

## STOLEN CASH

(P.S. §11.103 and 37 Pa Code §411.11 & §411.43)

### **Who?**

An individual who suffers a cash loss as a direct result of a crime and who derives his or her primary source of income (50 percent or more) from one or more of the following sources:

- Social Security Retirement
- Social Security Disability
- Social Security Supplemental
- Social Security Survivor Benefit
- Railroad Retirement
- Pension Plan
- Retirement Plan
- Disability (includes Workers' Compensation payments)
- Veteran's Retirement
- Court-ordered child support or court-ordered spousal support payments

### **What?**

Up to one month's worth of the qualifying benefit(s) may be paid.

**Example:** *A victim who receives \$1,000 a month from Social Security is defrauded of \$7,000. The victim would be reimbursed \$1,000.*

**Example:** *Same scenario as above, however, the victim receives \$800 a month from Social Security and also receives \$1,500 in retirement. The victim would be reimbursed \$2,300.*

Please note: The money stolen does not have to be from one of the qualifying benefits. The intent is to help individuals who are on a fixed income, regardless of the source of the actual money stolen as long as their primary source of income is a qualifying benefit.

**Example:** *If the victim has a part-time job but the primary source of income is one of the qualifying benefits and the victim was robbed after cashing his/her paycheck, the VCAP may compensate even though the money was derived from the part-time job.*

**Example:** *If after playing bingo, the victim was robbed of winnings while walking home, the VCAP may compensate if his/her primary source of income is from an eligible benefit.*

### **Other losses may be eligible in certain circumstances:**

**ATM CARDS:** If the offender gains access to the victim's bank account and withdraws money, the claim may be eligible. Federal regulation limits the amount of loss to \$50 per card if the victim notifies the financial institution within two business days after learning of the loss or theft. The victim could be liable for as much as \$500 if he/she failed to notify the bank within two business days after learning of the loss or theft. Therefore, documentation is required from the financial institution indicating the amount reimbursed before the claim can be processed for payment.

**NOTE:** If a victim willingly gives his or her Personal Identification Number (PIN) to another, who then makes unauthorized withdrawals, it is not necessary for a victim to submit documentation from the financial institution regarding reimbursement—the financial institution does not have liability in these cases. VCAP does require, however, a letter from the victim explaining how the individual gained access to their PIN number.

**MONEY ORDERS:** If a victim purchased a money order and it was stolen, the victim must inquire of the place where they purchased the money order to find out if they are entitled to reimbursement.

**FORGED CHECKS:** If an offender forges the victim's signature on the check and cashes it, the victim should first make a claim against the paying and issuing bank before a claim can be processed for payment to see if they are eligible for reimbursement.

**GIFT CERTIFICATES/CARDS:** Gift Certificates/Cards are NOT eligible for compensation. They are considered property and are not eligible under VCAP.

### **How?**

1. A police report indicating the specific amount of cash stolen. The amount stolen must be listed on the police report and any changes or amendments to the amount stolen must be made within **two weeks** of the crime.
2. If the victim has homeowner's or renter's insurance and received payment toward the loss, the Program requires either a copy of their policy declaration page or other proof of payment amount.

NOTE: A claimant does not have to access his or her homeowner's or renter's insurance. If it is not accessed VCAP will apply as an offset any amount that the claimant would have been paid by the insurance company. Proof of that amount is required.

3. Benefit statement(s) which apply to the month of the crime. Bank statements with direct deposit indicators for an eligible benefit or a copy of the benefit check are acceptable.

If a monthly benefit statement for the month of the crime is not available, VCAP will accept a statement from any month during the same calendar year of the crime.

4. If the victim is required to file income taxes, a copy of the most recently filed and signed IRS tax returns (including all schedules) should be submitted. The tax return is needed to verify that the benefit is the primary source of income.

**Example:** *If on the 1040 Form, line 7, the victim indicated that their wages were \$20,000 (income) and on line 16b indicated that their pension was \$10,500 (benefit), this victim would not be eligible because their main source of income was from wages and not an eligible benefit.*

If the victim is not required to file taxes, the applicable check box on the claim form must be checked. Otherwise, staff will send a request to the victim for a signed statement indicating that he/she is not required to file taxes.

If a victim also has glasses broken or stolen, or certain personal health items or prescriptions stolen (i.e., a purse snatching), the loss of the item(s) may be compensable. Please see **"MEDICAL EXPENSES"** for further information.

\*\*Large print Stolen Cash Claim Forms are available at [www.pccd.pa.gov](http://www.pccd.pa.gov) or upon request from the Program\*\*

## Stolen Cash Q & A

**Q** What if the victim's primary source of income is a combination of eligible benefits and a single benefit does not represent 50 percent or more of his/her income?

**A** *If a victim receives multiple eligible benefits, the **combination** of these benefits must represent 50 percent or more of their gross annual income. For example, a victim is robbed of \$800. His primary source of income is a combination of eligible benefits: Social Security \$400, Pension \$300 and Veteran's retirement \$200. The victim will be eligible for \$800.*

**Q** What if an individual is cashing a benefit check for another individual and is robbed of that individual's cash?

**A** *In cases where victim #1 is robbed of the cash benefit proceeds of another person (victim #2), either victim may apply for compensation. In these cases, the preferable claimant is the individual to whom the benefit belonged or who suffered the loss (victim #2). If for any reason this is not possible, the claimant may be the individual who was the victim of the actual crime (victim #1); however, the award check will be made payable to the individual whose benefit was stolen or designated recipient of the entitlement (victim #2).*

**Q** Are food stamps covered as an eligible benefit?

**A** *No, they are considered property. The victim may wish to contact the Department of Human Services (DHS) or their DHS caseworker to inquire on replacement.*

**Q** What if the claimant lists a different amount of money stolen on the claim form than is indicated in the police report?

**A** *The lesser of the two amounts will be used. As an example, if a claimant indicates \$500 was stolen but the police report indicates \$550, \$500 would be used.*

**Q** What if the police report lists a range (say \$300–\$400) of cash stolen?

**A** *The lower amount is used. If a range of \$300–\$400 were listed, \$300 would be used.*

**Q** What if the money taken was part of a "pigeon drop"?

**A** *Stolen cash claims resulting from a "pigeon drop" that are received by the VCAP and are eligible will have a minimum 10% contribution assessed if it is determined that the victim was advised by the offender(s) that it was "found money" and they fall under the definition of Pigeon Drop. A Pigeon Drop is the act of approaching a person and asking that person if he would like to share an amount of found money. In order to share the money, the person shows a good faith effort by willingly providing a specified amount of money with the expectation of receiving a part of the "found" money.*

**Q** Can a victim file another claim for stolen cash if they have already received an award for a separate stolen cash crime in the past?

**A** *Yes. However, in crimes involving stolen or defrauded money, failure to implement personal crime prevention techniques recommended by the local police department, victim service program or crime prevention programs at the VCAP's request when crimes*

*are similar in nature and repeated may result in the claim being denied or the amount of the award reduced.*

**Q** If a victim paid a Western Union (or other such agency) fee to send the stolen money to the perpetrator(s) of the crime, can that fee be reimbursed along with the money sent?

**A** *Yes.*

**Q.** A woman who receives Social Security Disability in the amount of \$960 is robbed while walking home from the grocery store. Her husband is employed as a teacher and makes \$60,000 a year. Is the woman eligible for compensation?

**A.** *Yes, when money is taken directly off a victim receiving an eligible benefit the income of his/her spouse is not considered when determining primary source of income.*

**Q** If a home of a married couple who both receive an eligible benefit as their primary source of income is burglarized, are both eligible for compensation?

**A** *Money taken out of the home is considered joint household money. If the victims are married and the primary source of income for both parties is from an eligible benefit(s), then the primary source of income for the household is the combined benefits and could be considered. As an example, a husband and wife are both 68 years old and their home is burglarized. Included in the stolen items was \$4,200 in cash. The wife receives \$340 per month in Social Security and her husband receives \$700 per month from a Pension and \$500 in Social Security. The wife would be entitled to \$340 for her one-month's entitlement and her husband would be entitled to \$1,200 for his one-month's entitlement. This couple could receive a total maximum payment of \$1,540. (Can file one claim.)*

**Q** Similar to above, the home is burglarized, however, only the husband receives an eligible benefit—a pension in the amount of \$1500 a month. The wife is employed and makes \$40,000 a year. Can the husband file for the stolen cash?

**A** *Money taken out of the home is considered joint household money. As such, the Program considers the primary source of income for the household. In this case, the husband would not be eligible for compensation because although he receives an eligible benefit, the primary source of income for the household is the wife's earnings.*

**Please note:** *There may be instances where the Program could pay when the money is taken from the house and only one spouse receives an eligible benefit. Such instances may be considered when it is identified that the source of the cash stolen was an eligible benefit and derived from only the victim. The income of the spouse will not be considered in figuring the victim's primary source of income since the spouse's income is considered support and not income. These are considered on a case by case basis depending on reasonableness, documentation, and police report.*

**EXAMPLE:** Home is burglarized and along with stolen items, \$500 from a safe and \$100 to \$150 in loose change that the husband had been saving in milk jug for years. This is specifically indicated in the police report. The wife is employed and makes \$40,000 a year. In this case, the husband would be eligible since the request is reasonable and documented in the police report.