



NEW YORK STATE
OFFICE OF VICTIM SERVICES

ADVISORY BULLETIN

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**TO: ALL FUNDED PROGRAMS
ADVISORY COUNCIL
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**FROM: ELIZABETH CRONIN, ESQ.
DIRECTOR**

SUBJECT: Regulation Change

DATE: October 16, 2013

In the August 14th publication of the NYS Register the Office of Victim Services (OVS or Office) published proposed rule changes to the Office's regulations. These changes were necessary to update certain contact information and to ensure the regulations complied with the OVS' enacting statute. These changes were under review during a 45 day comment period and shall be effective Wednesday, October 16th. There are two changes in particular that are important to bring to your attention.

It was the past practice of the Crime Victims Board (OVS' predecessor) to reimburse some claimants for loss of earnings notwithstanding the fact that they may have received salary for such lost time from their employer. This resulted in some claimants receiving double-pay for the time lost.

Additionally, not all employers offer a similar leave structure and some employees would be denied loss of earnings by the agency. It was the determination of the OVS that this was an overly-broad, incorrect interpretation of the statute which, in its application, would lead to the agency treating claimants with different employers unequally. The Office corrected this misinterpretation a while ago but this past practice, codified in the current regulations, was not updated to reflect our statutory limitations. This is not only a correction required by statute, this regulatory change is necessary to treat employees, no matter how their employer provides them with paid leave, equally.

It was also the past practice of the Crime Victims Board to reimburse claimants for loss of earnings or support (LOE/LOS) notwithstanding the fact that they had not reported their income to an appropriate taxing authority. As a government entity with a close relationship to law enforcement, the OVS did not feel it was proper to make any compensation award to a person based upon the illegal activity of tax evasion. In addition, the supporting documentation related to such a request is unreliable and ripe for fraudulent submissions. Limiting LOE/LOS awards to reported income is an important step to prevent such fraud.

If VAPs have any questions regarding this Advisory Bulletin or any other related issues, please contact your Program Monitor for clarification.

On behalf of the New York State Office of Victim Services, thank you for your commitment to providing the highest quality services to innocent victims of crime in New York State.



Elizabeth Cronin, Esq.
Director