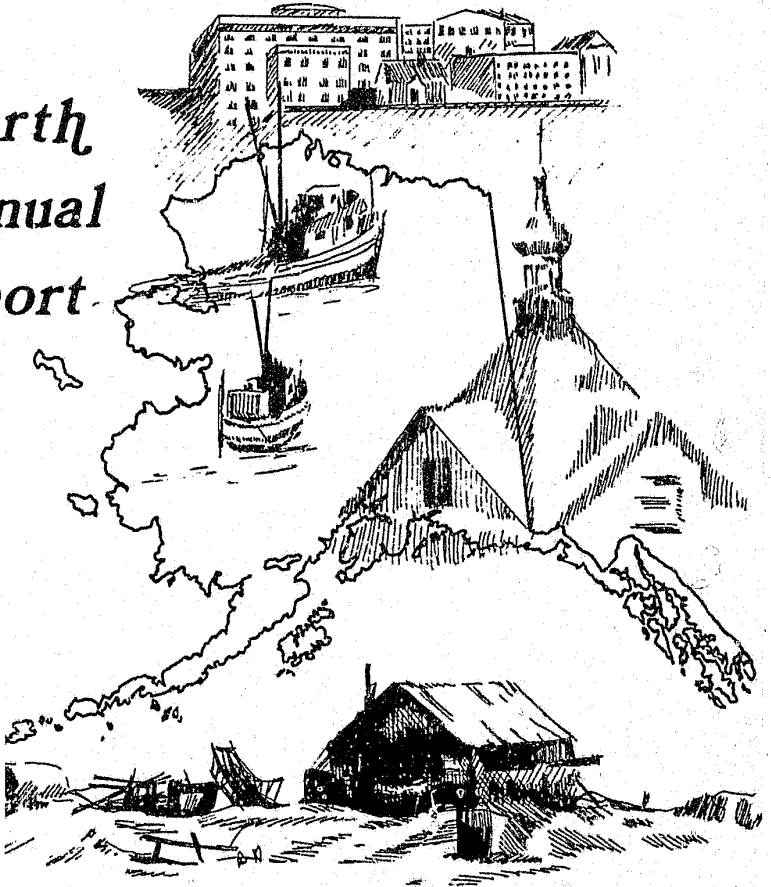


# State of Alaska

## Fourth Annual Report



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Violent Crimes  
Compensation Board

STATE OF ALASKA

VIOLENT CRIMES COMPENSATION BOARD

FOURTH ANNUAL REPORT

1977

NCJRS

FEB 23 1978



ACQUISITION

Mrs. Patricia Moore  
*Chairman*

Russellyn Carruth  
*Member*

Dr. Alistair C. Chalmers  
*Member*

Nola K. Capp  
*Administrator*

STATE OF ALASKA  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
VIOLENT CRIMES COMPENSATION BOARD  
POUCH H02A  
Juneau, Alaska 99811

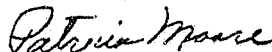
THE HONORABLE JAY HAMMOND  
GOVERNOR OF THE STATE OF ALASKA

MEMBERS OF THE ALASKA STATE LEGISLATURE

Ladies and Gentlemen:

I have the honor to submit the Fourth Annual Report of the Violent Crimes Compensation Board for the period July 1, 1976 through June 30, 1977. Annual Reports are required under the provisions of Section 18.67.170 of the Laws of Alaska.

Respectfully,



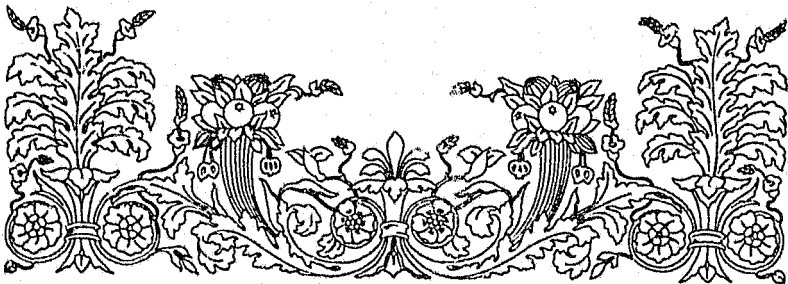
(Mrs.) Patricia Moore  
Chairman

BOARD MEMBERS

*Mrs. Patricia Moore, Chairman*  
*Alistair C. Chalmers, M.D.*  
*Russellyn Carruth*  
*Nola K. Capp, Administrator*

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# **THE FOURTH ANNUAL REPORT OF THE VIOLENT CRIMES COMPENSATION BOARD**

## **AS 18.67.010 PURPOSE**

It is the purpose of this chapter to facilitate and permit the payment of compensation to innocent persons injured, to dependents of persons killed, and to certain other persons who by virtue of their relationship to the victim of a crime incur actual and reasonable expense as a result of certain serious crimes or in attempts to prevent the commission of crime or to apprehend suspected criminals.

## **GENERAL INFORMATION**

Alaska Statute 18.67, establishing a Violent Crimes Compensation Board, was adopted by the State Legislature in 1972. Its purpose was to alleviate the financial hardships caused by crime related medical expenses or loss of income sustained by innocent victims of violent crimes in Alaska. Additionally, it provides for the payment of pecuniary loss to dependents of deceased victims to mitigate the loss of a loved one.

The need for this legislation is reflected in the fact that almost daily there is a report of some act of violence against a person in this State. If the offender is apprehended, the concern for his dignity and rights as an accused are not forgotten and, after

his imprisonment, the concern continues as to his rehabilitation and training programs. These efforts are praiseworthy, however, the problems and needs of the victim are overlooked. To address this need, the Violent Crimes Compensation Board was established.

The Board is appointed by the Governor and consists of three members who are compensated on a per diem basis for meetings only. It is mandatory to have a licensed medical doctor and an attorney on the Board thus providing the expertise in these fields necessary to determine claims.

The original statute provided a maximum payment of \$10,000 and other collateral source receipts were required to be deducted from any award the Board determined. Other collateral receipts were defined as life insurance payments, medical and hospital insurance, VA benefits, Social Security, Workmen's Compensation, to mention just a few. Due to this restriction, many needy victims received only a partial award or, in some cases, no award because they had already received benefits in excess of the \$10,000. The Ninth Legislature recognized the inadequacy in this area of the statute and remedied it through an amendment permitting the payment of expenses or losses over and above the amount received from other sources to the maximum allowable under the amendment and exempted consideration of life insurance proceeds.

The amendment further provides for the increase in the maximum award allowable per victim per incident to \$25,000; however, in the case of the death of a victim who has numerous eligible dependents, the maximum allowable is \$40,000. The Board feels that the increase in the maximums is compatible with today's increased medical expenses, increased earnings and the general increase in the cost of daily living.

The additional compensation for multiple dependents of deceased victims is most commendable. In the majority of claims involving minor dependents, the Board insures a fund for their future by placing a portion or all of the award in a trust savings account, requiring two signatures, until the child reaches the age of majority. This account can be drawn on in the event of a medical emergency.

This approach by the Board insures that the funds will be used for and by that particular dependent either for further education or to provide him with the means for motivation toward a goal in the adult world.

Other modifications included in the amendment:

- (a) Attorney fees to be paid in addition to an award rather than deducted from the award;
- (b) An increase in the Emergency Award from \$500 to \$1,500;
- (c) Exemption of life insurance proceeds received by the survivors of deceased victims,
- (d) Compulsory display of information by hospitals and law enforcement agencies,
- (e) Requirement of law enforcement agencies to advise victims of the availability of compensation;
- (f) Reimbursement of expenses incurred because of the death of a victim to persons who were responsible for his support;
- (g) The Board was given the discretion of making or denying an award without a hearing on the claim but allowing the claimant the right to request a hearing if he disagrees with the determination.

PROCESSING OF APPLICATIONS

Upon receipt of a claim, it is necessary to initially determine minimal eligibility. Therefore, compliance with the following

statutory requirements must be in evidence within the claim application:

- (1) A crime as defined in Section AS 18.67.100 must have been committed.
- (2) The crime must have been reported to proper authorities within the time period designated in Section AS 18.67.130.
- (3) The claim must have been filed within the two-year limit set by the law in Section AS 18.67.130.

If the claim does not meet the above standards, it is determined to be ineligible and the claimant is so notified.

When a claim meets these initial tests, it is then necessary to:

- (1) acknowledge receipt of the claim and request any additional documentation which the claimant did not attach, such as doctor's reports, hospital reports, and employment information, and advise the claimant that such material must be received prior to any action on the claim;
- (2) check with the respective District Attorney's office to determine if proceedings against the offender are imminent and, if so, to determine the advisability of a request to suspend the Violent Crimes Compensation Board investigation until the case is adjudicated, and, if the case has been adjudicated, request copies of the judgement;
- (3) obtain a detailed description of the incident from police records to determine if any provocation by the victim is indicated and, if so, to contact any witnesses to the incident for their statements. (If the offender has been prosecuted, a review of the transcript of the trial might be advisable.);
- (4) verify the victim's relationship, if any, to the alleged offender;



- (5) in the case of the death of the victim, verify the dependence of the claimant as well as his relationship to the victim to determine eligibility; and, finally, to
- (6) consider other collateral sources reported as received by the claimant as a result of the incident, for example, Workmen's Compensation, Social Security, private insurance, etc.

Upon receipt of the requested information, further investigation is necessary to verify:

- (1) the employment of the victim and/or the claimant;
- (2) if victim is/was self-employed: the income reported and its documentation;
- (3) hospital and doctor bills which were paid by insurance and their relevance to the claim;
- (4) that a crime as defined in Section AS 18.67.100 is the basis for the claim and the applicant is an innocent victim thereof.

When the Administrator certifies the claim complete, the file is copied and submitted to the Board for their review and recommendations. They, in turn, may:

- (a) Find the claim cannot be determined due to lack of documentation or information which the Board feels necessary to make a decision.
- (b) Find the claim eligible under the statute for the award requested and advise a warrant be issued.
- (c) Find the claim eligible under the statute for a lesser amount than requested and advise that the claimant be so notified indicating that he may request a hearing.

- (d) Find the claim cannot be determined due to conflicting data therein and advise that a hearing is required prior to final decision.
- (e) Find the claim ineligible under the statute and advise that the claimant be so notified indicating that he may request a hearing.

Upon being informed of the Board's actions, the Administrator carries out their request through:

- (1) Making the additional contacts in order to obtain further documentation.
- (2) Requesting a warrant, if an award is determined, in the amount specified, or upon the Board's recommendation, if outstanding balances are due a hospital, doctor or other service agency as a result of the incident, requests joint warrants. The Board feels that any services provided the claimant due to the incident upon which the claim is based should be cleared or arrangements made between the claimant and the obligee for a satisfactory settlement.
- (3) In the event the award granted is less than was requested by the claimant, a letter is written enclosing the warrant and explaining the Board's decision noting the claimant's right to request a hearing.
- (4) If the Board finds conflicting data in a claim or is in doubt about any part of the claim, a hearing is scheduled.
- (5) If the claim is found ineligible, the claimant is so notified by letter stating the reason for ineligibility and advising him of the opportunity to request a hearing. The request for a hearing is to be received in the Board office within 30 days.

In order to schedule a hearing, the volunteer hearing officer is contacted to establish a date to his convenience. Arrangements are made and all parties are notified of the date and location of the hearing 20 days prior to the date set. Sub-

pœnas are issued if witness testimony is necessary to establish eligibility or to clear up any contradictions.

Within seven days after the hearing, the Administrator furnishes the hearing officer with a transcript of the hearing and he has a reasonable time (within 30 days) to submit his findings and conclusions to the Board. The Board reviews the hearing officer's report and makes a final decision on the claim.

The Board is subrogated to the cause of action of the applicant against the person responsible for the injury or death of the victim and can also bring an action against the offender for the amount of the damages sustained by the applicant. The Board encourages claimants to institute civil proceedings where, if after investigation, it appears there may be a chance of recovery; however, very few recoveries are made due to the financial position of the offender.

Few claims are received that can be immediately determined as eligible. Many perplexing situations have to be considered by the Board in arriving at their decision; for example: Should a person who has sustained permanent disability through a criminal incident in which he bears some of the responsibility of provocation be considered for an award? Did the actual provocation warrant the final results of permanent disability? Helpless children are involved in cases wherein the mother is killed by her paramour, should Violent Crimes Compensation be denied to these children because of the indiscretion of the mother who at all other times was a good mother to them? The father of a family is killed in a drunken argument wherein he struck the first blow, is his family to be deprived of consideration under the statute? These are just a few of the problems encountered by the Board.

It is not difficult to reach an immediate decision as to eligibility on a claim where a grieving widow and her children have lost their main support through an entirely innocent set of circumstances, but the amount of the award to be given poses a problem. All factors must be considered to be certain that the award will be helpful in maintaining an adequate living standard as a supplement to receipts being received from other sources. The Board must always bear in mind the appropriation available and the cost to the state, but if the program is to fulfill its objectives, compensation must be more than nominal.

With the extremely high earnings being received on the Slope, the Board soon realized that it would be unfair as well as very costly to reimburse for actual wages lost, therefore, a set of Standards of Compensation was developed. These Standards are based on a percentage of the rates established under Workmen's Compensation, applicable to permanent partial, temporary partial or total disability. Reimbursement of loss of wages is based on a percentage of the average weekly wage for Alaska as established periodically by the Department of Labor. As all awards are required to be paid in a lump sum, there is no opportunity for re-evaluation after the award is granted should circumstances change. Those states with statutes allowing periodic payments can modify their awards as conditions change.

## STATISTICAL AND ANALYTICAL INFORMATION

The growth in the awareness of Violent Crimes Compensation is evidenced by the number of applications received in this fiscal year. In addition, the number of inquiries and letters requesting application blanks have nearly doubled. Each letter is handled individually and personally answered explaining the program and enclosing a copy of the statute and a brochure which simply explains the eligibility requirements. In instances wherein the writer has described the incident and other relevant facts surrounding the crime and it is determined from these facts that the claim might be ineligible, if filed, the Administrator replies and cites the particular requirement of the statute which may cause ineligibility but still encourages the writer to send in a claim.

In all cases, a claimant is instructed to attach all the necessary documentation to support his claim, explaining that in so doing it will expedite his claim to an early Board decision.

## COST OF ADMINISTRATION

The costs to administer the Act for FY77 were as follows:

Staff salaries (2 persons) and Benefits	\$55,398.14
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Travel includes Board Member travel  
and per diem:

6,368.44

Attorney fees, office expenses,  
equipment, etc.

13,218.73

Total Costs

\$74,985.31

TYPES OF CRIMES *NUMBER OF CLAIMS FILED					
TYPE OF CRIME	FY73	FY74	FY75	FY76	FY77
Homicide	8	15	17	14	31
ADW(Stabbing)	4	7	6	7	14
Armed Robbery	1	1	5	-0-	1
ADW(Shooting)	2	17	11	5	5
Other Assault	-0-	2	24	34	30
Rape	-0-	4	7	5	9
No Evidence of a crime	-0-	4	1	3	3

\*The foregoing chart merely indicates the trend in crime by the applications filed. It is difficult to compare and relate claims against crimes as claimants have two years to file claims and our statistics are on a fiscal year basis while crime figures are on calendar year basis.

APPLICATIONS AND AWARDS					
	FY73	FY74	FY75	FY76	FY77
Applications received	15	50	71	68	93
Applications heard	-0-	37	51	82	81
Total amount awards granted	-0-	36,025.60	125,266.20	272,948.29	120,968.07*
Pending claims at end of FY	13	38	44	8	28
*The Board no longer encumbers funds for awards. However, \$10,206.50 was awarded from encumbered funds of prior year.					

ACTUAL NUMBER OF CRIMES REPORTED IN ALASKA (Based on a Calendar Year)				
Type of Crimes	1973	1974	1975	1976
Homicide	33	46	39	41
Rape	147	166	177	192
Aggravated Assaults	868	1,017	1,176	1,264
Robbery	221	298	467	486

## PUBLIC AWARENESS

The Board has stressed publicity of the program through the continued distribution of brochures and posters throughout the state. With the additional requirement placed on law enforcement agencies to alert victims of crimes to the program and the requirement that hospitals display information, it is encouraging that the actual receipt of applications has increased over last year.

The Board will continue to inform the public, setting as their goal statewide awareness of the program.

## ACKNOWLEDGEMENTS

In the past year the Board has enjoyed the help and support of many individuals and agencies.

To make a final determination on any claim, the direct help of the law enforcement agency is vital and the Board has had excellent cooperation from the many municipal police departments throughout the state and the Alaska State Troopers. Special recognition is given to the Alaska State Troopers in Anchorage and Fairbanks and the municipal police departments of these two cities as the majority of our claims origi-

nate in these areas. We realize that our many requests place an extra burden on their already crowded schedule.

It has been most gratifying to work with the Social Service Directors of Providence Hospital, Alaska Hospital and the Fairbanks Memorial Hospital who have referred victims to the program and have, in many instances, aided the victim in completing the application. They have been most accommodating in responding to our requests for medical records, following those requests through the various departments to insure that they are sent to our office.

The Department of Law, through the Attorney General's office and the District Attorneys throughout the State, has been most cooperative in informing innocent victims of the program and in responding to our many requests for legal interpretation and basic information necessary to make final determinations on claims.

Further, the Board wishes to recognize the services of the following attorneys who have served as hearing officers on a voluntary basis from July 1, 1976 to June 30, 1977:

Mr. Mark Bledsoe, Anchorage  
Mr. Thomas Fenton, Fairbanks  
Ms. Sandra Saville, Anchorage  
Mr. Mike Spaan, Anchorage  
Mr. Douglas Strandberg, Anchorage

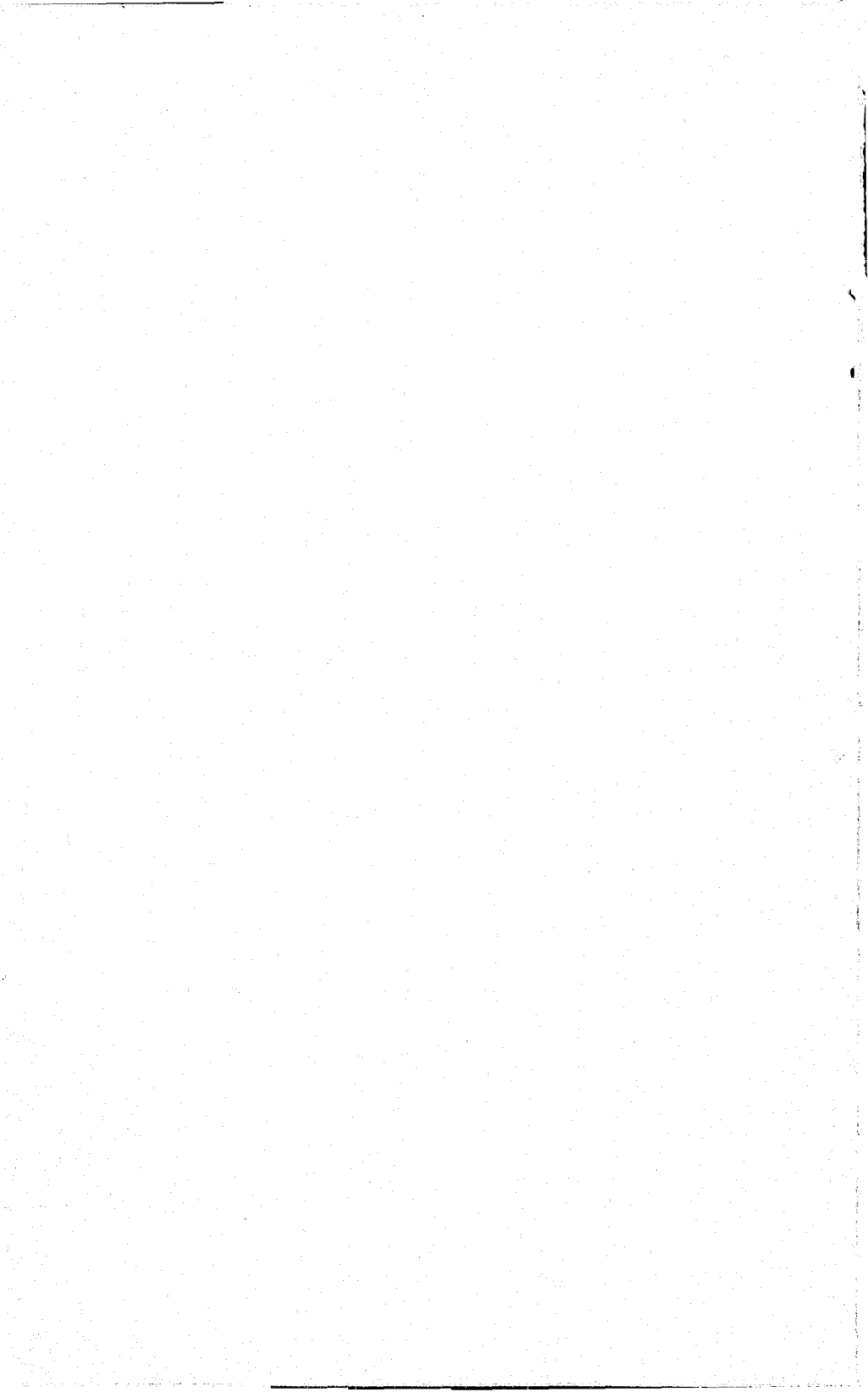
Without the help of the above people, the program would be seriously hindered. The Board would be required to hold the hearings as, thus far, the appropriation level of the program does not support the engagement of attorneys on their regular fee basis.

There are numerous other agencies, both State and Federal, as well as individuals, who have given their time and support to the Board informing victims of crime and helping to publicize this program. The Board, through this report, wishes to express their appreciation to them.



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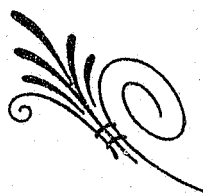
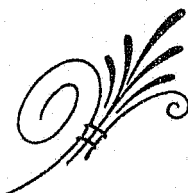


## SUMMARY OF DECISIONS

7/1/76 - 6/30/77

All awards are made 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, and reasonable expenses of job retraining of or similar employment-oriented rehabilitative services for the victim;
- (3) pecuniary loss to the dependents of the deceased victim; and
- (4) any other loss resulting from the personal injury or death of the victim which the board determines to be reasonable.



In the summary of each case, one or more of the above numbers will be used to signify the authority under which the award was granted. Please refer to the above for a full explanation.

Claim No. 76-030

The victim, a 31 year old male, left a bar and was assaulted by three men. One man had a knife and stabbed him and one of the others then ran him down with a car, seriously injuring the victim. An Emergency Award was made and a hearing was held. Medical expenses were covered by a prior resource but the Board granted an award for loss of earnings based on Section 18.67.110(2).

Award: \$4,500.00

Claim No. 76-044

The victim, a 48 year old male, was assaulted while asleep in the back room of a Drop-In-Center. All medical expenses were covered by a prior resource. The Board granted an award the previous year for expenses reasonably incurred. The victim asked for a reconsideration for dental expenses which were not covered with the medical expenses. The Board granted the award under Section 18.67.110(1).

Award: \$775.00

Claim No. 76-066

The victim, a 31 year old male, was assaulted and received serious injuries to his leg as a result of a person, whom he stated owed him wages, attacking him without provocation. The previous year, the Board had granted an Emergency Award to help pay for his living expenses as he had been in a body cast and unable to work for a period of months. A hearing was held and the Board granted an award for medical expenses and loss of earnings based on Section 18.67.110(1) and (2) less the Emergency Award. Since this case was pending from a prior year, \$10,000.00 had been encumbered, therefore, \$3,552.45 is current year expenditures.

Award: \$13,552.45

Claim No. 77-001

The victim, a 47 year old male, was found dead in his taxi cab, having been shot in the back of the head at close range. The claimant, wife of the victim, was given an award for expenses actually incurred due to her husband's death under Section 18.67.110(1).

Award: \$1,401.30

Claim No. 77-002

The victim, a 25 year old male, was injured during a robbery attempt at his place of employment. Since the incident occurred during the course of his employment, he was covered by Workmen's Compensation. The Board denied his claim under Section 18.67.090(a) as the applicant was compensated by another source.

Award: Denied

Claim No. 77-003

The victim, a 34 year old male, was at a party in a cannery house with several other people when a man allegedly came in the room with a rifle and started shooting. One man was killed and the claimant was wounded. A hearing was held and it was the decision of the Board to deny the claim on the grounds that there was not convincing and uncontroverted evidence that the claimant was an innocent victim, under Section 18.67.080(c).

Award: Denied

Claim No. 77-004

The victim, a 21 year old male, was an off duty cab driver who witnessed a man stealing a cab. He and the driver of the cab pursued the offender. The offender abandoned the cab after he hit a parked truck and fled on foot with the claimant and the driver of the cab in pursuit. The offender then got into another car and tried to run over

the driver of the cab. He missed the driver but hit the claimant. It was the decision of the Board to pay the claimant's medical expenses and loss of earnings based on Section 18.67.110(1) and (2).

Award: \$375.30

#### Claim No. 77-005

The victim, a 17 year old female, was hitchhiking and was picked up by a man, allegedly taken somewhere, raped and her throat slashed with a knife. Since the claimant was a minor, the signature of the guardian or parent was required. The mother did not complete the application and, after several letters, the case was closed without predjudice.

Award: Case Closed

#### Claim No. 77-006

The victim, a 22 year old male, stated he and his brother were walking home when the brother approached a woman whom he thought had stolen some money from him. Apparently, several women became involved in the dispute and the claimant also became involved. During the altercation, the claimant was stabbed. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that they did not have sufficient evidence to establish the claim.

Award: Denied

#### Claim No. 77-007

The victim, a 27 year old male, was riding in a taxi when the cab driver stopped at the claimant's destination. The cab blocked another car and the male passenger of the other car became very angry. He jumped out of the car with an axe and started striking the taxi and hit the claimant. It was the decision of the Board that the claimant was an innocent victim and awarded him medical

expenses and loss of earnings under Section 18.67.110(1) and (2).

Award: \$321.70

Claim No. 77-008

The victim, a 23 year old male, suffered a gunshot wound. However, the application did not describe the incident. After several letters were written and there was no reply, the case was closed.

Award: Case Closed

Claim No. 77-009

The victim, a 24 year old male, had an altercation with his girlfriend. The claimant went to the apartment where he thought she was staying with another couple and asked to see her. When he was denied this, he kicked the door in and the occupant of the apartment came out with a gun, followed him down the stairs and shot him in the foot. It was the decision of the Board to deny the claim on the grounds that there was evidence of provocation on the part of the claimant, under Section 18.67.080(c).

Award: Denied

Claim No. 77-010

The claimant, a 28 year old male, stated persons unknown had attached an explosive device to the rear window of his automobile and the resulting explosion had destroyed the rear windshield. The claim was denied as our program does not cover property damage but relates specifically to personal injury or death of the victim through a violent crime as listed under Section 18.67.010 and 18.67.100.

Award: Denied

Claim No. 77-011

The victim, a 60 year old male, offered a couple a ride from Valdez to Anchorage. Just outside Palmer, the couple had him stop the car. They then assaulted him, took his car and left him. The victim suffered multiple abrasions and lacerations of the mouth and lip. The Board granted an award for medical expenses and loss of earnings under Section 18.67.110(1) and (2).

Award: \$510.00

Claim No. 77-012

The victim, a 12 year old male, was struck by a chair which was thrown from the eighth floor of an apartment building. The claimant, his mother, requested a settlement for permanent disability. It was the decision of the Board to deny the claim under Section 18.67.090(a) as there was no medical evidence to establish any permanent disability and collateral sources paid all the medical expenses.

Award: Denied

Claim No. 77-013

The claimant, the father of a 16 year old boy who was murdered, requested funeral expenses in connection with the death of his son. His son's bullet-riddled body was found covered by brush in an area where he had been hunting with a bow and arrow. The Board determined the award based on Section 18.67.110(1).

Award: \$634.00

Claim No. 77-014

The victim, a 32 year old male, was at a picnic and had walked down to the bank of a river. While there, a person or persons unknown assaulted him, striking him about the face, knocking him down, and kicking him. His medical expenses were covered by the Veteran's Administration.



The Board granted an award under Section 18.67.110(1) and (2).

Award: \$448.00

Claim No. 77-015

The victim, a 29 year old male, went to the aid of an elderly man who was being robbed. The assailants turned on the claimant and beat him with a chain, then hit and kicked him. The Board awarded him medical expenses and loss of earnings under Section 18.67.110(1) and (2).

Award: \$805.50

Claim No. 77-016

The victim, a 29 year old female cab driver, took a fare to an address in the city. When she stopped the cab, the male passenger started hitting her on the head and then robbed her of her money. She had to have stitches on her forehead and above her right eye. She also received a cracked nose. The Board granted an award for medical expenses, her loss of earnings and other expenses the Board determined to be reasonable under Section 18.67.110(1), (2) and (4).

Award: \$1,271.20

Claim No. 77-017/018

The victim, a 36 year old male, was found dead in his car outside his apartment as the result of multiple gunshot wounds to the chest. The claimant was the ex-wife of the victim and mother of their two children. The assailant was convicted of First Degree Murder. It was the decision of the Board that each child be awarded \$5,000.00 to be held by the mother in trust to be used for medical emergencies and education with the remainder to be paid to each child upon his nineteenth birthday under Section 18.67.110(3).

Award: \$10,000.00

Claim No. 77-019

The victim, a 52 year old male, alleges he was assaulted at the Anchorage airport. It was the decision of the Board to deny the claim as there was no evidence of a crime committed as listed in Section 18.67.100(1) and (2). There were no medical reports or police verification as is necessary under Section 18.67.030(b) and 18.67.130(a).

Award: Denied

Claim No. 77-020

The victim, a 21 year old male, was sitting in the back seat of a car when another young man came up and exchanged angry words with the victim. At that point, the man outside the car stabbed the victim in the chest. The victim died as a result of the wound later that same day. The claimant, the mother of the victim, requested compensation for medical and funeral expenses. The Board granted an award under Section 18.67.110(1).

Award: \$6,185.48

Claim No. 77-021

The victim, a 22 year old male, states he left his brother's house and was walking back to his apartment when he was attacked by a person or persons unknown and stabbed. The Board denied the claim on the grounds that there was conflicting evidence that suggested the possibility of provocation and that the wound may have been inflicted by a member of his family, either of which ground is adequate to...or alone would...require a denial under Section 18.67-.080(c) and 18.67.130(b)(1).

Award: Denied

Claim No. 77-022

The victim, a 35 year old male, was walking across a parking lot late at night when three young males ap-

proached him and began striking and kicking him. His medical expenses were paid by a prior resource but the Board granted an award for loss of earnings under Section 18.67.110(2).

Award: \$1,386.00

Claim No. 77-023

The victim, a 58 year old female, was working on the pipeline at a camp location. A person entered the claimant's quarters and assaulted her by striking her on the forehead with a large rock. Her medical expenses were covered by her union insurance. It was the decision of the Board to deny the claim under Section 18.67.090(a) on the grounds that the loss she suffered as a result of this crime had been compensated by other sources including Workmen's Compensation.

Award: Denied

Claim No. 77-024

The victim, a 38 year old male, was sitting in a drinking establishment when he was shot by an assailant who was allegedly aiming at the bartender. The assailant fled and shot and killed himself a few minutes later. Because of the gunshot wound, the claimant suffered extensive damage to his speech plus other complications. The Board granted him an award under Section 18.67.110(1) and (2). The claimant requested a reconsideration and, at the hearing, produced additional evidence of his permanent disability. The Board awarded additional compensation for permanent partial disability and any medical expenses not covered by his insurance company.

Award: \$10,000.00

Claim No. 77-027

The victim, a 24 year old male, had walked into a drinking establishment to wait for his girlfriend to get off work.

While there, a woman who was apparently intoxicated, started attacking him. She threw a glass which struck him in the eye causing him to lose his right eye. The Board granted an award for permanent partial disability and agreed to pay any medical expenses not covered by any other source, under Section 18.67.110(2).

Award: \$3,750.00

Claim No. 77-028

The victim, a 34 year old male, was driving on a highway when another car crossed into his lane and hit him head on. The victim's wife and son were killed in the accident. His other son and daughter and the victim were hospitalized for multiple injuries. The application was denied under Section 18.67.130(b)(4) as the program does not cover personal injuries or deaths as a result of the operation of a motor vehicle unless the vehicle was used as a weapon in a deliberate attempt to injure or kill the victim.

Award: Denied

Claim No. 77-029

The victim, a 22 year old male, was asleep in his parents' trailer when an assailant entered and started beating him with his fists and a motorcycle chain. The Board granted an award for loss of earnings under Section 18.67.110(2).

Award: \$462.00

Claim No. 77-031

The victim, a 44 year old male, was injured when he was forced to jump from a second story window of a hotel which was burning as the result of two fire bombs being thrown into the lobby by unknown suspects. The Board agreed to make an emergency award and asked for further documentation of his disabilities, under Section 18.67.120. If it appears to the Board that, prior to taking action on an application, the claim is one for which compensation is

probable, and undue hardship will result to the applicant if immediate payment is not made, the Board may make an emergency award of compensation to the applicant pending a final decision in the case.

Emergency Award: \$1,200.00

Claim No. 77-032

The victim, a 21 year old male, was arrested and taken to a local jail. After dinner, he was watching T.V. when another inmate attacked him with a broom stick. The claimant alleged loss of hearing, loss of sight, etc. The Board denied the claim under Section 18.67.080(c) as there was no medical evidence to substantiate any disability and there was nothing to substantiate loss of earnings or any other reimbursable expenses.

Award: Denied

Claim No. 77-033

The victim, a 37 year old male, was murdered in a bar in Anchorage. The victim had entered the men's lavatory and was shot for no apparent reason by the assailant. The victim ran from the lavatory and was shot a second time and killed. The claimant is the wife of the victim and asked for medical expenses and loss of support for the two minor children. The Board granted the award for medical expenses and loss of support under Section 18.67.110(1) and (3).

Award: \$9,724.76

Claim No. 77-034

The victim, a 55 year old male, was a victim of a fire bombing of a hotel. The claimant was forced to jump from the second story window to avoid smoke and flames. He suffered permanent disability to his foot. The Board granted an emergency award and, after receiving further information, granted an award for medical expenses,

permanent partial disability and loss of earnings under Section 18.67.110(1) and (2).

Award: \$9,885.61

Claim No. 77-035

The victim, a 36 year old male, alleges he was drinking with relatives and friends and went to his brother-in-law's house at a late hour. Apparently, the brother-in-law wanted him to leave and started to fight with him when he would not. Another man joined in and hit the victim on the head with a level. The Board denied the claim on the grounds that there was some evidence of provocation and behavior which contributed to the injuries. A hearing was requested and held. After reviewing the hearing officer's report, the Board reaffirmed the denial under Section 18.67.080(c).

Award: Denied

Claim No. 77-037

The victim, a 20 year old male, was standing outside a drinking establishment with a group of friends when one man from another group pulled a gun from a car and started shooting. The victim was shot in the knee. The Board granted an award for medical expenses and other expenses they felt reasonable under Section 18.67.110(1) and (4).

Award: \$4,607.85

Claim No. 77-038

The victim, a 25 year old male, was ambushed on his way home from the show, shot in the arm and later suffered the loss of his right arm. The Board granted an award for permanent partial disability and loss of earnings under Section 18.67.110(2).

Award: \$4,271.00

Claim No. 77-041

The victim, a 41 year old male, suffered a gunshot wound to the chest area during an attempted armed robbery of the store in which he was working. The Board granted an award for expenses which the Board felt reasonable under Section 18.67.110(4).

Award: \$1,000.00

Claim No. 77-042

The victim, a 16 year old female, was allegedly raped at a campground near the city. The claimant, the victim's father, requested medical expenses. The Board granted the award under Section 18.67.110(1).

Award: \$118.00

Claim No. 77-043

The victim, a 65 year old male, was beaten and robbed in back of a Drop-In-Center. The claimant was requesting medical expenses only. It was the decision of the Board to deny the claim under Section 18.67.090(a) on the grounds that the claimant has a prior resource in the Alaska Native Health Service.

Award: Denied

Claim No. 77-044

The victim, a 27 year old female, stated she met a man in a bar and he was going to take her to her sister's house. However, on the way, he stopped the truck, tried to rip off her pants and started kicking her about the face and stomach. The Board denied the claim under Section 18.67.090(a) as it appeared that collateral sources had covered all the expenses.

Award: Denied

Claim No. 77-046

The victim, a 36 year old male, was shot to death in the home of his wife's uncle, by the uncle. The claimant is the wife of the victim and mother of their four children. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that the evidence was conflicting and the Board was not convinced that he was an innocent victim. In particular, it appeared that the social history could have provided provocation for the shooting.

Award: Denied

Claim No. 77-047

The victim, an 18 year old male, was shot six times and his body left near the highway. The claimant, the victim's father, requested funeral and other out of pocket expenses. It was the decision of the Board to deny the claim on the grounds that the police report indicates that the victim was engaging in the sale of cocaine in violation of the penal laws of the State of Alaska. Such violation was apparently the purpose of his contact with the assailants and therefore the violation was a contributing factor to his death. Under the Violent Crimes Compensation Act, Section 18.67.130(b)(3), this bars any award.

Award: Denied

Claim No. 77-048

The victim, a 23 year old male, was found in his trailer dead from a gunshot wound. The claimant is the ex-wife of the victim filing on behalf of their small son. The Board denied the claim on the grounds that the weight of the evidence indicated that it was a self inflicted gunshot wound. Under Section 18.67.130(a), it states, "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."

Award: Denied



Claim No. 77-049

The victim, a 29 year old male, alleges he was injured when he was struck in the face with a chair by a woman. The police report indicates that the claimant had bumped into an elderly man who advised him to watch where he was going. The older man and a female got into an argument with the claimant. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds that the victim appeared to have been engaged in a fight and there appeared to be some provocation on his part.

Award: Denied.

Claim No. 77-050

The victim, a 17 year old male, was first declared missing in 1966 when he failed to return home. In 1974, evidence was uncovered that the youth was murdered and buried. The body was never found but the assailant was charged and convicted of manslaughter and sentenced to serve 15 years. The claimant is the mother of the victim. The claim did not indicate any expenses as a result of the death of the victim and was denied under Section 18.67.080(a) (2) in the case of the personal injury or death of the victim, to a person responsible or who had been responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury or death.

Award: Denied

Claim No. 77-052

The victim, a 23 year old male cab driver, was shot and killed by a passenger. The apparent motive for the murder was robbery. The claimant is the ex-wife of the victim filing on behalf of their small daughter. It was the decision of the Board to deny the claim under Section 18.67.090(a) on the grounds that the loss of support of the father is already being compensated from other sources; namely, Workmen's Compensation and Social Security.

Award: Denied

Claim No. 77-053

The victim, a 28 year old female, states she was in a bar and rushed over to help someone in a fight and was struck on the head with a chair. It was the decision of the Board to deny the claim under Section 18.67.080(c) as there was evidence of provocation or at least consent to the fight itself.

Award: Denied

Claim No. 77-056

The victim, a 22 year old male, asked two men if they could furnish him a place to sleep. They took him to a boat and, after he had been there awhile, they proceeded to beat on him. He requested compensation to fix his chipped teeth. He was sent a letter requesting further information but did not answer. The claim was left open for quite some time but, as the victim did not pursue the claim, the case was later closed.

Award: Case Closed

Claim No. 77-057

The victim, a 26 year old male, was shot to death in a parking lot. It was apparently a case of mistaken identity as the offender had intended to kill a person who he believed had struck his wife. The offender was convicted of First Degree Murder. The claimant was the wife of the victim and mother of their two children. It was the decision of the Board that the husband was an innocent victim and awarded the claimant funeral expenses and loss of support of the husband and father under Section 18.67.110 (1) and (3).

Award: \$13,281.44

Claim No. 77-058

The victim, a 22 year old female, was walking home from downtown and a man offered her a ride which she accepted. He took her to a distant location and raped her. It was the decision of the Board to award her medical expenses and loss of earnings under Section 18.67.110(1) and (2).

Award. \$207.00

Claim No. 77-059/060/061

The victim, a 43 year old male, was shot to death in an incident where all concerned were drinking. The offender had a weapon and was playing with it. The victim badgered the offender about using the gun and the offender killed him. The offender was convicted of manslaughter and sentenced to ten years. The claimant was the ex-wife of the victim filing on behalf of the three minor children. It was the decision of the Board to deny the claim under Section 18.67.080(c) on the grounds there was evidence of provocation/consent.

Award: Denied

Claim No. 77-063

The victim, a 48 year old male, was in a parking lot and was starting to get into his truck when he was approached by a man who demanded his money. The victim refused and the man shot him and fled. It was the decision of the Board to award him for out of pocket expenses, loss of earnings and other expenses the Board felt reasonable under Section 18.67.110(1), (2) and (4).

Award: \$3,269.61

Claim No. 77-064

The victim, a 20 year old male cab driver, picked up a fare

who produced a revolver and directed the victim to drive south. The fare robbed the victim and assaulted him with the revolver, then fled. It was the decision of the Board to award the victim medical expenses and loss of earnings under Section 18.67.110(1) and (2).

Award: \$210.25

Claim No. 77-065

The victim, a 60 year old male, went into a bar in Seattle, Washington, and was playing pool. He finished his game and proceeded to get his jacket, not knowing a hold-up was in progress. The hold-up man shot the victim in the left side of the face resulting in the loss of the claimant's eye. It was the determination of the Board that the claimant was an innocent victim, however, it was their decision to deny the claim on the grounds that the legislative intent was to compensate people for crimes committed in the State of Alaska.

Award: Denied

Claim No. 77-066

The victim, a 36 year old cab driver, was found dead in his taxi. The cause of death was a gunshot wound through the back of the head with a large caliber weapon. The claimant was the wife of the victim and mother of their children. It was the decision of the Board that he was an innocent victim of a violent crime but they denied the claim under Section 18.67.090(a) on the grounds that the funds they are receiving from collateral sources compensated for the loss of support of the husband and father.

Award: Denied

Claim No. 77-067

The victim, a 20 year old female, was involved in an incident where an intruder forced himself through the door of

her residence, threatened her with a knife and forced her to perform fellatio. The claimant suffered an injury to her eye when she was kicked by the intruder. The victim asked only for payment of medical expenses. The Board granted her an award for medical expenses and loss of earnings under Section 18.67.110(1) and (2).

Award: \$96.70

Claim No. 77-068

The victim, a 26 year old male, was in a washroom of a bar when he was accosted and stabbed to death by an assailant. The claimant, father of the victim, requested funeral expenses. It was the decision of the Board to reimburse the claimant for his out of pocket funeral expenses under Section 18.67.110(1).

Award: \$2,420.00

Claim No. 77-070

The victim, a 26 year old woman, was involved in an incident wherein she was raped. The offender was arrested and convicted of Forcible Rape. It was the decision of the Board to award her loss of earnings and out of pocket expenses under Section 18.67.110(1) and (2).

Award: \$1,200.00

Claim No. 77-074

The victim, a 48 year old male, was shot and killed while attempting to foil an armed robbery. The claimant is the victim's wife and it was the decision of the Board to award her compensation to assist her in seeking training or employment under Section 18.67.110(3).

Award: \$5,000.00

Claim No. 77-075

The victim, a 24 year old male cab driver, picked up a fare. When he pulled over to let the fare out, he was robbed and hit on the back of the head with an unknown object. It was the decision of the Board to award the claimant medical expenses and loss of earnings under Section 18.67.110(1) and (2).

Award: \$225.00

Claim No. 77-076

The victim, a 31 year old female, was involved in an incident whereby a man entered her residence and assaulted her with intent to rape. It was the decision of the Board to award her loss of earnings and medical expenses under Section 18.67.110(1) and (2).

Award: \$1,912.45

Claim No. 77-080

The victim, a nine year old female, was taken into the woods near her school and sexually assaulted. The claimant is the parent of the victim and requested medical and psychiatric expenses. It was the decision of the Board to compensate for these expenses under Section 18.67.110(1).

Award: \$225.00

Claim No. 77-082

The victim, a 36 year old male, was involved in an incident where a person had antagonized the victim and a Spanish speaking friend. There was an altercation during which the claimant was attacked and stabbed in the back. It was the decision of the Board that he was an innocent victim and eligible for compensation for loss of earnings under Section 18.67.110(2).

Award: \$552.00

Claim No. 77-092

The victim, a 69 year old female, was working alone in her place of business when she was brutally and sexually attacked and robbed. According to the police, the rape and assault were as horrible and vicious as they had seen and it has left the claimant with a great deal of emotional trauma. It was the decision of the Board to pay her medical expenses and out of pocket expenses and to award her compensation for other expenses which the Board felt reasonable under Section 18.67.110(1) and (4).

Award: \$4,976.97

Claim No. 77-093

The victim, a 20 year old male, was declared missing in 1972. A presumptive death hearing was held in 1974 as further investigation revealed that a juvenile acknowledged he had shot and killed the victim, then burned the body in the local dump area. The claimant is the sister of the victim. The claim was denied under Section 18.67.130(a) as it was not filed within the two year period following the incident.

Award: Denied





**END**