

ADVISORY BULLETIN

TRANSMITTAL NO. 2017-02

**TO: ALL FUNDED PROGRAMS
ADVISORY COUNCIL MEMBERS**

**FROM: ELIZABETH CRONIN, ESQ.
DIRECTOR**

SUBJECT: CHANGES TO COMPENSATION PROCEDURE

DATE: December 28, 2017

A Decision, Order & Judgment was recently entered in Albany County on December 20, 2017 (Wenceslao Juarez, et. al v. New York State Office of Victim Services, Sup. Ct. Albany County, Index No. 16-7770) which necessitates changes as to how OVS determines reimbursement for items of Essential Personal Property (EPP). In part, the Court determined that OVS' practice of reimbursement based on a per-item cap for certain items of EPP (under the \$500 statutory cap) is improper.

OVS argued that, because the EPP claim process itself is to be done in an expedited fashion with minimal administrative burden on the claimants, we did not require receipts for clothing and other items when requested in an EPP claim. Instead, OVS provided reasonable reimbursement based upon per-item caps. Unfortunately, the Court was not persuaded by these arguments and determined that process to be contrary to the law.

Therefore, as of December 20th, individual items of EPP will be reimbursed based upon: (1) the original receipt for the EPP item, (2) the receipt for the new replacement for the EPP item or (3) an estimate from a vendor or service provider for the replacement or repair of an EPP item (e.g., denture or eyeglasses estimate). Because of the nature of the crimes, OVS will continue to make exceptions for multiple EPP items lost as a result of Arson or Domestic Violence- related crimes, with specific procedures to follow.

We understand that this is a significant change in the longstanding practice at OVS and will require new procedures. Claims previously submitted, but not determined by December 20th, will need to be re-examined and additional information sought. We hope for your assistance in explaining these requirements to all potential claimants going forward.

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.

A handwritten signature in black ink, appearing to read "Elizabeth Cronin". The signature is fluid and cursive, with a prominent initial "E".

Elizabeth Cronin, Esq.
Director