to crimes and offenses).
30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance).
30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence).
The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).
75 Pa.C.S. § 3732 (relating to homicide by vehicle).
75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).
75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).
75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).
75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs).
 - (iii) The laws of the United States.
- (2) Against a resident of this Commonwealth which would be a crime under paragraph (1) but for its occurrence in a location other than this Commonwealth.
- (3) Against a resident of this Commonwealth which is an act of international terrorism.

CRIME VICTIMS COMPENSATION FUND—A fund established to assist victims and their families who have suffered a financial loss as the direct result of a crime. The Fund uses money collected from costs and fines assessed on convicted offenders.

CRIMINAL JUSTICE PROCEEDINGS—Includes trials, preliminary hearings, sentencing hearings, PFA hearings, Juvenile Justice hearings, Parole hearings, etc.

DENIAL—A decision by the Program to not pay compensation benefits. A claim is usually denied because of the victim's involvement in the crime, non-cooperation with authorities, or the claim did not meet statutory requirements.

DEPENDABLE ACCESS FOR VICTIMS' EXPENSES (DAVE)—The computer system used by the Program to process compensation claims. Many victim advocates use the DAVE System to input compensation claims on behalf of victims or claimants. Victims also use the system to file claims and to check claim status.

DEPENDENT CHILD (for loss of support purposes)—A Dependent Child is defined as the child of a direct victim, or intervenor, on whose behalf regular payments are received for the purpose of whole or partial support and who is one of the following:

- Under 18 years of age including an unborn child.
- 18 years of age or older but under 23 years of age and currently attending secondary school or is a full-time student in a post-secondary education institution.
- 18 years of age or older but unable to provide for his/her own support due to a physical or mental disability.

DIRECT VICTIM— An individual against whom a crime has been committed or attempted and who as a direct result of the criminal act suffers physical or mental injury, death, or the loss of earnings as defined in the Act.

DIRECT VICTIM SERVICES UNIT (DVSU)—Staff within the Program that provide a variety of services to assist victims and their families through the compensation process; handle claims that are received without a victim advocate’s assistance; and may also respond on site when there are multiple victims needing compensation claim assistance.

EFFORTS TO AID THE INVESTIGATION —Includes reporting the crime to police; police interviews; police line-ups; and mug shots supported by the police report or advisement from official police personnel.

ELIGIBILITY—Specific legal requirements, which must be met for a claim to qualify.

EMERGENCY AWARD (EA)—A payment to a claimant for a loss that has created a financial hardship. For an EA to be awarded, one of the following must have occurred:

- Claimant has already paid for medical/funeral bills
- Claimant has lost wages
- Claimant is applying for money that was stolen or defrauded from them.
- Claimant was financially dependent upon a victim of homicide.

EXPLANATION OF INSURANCE BENEFIT STATEMENT (EOB)—This is a notice from a health/medical insurance company showing the amounts of coverage paid or denied for specific medical providers and services. These statements are needed to show the actual charges owed, if any, on itemized bills submitted to the Program. These statements are often referred to as EOBs.

FILING DEADLINE—The date by which a claim must be filed following a crime. A claim must be filed no later than two years after the discovery of the occurrence of the crime and the injuries must be as a result of the crime or no later than two years after the death of the direct victim or intervenor as a result of the crime or the discovery and identification of the body of a murder victim.

There are exceptions to this filing deadline when the direct victim is a minor.

HEARING—The formal review conducted by an independent Hearing Examiner that may occur when a claim decision made by the Program is appealed. The hearing will result in a recommendation to the Program from the Hearing Examiner to either reaffirm or pay the claim.

INTERVENOR—A person who goes to the aid of another and suffers physical or mental injury or death as a direct result of acting not recklessly to prevent the commission of a crime, or to lawfully apprehend the person reasonably suspected of having committed the crime or to aid the victim of the crime.

ITEMIZED BILL—Bills from medical providers, etc. showing the date(s) and type(s) of service provided. Itemized bills should also include the amounts charged.

MEDICAL CERTIFICATION—Verification from a physician, psychologist, psychiatrist or dentist that a specific amount of work was missed due to crime-related injuries.

MINIMUM LOSS—A loss of at least \$100 from cash, bills, wages or support needed to meet the minimum loss requirement. If the direct victim is age sixty (60) or older there is no minimum loss requirement.

OFFENDER—A person alleged to have committed a crime.

OFFICE OF VICTIMS' SERVICES (OVS)—The Office within PCCD that includes the Victims Compensation Assistance Program and the Victims' Services Program.

OUT-OF-POCKET LOSS—Bills that have been paid or are required to be paid by the claimant for eligible services provided as a result of the crime.

PAYOR OF LAST RESORT—The Program is considered the Payor of Last Resort or the last source of payment. The Program must ensure that all other resources (medical insurance, life insurance, etc.) are utilized prior to considering compensation for payment of crime-related expenses. Exceptions: With a Forensic Rape Exam, the claimant has the option of accessing their insurance or not, and for Stolen Benefit Cash claims, if the amount stolen is less than or equal to the deductible on his/her homeowner's or renter's insurance, then the claimant does not have to file with his/her insurance.

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY (PCCD)—The Commonwealth's primary criminal justice policy and programming agency with responsibility for enhancing the quality of justice through guidance, leadership and resources. To learn more about PCCD go to www.pccd.pa.gov.

PROGRAM—The Victims Compensation Assistance Program, also referred to as VCAP, within PCCD. The Program is responsible for determining eligibility, verifying claim information, approving or denying a claim and making payments for eligible expenses.

PROGRAM MANAGER—The individual within the Program who oversees the operation of the Program.

PROPERTY LOSS—No award shall be made if the only identifiable loss is property. For the purposes of compensation, property does not include prosthetic devices, wheelchairs, canes, walkers, hearing aids, eyeglasses or other corrective lenses or dental devices necessary as a result of the crime or stolen or damaged as a result of the crime.

REQUEST FOR HEARING—A formal request from the claimant that a hearing be granted.

REQUEST FOR RECONSIDERATION—A formal request for the Program to review its decision on a claim based upon new information provided by the claimant. This is the first step in the Program's appeal process.

REIMBURSE—To be paid back for money spent or to be compensated for losses incurred as a direct result of the crime.

REVIEW AND DETERMINATION—The decision by the Program when a claim has met eligibility and payments will be made.

STATUTORY REQUIREMENTS—The legal requirements that must be met to process a claim.

SUPPLEMENTAL CLAIM—Claims previously paid by the Program that are reopened because the victim or claimant has additional losses that are related to the original crime. A new claim form does not need to be filed, but the original claim number should be written on all bills submitted.

VERIFICATION—The process used by the Program to determine that all eligibility requirements have been met, and to ensure the accuracy of all information received on a claim. Verification may include contacting service providers, employers, etc. to receive proof that the medical expenses, loss of earning, etc. were a direct result of the crime.