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STATE OF MARYLAND

**Criminal Injuries
Compensation Board**

ELEVENTH ANNUAL REPORT

1980

76766

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CRIMINAL INJURIES COMPENSATION BOARD
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JOSEPH PICKUS
Chairman

JEFFREY R. SCHMIELER
MARSHALL M. MEYER
Commissioners

MARTIN I. MOYLAN
Executive Director

NCJRS

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Martin I. Moylan

MD. CJCB

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STATE OF MARYLAND
CRIMINAL INJURIES COMPENSATION BOARD

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JOSEPH PICKUS
Chairman

MARTIN I. MOYLAN
Executive Director

JEFFREY R. SCHMIELER
MARSHALL M. MEYER
Commissioners

TO:
HONORABLE HARRY HUGHES
Governor of the State of Maryland

GORDON C. KAMKA
Secretary

Department of Public Safety
and Correctional Services

HONORABLE LEGISLATIVE COUNCIL
State of Maryland

I have the honor to submit the tenth report of the Criminal Injuries
Compensation Board for the fiscal year of 1980 rendered pursuant to the
provisions of Article 26A of the Annotated Code of Maryland.

Respectfully,
JOSEPH PICKUS
Chairman

Baltimore
Dated: OCTOBER 1, 1980

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**ELEVENTH REPORT OF THE
CRIMINAL INJURIES COMPENSATION BOARD
STATE OF MARYLAND**

TO:

Honorable Harry Hughes
Governor of the State Of Maryland

Gordon C. Kamka, Secretary
Department of Public Safety and
Correctional Services

Honorable Legislative Council
State of Maryland

Gentlemen:

We have the honor to submit this, our Eleventh Report:

I. ADMINISTRATIVE BACKGROUND

This report covers the period of July 1, 1979 through June 30, 1980. It is the eleventh year of the Board's existence.

The Criminal Injuries Compensation Board was created on July 1, 1968. The State of Maryland was one of the first states in this country to create a program of compensation to crime victims. Since that time, several additional states have created similar programs and presently the federal government is considering a program. Numerous other states and Senator Mansfield's office, have called upon this Board for its experience looking forward to adopting some program to compensate innocent victims of crime. This Board has always cooperated with these inquiries and will continue to do so in the future.

In July of 1979, the seventh International Conference for the Compensation to the Innocent Victims of Crime was held in Calgary, Canada.

The organization's primary goals are the co-ordination and cooperation of the various Criminal Injuries Compensation schemes. The creation of these organizations reflect the awakening of the social consciences of the people of the western world towards the compensation and rehabilitation of the innocent victims of crime.

The third Annual Conference of Crime Victim Compensation Boards will be held in November, 1979 in Philadelphia, Pa. Martin I. Moylan, Executive Director of this agency is Chairman of the Association.

We are cooperating and exchanging information and statistics with the Members of the organizations and the benefits derived are invaluable.

II. CATEGORIES OF AWARDS

We shall set forth later in this report an analysis of the claims, together with the type of crime committed, as well as separate the claims generally into three categories.

- a. Lump sum payments—where the claimant returns to work with no diminution in earnings.

- b. Protracted claims—where the decision is made and then provides for periodic monthly payments during the continued disability and diminution in earnings, and lastly
- c. Death claims—where again the decision is made making an award up to the time of the decision and then providing for a monthly payment to the dependents.

Our awards are paid pursuant to Section 36 of Article 101 of the Annotated Code of Maryland, which is the Award Section of the Maryland Workmen's Compensation statute.

III. RULES AND REGULATIONS

This Board, pursuant to the provisions of its statute, adopted Rules and Regulations, which were approved and duly filed with the Secretary of State, Clerk of the Court of Appeals, etc. The Board in these Rules and Regulations set up certain guidelines to determine serious financial hardship. Unless serious financial hardship is shown, no award can be made.

IV. PUBLIC AWARENESS

The number of applications received last year increased dramatically over the number received in the prior year. Inasmuch as there has been and there continues to be an increase in public awareness of the legislation and of the Board, we anticipate similar substantial increases in the next fiscal year. Notwithstanding the increase in applications submitted to us, we note that not all of the victims of what appeared to be eligible crimes committed in Maryland are filing applications. For that reason, we will continue to discharge our responsibilities to advise the public concerning the benefits available under the statute. We consider this duty of advising and informing our citizenry to be an extremely important and continuing one.

The Board has been the subject of numerous newspaper releases and stories. We have also used and are indebted to various radio stations for allowing us public service time for spot announcements. Radio and television stations in Baltimore, New York, Washington, D.C., Hagerstown, and Salisbury have also conducted programs explaining the Criminal Injuries Compensation Board.

We have also contacted all the Social Service Departments, Police Departments, Workmen's Compensation Commission, various state departments, county departments, Legal Aid Societies and all hospital and similar types of organizations, informing them of our Board. The Board also prepared a brochure explaining, in layman's terms, the statute. The Board has now distributed over 300,000 of these brochures in all parts of the State.

The Board recognizes that the public is not as yet well informed and we shall continue our efforts within our own limitations to make use of the news media, radio and television to accomplish this.

V. TIME LIMITATIONS

In order to be eligible for an award, police records must show that the crime was reported to the police no more than 48 hours after the occurrence of such crime. This requirement can be waived by the Board in exceptional circumstances upon the showing of good cause. Claims must also be filed not later than 180 days after the occurrence of the crime upon which claim is based, or not later than 180 days after death of the victim. The Board can for good cause shown extend the time for filing up to two years.

VI. STATISTICAL EXPLANATIONS

The number of claims that were accepted and investigated was 597 and in addition to that, there were what shall be termed as inquiries 2000. These inquiries were not processed by opening a file and starting an investigation because the Secretary of the Board, who is also the Executive Director, did not find the claimants to be eligible under our statute. We have had for example, a number of inquiries from citizens of this state, who were injured in crimes that took place in other states and in particular, the District of Columbia. We have also had inquiries from various creditors and distant relatives of the deceased victims who do not meet the eligibility of the statute. Crimes involving automobiles are also excluded by the statute unless intentionally committed and are likewise rejected by the Secretary. Sometimes it also becomes necessary for a preliminary investigation to be conducted to determine if the claim or inquiry was one that should be accepted for investigation. This is done to save the time of the investigative staff and save the costs of processing the claim. There were 695 decisions rendered, of which 548 awards were made and 147 were disallowed. The reasons for disallowance of the claims are as follows:

No Crime.....	1
Failure to Cooperate with Police	6
No serious financial hardship	18
Failure to furnish information	67
Provocation	36
No police report filed	4
Ineligible	6
Member of a family	9
There were 503 personal injury claims and 45 death claims. The type of crime is illustrated by the following:	
Assault	220
Stabbed	66
Murdered	45
Shot	113
Rape.....	20
Miscellaneous	84

Of the 695 decisions where were rendered by the single Board Member, there were 47 Appeals to the full Board. Full Board Appeals are held in the Board's offices in Baltimore, Maryland. However, the Board members and the Executive Director, who also functions as a hearing officer, conduct hearings throughout the State. The full Board has affirmed 17 cases on Appeal and 13 were reversed and 17 were allowed to be reopened for further investigation and/or further proof to be submitted.

At the present time, 73 death claims and 81 personal injury claims are being paid monthly.

Since periodic payments are made monthly in protracted and death cases, periodic checks are made to determine if the payments should continue. In protracted cases, if there is a change in dependency, remarriage, emancipation or any other circumstances or contingency that would alleviate claimant's financial hardship, payments are then stopped.

VII. PROCEDURES IN FILING AND HANDLING CLAIMS

1. Upon inquiry to the Board, a claim form is given or mailed to the prospective claimant, who is advised to submit the completed form together with medical reports, receipts and the material to support his claim.

2. When the executed claim form is filed with the Board it is reviewed by the Secretary to determine if the claimant is in compliance with statutory eligibility and jurisdictional requirements.
3. If the claim is accepted by the Secretary, it is docketed and a file is set up on the claim.
4. The Board then acknowledges the claim and contacts the appropriate police department for a copy of the police report.
5. An investigation is conducted to determine and verify various aspects of the crime and the injuries and expenses incurred thereby.
6. If a hearing is deemed necessary, the claim is scheduled for a hearing before a single Commissioner and all appropriate witnesses are notified and subpoenaed if necessary. These hearings are conducted throughout the State.
7. While the evidence is given under oath, the Board tries to develop an atmosphere of informality in the hearing room which is conducive to the obtaining of the required information in support of a claim.
8. If claimant is dissatisfied with the decision of the single Commissioner, he can request a reconsideration by the full Board.
9. The full Board's hearings are usually conducted in Baltimore.
10. When a final decision is made at either level and it is acceptable to the claimant, it is then sent to the Attorney General and Secretary of the Department of Public Safety and Correctional Services, who have 30 days to take an appeal to the appropriate court if they think the award is improper.
11. If no Appeal is taken, the award becomes final.
12. In protracted awards the Board pays each award as specified direct to the claimant.

The Board has investigated and rendered a number of decisions in less than 30 days. However, the average is 60 days. There are, of course, many reasons that delay the Board's decisions. The State's Attorney may request the Board to discontinue investigation until he advises that the Board can proceed. This generally means awaiting the disposition of the criminal matter. In other claims, there may be delays due to the fact that it is impossible to determine the degree of permanent disability until maximum physical improvement is reached.

It is also difficult in death claims to complete the investigation where there are Social Security benefits undetermined, as well as Workmen's Compensation claims undecided.

In other instances it is impossible to obtain the information from Blue Cross or Blue Shield because enough time has not elapsed from the time the claimant was discharged from the hospital, or he is still under the doctor's care and a final bill with Blue Cross and Blue Shield benefits is not available.

It has been found that even where there are serious questions to be determined, and the claimant cooperates, a speedy conclusion can be rendered.

However, in claims where there is provocation which requires intensive investigation, there is delay experienced due to attempting to locate and interview reticent witnesses.

VIII. EMERGENCY AWARDS

Emergency Awards are made in cases pending a final decision where

undue hardship is evidenced. In the past year 51 emergency awards were made.

IX. ATTORNEYS

The claimant is entitled to representation by an attorney from the time the claim is filed. Over 90% of the claimants are represented by attorneys.

X. PROJECTIONS

The projected number of claims can be better estimated now that we have completed our tenth year of operation.

It is believed there will be at least 800 claims filed which will require investigations. This does not include the inquiries which we expect we will be able to handle in the same way as hereinabove outlined.

Not only is the public better informed and becoming more so continually, but the distribution of brochures and the publicity that has been given to the Board certainly are factors that should be considered.

XI. COSTS

Section 17 of the statute imposes an additional \$10.00 in Court costs on all persons convicted of a crime by any Judge with criminal jurisdiction in the State. The following court costs have been collected by the Comptroller:

<i>Fiscal Year</i>	<i>Collected</i>	<i>Expended</i>	<i>Awards</i>
1975	118,063.90	1,000,207.21	1,577,644.19
1976	131,542.25	1,127,857.00	1,700,588.87
1977	131,981.11	1,227,186.00	1,248,359.64
1978	268,261.01	1,192,305.00	1,468,288.86
1979	273,674.91	1,459,230.49	1,446,852.00
1980	147,086.16	3,551,153.85	1,550,000.00
1981		2,511,115.00	1,674,994.00

XII. PAYMENT OF AWARDS

Our awards in the past fiscal year totalled \$1,550,000.00. Of that total, \$1,206,977.13 was awarded in lump sum payments and \$343,022.57 was awarded in protracted payments none of which vested to the claimant and in the event of a change in circumstances regarding the claimant, such as death, the unpaid portion will terminate and revert to the State. All protracted payments are paid monthly by the Board's staff. Currently, approximately \$28,000.00 is being paid monthly in protracted payments or \$336,000.00 annually. It is anticipated that in the current fiscal year these protracted payments will grow.

Attached hereto is a partial summary of the decisions which have been made by this Board during the past year.

XIII. REDUCTION OF AWARDS

The Board can reduce an award or deny it altogether if it determines that the claimant contributed to the infliction of his injury. It has been our experience that a thorough review of the crime, beyond that of the police and court records, is necessary in approximately 20% of our claims.

XIV. POLICY, INTENT AND PHILOSOPHY

The reasons for compensating innocent victims of violent crime are expressed in the declaration of policy and the legislative intent in the statute, such as the failure of the state to insure the safety of its citizens and a sense of responsibility which a humane society feels for victims of crime. However, there are other compelling reasons to reimburse innocent victims of violent crimes. The worry that encompasses a victim while recovering from the injuries and without funds to pay his medical expenses, or to maintain his family is undoubtedly more harmful to his recovery than the pain that he suffers.

The traumatic impact upon the family of the victim who dies facing the future with uncertainty of not only how to pay the medical and/or funeral bill, but where they will turn to replace the support lost through death.

The State of Maryland, being one of the leaders in this field, reflects the awakening of the social consciousness of the people of the western world to the assisting of innocent victims of crime in somewhat the same manner that State mandated programs provide for illness, disability, old age and unemployment.

During the past year the Board has learned from police agencies that in many instances the victim is not interested in prosecution of his assailant because he has many more immediate and pressing problems. In addition, the victim without the benefits of this statute is left with nothing except his bills, the worry of his family, as well as the disruption of his household. However, since the innocent victim of crime in the State of Maryland may file a claim, it is hoped, and there has been some experience to indicate, that he would be more willing to cooperate with the law enforcement agencies knowing someone cares about him. In this respect the victim who was an unwilling and uncooperative witness now becomes a willing and cooperative witness.

The Board has continued to treat each claimant not as an adversary, but rather to determine the full and true facts concerning each claim. We are dedicated to seeing that those people who are entitled to an award shall receive the same, but we are equally dedicated and vigorous in our investigation to deny an award to anyone who is not entitled to the same.

It is the feeling of the Board that the assistance afforded the innocent victim of a crime is helping and aiding in the administration of justice.

XV. INTER-AGENCY COOPERATION

Finally, the Board acknowledges the cooperation of the State's Attorneys throughout the State in aiding in this program.

We also acknowledge the cooperation of each and every law enforcement agency and particularly the State Police who have been of great assistance and willingly have made the information available.

The Board is sincerely appreciative of the continued support and counsel of Sec. Kamka and Dept. Sec. Tully of the Department of Public Safety and Correctional Services; and the various members of the Governor's staff who somehow always manage to find time to consider problems and suggest advice.

XVI. ANALYSIS AND FUTURE NEEDS

As noted in prior paragraphs, it is anticipated that the work load of this agency will greatly increase every year for the next few succeeding years. Consequently, budget needs will increase yearly. To substantiate this position, we need only refer to continual public awareness, crime statistics and the experience of other States such as New York and Hawaii. Moreover, the need of additional staff as well as at least one or more full time Commissioners will arise in the very near future according to projections at this time. We shall continue our endeavors to implement the most effective and efficient administrative systems and methods to implement the statute at the least possible cost. Because of the new legalistic concept of our statute as well as the newness of our physical operation, unique and complex legal problems are raised at almost every full Board hearing. For these reasons, we must constantly in our service to the public and State, be on guard with respect to the legal and constitutional needs of all parties. As a result of our experiences, we also intend to submit various amendments to the law through the Secretary of our Department which we believe will further implement the philosophy and spirit of the Criminal Injuries Compensation Act.

XVII. ACKNOWLEDGEMENTS

As Chairman of this agency, I especially commend Jeffrey R. Schmieler and Marshall M. Meyer, my brother Commissioners, and Martin I. Moylan, our Executive Director without whose tremendous efforts and cooperation, the program would not have progressed to its present status. Each year their duties have increased, and each year they have given of themselves unselfishly and with complete dedication. I consider it an honor to be associated with these gentlemen, and respectfully state that the success of the program is due in great part to the respective contributions of their efforts and enthusiasm.

The Board expresses its thanks to the staff, which has not been increased since this program started for the handling of the paper work and the investigators for expediting the investigations. They have helped develop and invoke enthusiasm and energy in all matters.

The Board lost the excellent services of Commissioner William M. Linton in April, 1979. The Board is greatly indebted to him for his substantial contribution to the over-all effectiveness of the Board.

All of which is respectfully submitted.

Dated: October 1, 1980
Baltimore, Maryland

MARTIN I. MOYLAN
Secretary to the Board and
Executive Director.

JOSEPH PICKUS, Chairman
JEFFREY R. SCHMIELER, Commissioner
MARSHALL M. MEYER, Commissioner

SUMMARY OF CLAIMS
June 30, 1979 to July 1, 1980

Claim #422-P-74

Claimant, male, 18 was assaulted and viciously beaten by an assailant in Anne Arundel County. The assailant was apprehended, tried and found guilty.

The claimant was a student at the time of the incident and accordingly sustained no wage loss. All of the claimant's medical expenses were reimbursed by Insurance with the exception of \$59.00. It is to be noted that the claimant also lost four teeth and sustained several facial scars as a result of the incident. Accordingly, the claimant will require \$1,600.00 in future dental expenses as a result of this incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$59.00 for unreimbursed medical expenses.
 2. \$1,600 for future dental expenses when bills for same are submitted and verified by this Board.
 3. \$175.00 for 10 weeks disfigurement at \$17.50 per week.
- All subject to the further order of this Board.

Claim #396-P-76

Claimant, male, 20 was assaulted and struck in the face with a broken beer bottle by an unknown assailant on a beach in Anne Arundel County.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$105.00. The claimant was unemployed prior to the incident and accordingly sustained no wage loss as a result of the incident. The claimant did sustain, however, a scar to his face as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$155.00 for unreimbursed medical expenses.
2. \$875.00 for 50 weeks disfigurement at \$17.50 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #394-P-77

Claimant, female, 67, was injured on a public street in Baltimore when two young boys threw a can of acid on her. One of the assailants was apprehended and juvenile proceedings are pending.

The claimant sustained \$141.99 in unreimbursed medical expenses as a result of the incident. The claimant lost one week from work as a result of the incident and sustained an unsightly scar to her right foot.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$141.99 for unreimbursed medical expenses.
2. \$153.45 for one week temporary total disability.
3. \$175.00 for five weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #458-P-77

Claimant, male, 43, was assaulted on a public highway in Prince George's County, following an automobile accident at which time the assailant exited his vehicle and struck the claimant in the eye and as a result of the blows, the claimant had to have his right eye removed. The claimant was intoxicated at the time of the occurrence. The assailant was charged with assault with intent to maim, however, the criminal charges against the Defendant were suspended.

The claimant was unemployed at the time of the occurrence and accordingly no award for temporary total disability will be made by this Board.

The claimant sustained unreimbursed medical expenses in the amount of \$2,472.45.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime, however, the claimant's conduct contributed to the infliction of his injury and accordingly the award will be reduced by 35% for culpability.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$2,472.45 for unreimbursed medical expenses, less 35% for culpability for a total of \$1,607.09.
2. \$8,125.00 for 100% permanent partial disability to the eye, less 35% for culpability for a total of \$5,281.25.

All subject to the further order of this Board.

Claim #137-P-78

Claimant, male, 58, was struck in the head with an axe by an assailant in Dorchester County. The assailant was apprehended, tried and found guilty of the assault and sentenced to ten years imprisonment.

The claimant sustained \$5,596.26 in unreimbursed medical expenses as a result of the incident. We find that the claimant sustained a 35% permanent partial disability to his body as a whole as a result of the incident. He lost 40 weeks from work as a result of the incident, however, during his convalescence, he received \$3,906.00 in Social Security and public assistance benefits.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$5,596.26 for unreimbursed medical expenses.
2. \$4,171.60 for 40 weeks temporary total disability, less \$3,906.00 for a net temporary total disability award of \$265.60.
3. \$6,125.00 for 35% permanent partial disability to the body as a whole.

All subject to the further order of this Board.

Claim #167-P-78

Claimant, male, 28, was assaulted by an aberrated assailant in his doorway in Anne Arundel County. The assailant was apprehended and is currently undergoing a mental evaluation.

All the claimant's medical expenses were reimbursed by insurance. The claimant lost 25 weeks from work as a result of the incident. He received full compensation for 12 weeks lost time and half pay for an additional 11 weeks. The claimant also sustained disfigurement to his right wrist.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$1,994.85 for 13 weeks temporary total disability, less \$1,309.00 received from employer for a net temporary total disability award of \$685.85.
2. \$70.00 for two weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #170-D-78

Claimant's husband was stabbed to death in a parking lot in Anne Arundel County. The decedent was attempting to break-up a fight at the time of the incident and was acting in the part of a good samaritan. The assailant was apprehended, tried and found guilty of manslaughter.

The claimant was supported in part by her husband and in part by Social Services in the year prior to the incident.

The board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was an innocent victim of a crime.
2. The claimant was partially dependent upon the decedent for her support at the time of the incident.

WHEREFORE, it is ordered that the claimant be awarded:

1. 9 retroactive monthly awards of \$223.30 for a total of \$2,009.70; 10 retroactive monthly awards of \$356.30 for a total of \$3,563.00; claimant shall receive \$356.30 per month, however, in no event may the total of *all monies* paid to the claimant exceed the sum of \$17,500.00.

All subject to the further order of this Board.

Claim #199-D-78

Claimant is the mother of a man who was shot and killed while a customer in a store in Baltimore City. Immediately prior to the incident the decedent was standing in a grocery store when two armed assailants entered the store and produced handguns in an attempt to rob the store. The owner of the store had a gun under the counter and he fired back at the robbers when a gunfight ensued. The decedent was shot and killed during the ensuing gun battle.

The claimant herein has filed this claim on behalf of the decedent's eight year old son who was partially dependent on the decedent for his support at the time of the incident. The claimant sustained approximately \$1,300.00 in unreimbursed funeral expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. This Board's maximum funeral expense allowance of \$900.00
2. 16 retroactive monthly partial dependency awards of \$103.79 for a total of \$1,660.64 less \$255.00 for a net of \$1,405.64. Beginning August 1, 1979 the claimant shall receive \$103.79 per month, however, in no event may the total amount of all monthly awards to the claimant exceed the sum of \$17,500.00.

All subject to the further order of this Board.

Claim #221-P-78

Claimant, male, 62 was assaulted and robbed on a public street in Baltimore City by two unknown assailants. The claimant sustained a compound comminuted fracture of the left wrist with gross deformity and disfigurement of the left forearm, wrist, hand and fingers which are grossly deformed and disfigured.

All of the claimant's medical expenses have been reimbursed by independent sources and although the claimant lost a considerable length of time from work, suffered no loss of wages as a consequence of the occurrence. The claimant sustained \$1,904.50 in reasonable and necessary transportation expenses associated with medical treatment and transportation associated with maintaining his employment following the occurrence.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$1,904.50 for miscellaneous out-of-pocket expenses.
2. \$3,500.00 for 100 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #236-P-78

Claimant, male, 23, was shot several times in the alleged assailant's apartment in Harford County. Sometime prior to the incident, the claimant's wife had taken up with the alleged assailant. On the date of the incident the claimant was having a conversation with his wife outside the alleged assailant's home in the claimant's car. The claimant's wife refused to promise to leave the alleged assailant. The claimant then removed a club from his car and entered the alleged assailant's home and was shot shortly thereafter. The alleged assailant was apprehended and trial is pending.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant was not an innocent victim of a crime. The fundamental purpose of this board is to compensate innocent victims of crime and not those individuals who provoke or who are responsible for the incident. The claimant herein was the author of his own misfortune and is not entitled to an award from this Board.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #241-P-78

Claimant, female, 96, was assaulted and knocked to the ground on a parking lot in Prince George's County by two unknown young men during an attempted robbery.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$421.80. The claimant was retired at the time of the incident and accordingly no award for temporary total disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$412.80 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #243-D-78

Claimant is the wife of a man who was shot to death on a public street in Baltimore by an unknown assailant. The claim is filed on behalf of the claimant for her minor child.

Her child was partially supported by the decedent prior to the incident.

The decedent's paramour also filed a claim in this case on behalf of her minor daughter. We also find that the minor daughter was partially supported by the decedent prior to the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was an innocent victim of a crime.
2. The claimants herein meet all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimants herein shall receive the following apportionment, payable in lump sums:

1. The decedent's child by his wife shall receive \$7,000.00.
2. The decedent's child by his paramour shall receive \$7,500.00.

All monies shall be made payable to their guardians pursuant to Title 13 of Estates and Trusts of the Maryland Annotated Code.

All subject to the further order of this Board.

Claim #259-P-78

Claimant, male, 47, was struck in the head with a baseball bat by an assailant on a public road in Prince George's County. The assailant was apprehended and found guilty. The claimant's left eye was destroyed as a result of the incident.

The claimant sustained \$1,141.61 in unreimbursed medical expenses as a result of the incident. The claimant also sustained an unsightly scar to his face as a result of the incident. The claimant had no loss of earnings and received full pay from his employer during his convalescence. The claimant has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$1,141.61 for unreimbursed medical expenses.
2. \$1,050.00 for 30 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #289-P-78

Claimant, female, 22, was assaulted on a public street in Baltimore by an assailant who was attempting to run her down with his automobile. The claimant was struck on the left side of her body during the incident.

All of the claimant's medical expenses have been reimbursed by insurance with the exception of \$125.03. The claimant lost 20 weeks from work as a result of the incident, however, she has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$125.03 for unreimbursed medical expenses.
2. \$1,334.32 for 20 weeks temporary total disability.

All subject to the further order of this Board.

Claim #304P-78

Claimant, female, 28 was robbed and assaulted in a supermarket in Harford County by a male juvenile offender. The assailant was remanded to the juvenile authorities.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$20.00. The claimant also lost two weeks from work as a result of the incident, however, she has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$20.00 for unreimbursed medical expenses.
2. \$141.20 for two weeks temporary total disability.

All subject to the further order of this Board.

Claim #309-P-78

Claimant, male, 42, sustained cranio cerebral injuries, and a fractured left temporal bone, fractured teeth, fractured mandible and post cerebral concussion seizures as a result of injuries sustained in Prince George's County. Immediately prior to the incident the claimant was driving his automobile with his wife (51-P-79) when two teenagers threw rocks at his passing automobile. One of the rocks broke the window and struck the claimant in the head.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$1,135.72. The claimant also lost 568 unreimbursed hours from work as a result of the incident. The claimant is currently receiving a monthly disability pension as a result of the injuries sustained in the incident from the District of Columbia School System of approximately \$522.00 per month. It is to be noted that the claimant's monthly disability pension is in excess of this Board's maximum monthly disability award. Since the Board's awards are reduced by any public or private monies received as a result of the incident, no award for monthly disability benefits will be paid by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$1,135.72 for unreimbursed medical expenses.
2. \$2,178.99 for 14.2 weeks lost time.
3. \$1,400.00 for 40 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #311-D-78

Claimant is the wife of a man who was shot to death in an alley in Baltimore City by an unknown assailant. Immediately prior to the incident, the claimant, her husband and two other individuals were riding in an automobile near 20th and Greenmount Avenue, when her husband saw an acquaintance. He drove around the block, parked his car and went alone into an alley with the man. Several weeks thereafter, the investigating officers took a statement from a man who went into the alley with the decedent and he stated that he bought two "quarters of heroin", a dangerous-controlled substance, in the alley from the decedent. He also stated that two other men arrived on the scene in back of him who also wanted "to see" the decedent. The man then left the area and shortly thereafter the claimant went into the alley and found her husband had been shot to death.

The decedent was no stranger to the law enforcement authorities since he had been arrested and convicted of various anti-social acts, including assault and robbery. The claimant gave a statement to the investigating officers that six months prior to the incident that he was dealing in drugs at "Greenmount and 22nd Street. She testified at the hearing that he had stopped dealing in drugs.

The decedent's gross monthly income was approximately \$353.00. The claimant is currently receiving \$366.00 in Social Security benefits as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant does not have a serious financial hardship as required by Section 12(ff) of the Statute for an award. The claimant is currently receiving

more monies in Social Security benefits than she received from the decedent prior to the incident.

2. On the balance of probabilities, the decedent was responsible for the incident, wherein he was killed. This Board takes notice of the fact that those individuals who are engaged in the traffic of dangerous-controlled substances subject themselves to great personal risk. It is quite obvious, therefore that the decedent was the author of his own misfortune and no award will be made to the claimant.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #338-P-78

Claimant, female, 85, was assaulted and viciously beaten during a robbery attempt of her home in Price George's County, by an unknown man.

The claimant sustained \$4,369.25 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$4,369.25 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #350-P-78

Claimant, male, 29, and a companion (166-P-79), was shot on a public street in Baltimore during a dispute over the purchase of a "jumbo spoon of heroin". The claimant is no stranger to the law enforcement authorities as he has been arrested and convicted on numerous occasions for various anti-social acts, including the sale and distribution of dangerous-controlled substances. It is also to be noted that the claimant alleged that he lost time from work as a result of the incident. This Board's investigator contacted the claimant's alleged employer who informed this Board that the claimant was not employed by them on or about the date of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant was not an innocent victim of a crime. The fundamental purpose of this Board is to compensate innocent victims of crime and not those individuals who are injured as a result of their own illicit activities, as in the instant case. This Board takes notice of the fact that those individuals who are engaged in the practice of dangerous-controlled substances subject themselves to great personal risk. It is quite obvious, therefore, that the claimant was the author of his own misfortune and no award will be made by this Board.
2. The claimant does not have a serious financial hardship as required by Section 12(f) of the Statute for an award. It is quite obvious that the claimant's alleged lost time from work is incredible.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #374-P-78

Claimant, female, 56, was assaulted during a purse-snatching incident on a public street in Baltimore City by two unknown assailants. The claimant was standing at a bus stop, waiting for a bus, when she was attacked and robbed.

The claimant sustained injuries to the left elbow, shoulder, arm and ankle and sustained a lumbosacral injury as a consequence of the occurrence. The claimant had been engaged to render care for an elderly person at the time of the occurrence and was earning approximately \$80.00 per week at the time. Evidence submitted by the claimant indicates that she was absent for approximately one week, due to the injury she received. She maintains that she had not been able to return to work since the occurrence.

The claimant sustained \$890.00 in unreimbursed medical expenses and received medical care from both an orthopedic physician and a psychiatrist. Although the medical report submitted by the psychiatrist indicates that the claimant suffered a permanent disability from a psychiatric standpoint, said opinion being expressed in the psychiatrist's report of April 17, 1979, it is noted that in the preceding report dated March 27, 1979 the psychiatrist indicated that he would not be able to state any permanent disability until the proper treatment had been concluded. The claimant has not seen the psychiatrist since April 17, 1979 nor is under any current psychiatric treatment. In no medical report are the basis for the doctor's opinion stated with any degree of specificity. The claimant last saw the orthopedic surgeon on November 28, 1979 at which time she was symptom free.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. the claimant is an innocent victim of a crime.
2. The claimant has not sustained the burden of proof by a preponderance of the evidence of any permanent alteration of her muscular skeletal system as a consequence of any of the injuries which she sustained, inclusive of the lumbosacral injury, nor has the claimant sustained the burden of proof as to any psychological sequela.
3. The claimant has filed no tax returns for the years 1978 as required by this Board.
4. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$533.30 for ten weeks temporary total disability.
2. \$890.00 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #381-D-78

Claimant is the aunt of a woman who was shot and killed in her home in Charles County by an unknown assailant. The claimant's grand niece, age 8, was also shot and killed (405-D78) during the incident. No arrests have been made to date. The claimant's niece and grand niece were both receiving public assistance benefits at the time of the incident.

The claimant sustained \$1,530.50 in unreimbursed funeral expenses.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award for this Board's maximum funeral expense allowance of \$900.00.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$900.00 for unreimbursed funeral expenses.

All subject to the further order of this Board.

Claim #405-D-78

Claimant is the grand aunt of an eight year old girl who was shot and killed in her home in Charles County by an unknown assailant. The claimant's niece was also shot and killed (381-D-79) during the incident. No arrests have been made to date. The claimant's grand niece and niece were both receiving public assistance benefits at the time of the incident.

The claimant sustained \$1,309.00 in unreimbursed funeral expenses. The claimant received \$750.00 in insurance benefits.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$559.00 for unreimbursed funeral expenses.
- All subject to the further order of this Board.

Claim #421-P-78

Claimant, male, 20, was assaulted and beaten with a bottle about the head and face during an altercation which occurred at a public street in Baltimore. The claimant sustained a laceration above his right eye, resulting in permanent scarring. The assailant was apprehended and charged with criminal assault but failed to appear for trial and accordingly the criminal charges have not been disposed of to date.

The claimant sustained a total of \$233.00 in unreimbursed medical expenses, \$426.16 in unreimbursed hospital expenses and lost two weeks from work as a result of the incident and which are directly related to the occurrence.

The Board further finds that the claimant was partially responsible for the altercation which culminated in his injury. Although we find that the claimant's conduct was culpable, we further find that such culpability would be minimal and that the claimant should not be precluded from an award.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.
3. The claimant's conduct contributed to the infliction of his injury and accordingly the award will be reduced by 10% for provocation.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$233.00 for unreimbursed medical expenses, less 10% provocation for a total of \$209.70; \$426.00 for unreimbursed hospital expenses, less 10% provocation for a total of \$383.40.
2. \$450.00 for two weeks temporary total disability, less 10% provocation for a net of \$405.00.
3. \$525.00 for disfigurement (15 weeks at \$35.00 per week, payable in a lump sum), less 10% for provocation for a net disfigurement award of \$472.50.

All subject to the further order of this Board.

Claim #447-P-78

Claimant, male, 27, was struck intentionally with an automobile on a public road in Washington County. Immediately prior to the incident the claimant and the assailant were involved in an argument. The assailant then stepped into his automobile, made a U-Turn, went the wrong way on a public street, jumped the curb and struck the claimant.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$801.51. The claimant was temporarily laid-off on the date of the incident and subsequently returned to work at the same rate of pay and accordingly no award for temporary total disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$805.51 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #454-P-78

Claimant, male, 18, was abducted and assaulted by two hitchhickers in St. Mary's County. The assailants were subsequently apprehended, tried and found guilty.

The claimant sustained \$169.50 in unreimbursed medical expenses as a result of the incident. The claimant also lost three weeks from work as a result of the incident. We find that the claimant's average weekly wage was \$75.00.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$169.50 for unreimbursed medical expenses.
2. \$150.00 for three weeks temporary total disability.

All subject to the further order of this Board.

Claim #484-P-78

Claimant is the father of a 12 year old boy who was struck in the face with a glass bottle which was thrown from a pick-up truck by an assailant in Baltimore County. The assailant was apprehended and juvenile proceedings are pending.

The minor claimant sustained an unsightly scar to his face as a result of the incident. The minor claimant was employed as a newspaper boy and had an average weekly wage of \$19.00 and lost 50 weeks from work as a result of the incident. He also sustained injuries to his teeth as a result of the incident and orthodontic braces may become necessary in the future. The claimant sustained \$557.00 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The minor claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$557.00 for unreimbursed medical expenses.
2. \$633.50 for 50 weeks temporary total disability.
3. \$253.40 for 20 weeks disfigurement at \$12.67 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #496-P-78

Claimant, female, 57 sustained a broken left leg as she was assaulted and robbed on a public street in Prince George's County by two male youths. The youths were apprehended and turned over to the juvenile authorities.

The claimant received \$421.00 in restitution by one of the defendants. The claimant sustained \$380.00 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$380.00 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #503-D-78

Claimant is the mother of a 20 year old boy who was shot in the chest by an assailant in Baltimore City. Immediately prior to the incident the claimant was in a kitchen of a friend's home when the assailant entered the rear yard of the house and fired several shots through the kitchen door, striking the claimant's son. The assailant was apprehended, tried and found guilty.

The claimant sustained \$2,168.61 in unreimbursed medical expenses as a result of the incident. The claimant was reimbursed, however, for the funeral expenses, by insurance and Social Security.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$2,168.61 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #28-P-79

Claimant, female, 25, alleges that she was knocked down by a teenager and fell into the rail of a construction site on a public street in Baltimore City. No report of the incident was made to the police within 48 hours as required by the Statute. A hearing was scheduled on this matter and the claimant failed to appear.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant did not fully cooperate with this Board.
2. No police report was filed within 48 hours of the incident as required by Section 12(a)(1)(3) of the Statute.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #33-P-79

Claimant, male, 24, was assaulted in a parking lot in Harford County by a man for no apparent reason. A warrant has been issued for the other man who has since fled the State.

The claimant sustained a fractured nose as a result of the incident. All of the claimant's medical expenses were reimbursed by insurance with the exception of \$41.55. The claimant lost four weeks from work as a result of the incident, however, he received \$385.71 in sick pay during his disability. The claimant also sustained disfigurement as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$41.55 for unreimbursed medical expenses.
2. \$613.80 for four weeks temporary total disability, less \$385.71 received during convalescence for a net temporary total disability award of \$228.09.
3. \$1,050.00 for 30 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #38-P-79

Claimant, male, 33, was assaulted on a public street in Baltimore City following a confrontation with his assailant concerning financial matters. The assailant was apprehended and indicted, although he failed to appear for trial and a bench warrant is still outstanding for his arrest.

The claimant suffered lacerations of the lower lip and several broken teeth as a consequence of the occurrence.

All of the claimant's medical expenses have been reimbursed by collateral sources. The claimant suffered disfigurement in connection with the loss of his teeth.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime, however, the claimant's conduct contributed to the infliction of his injury and accordingly, the award will be reduced by 10% for culpability.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$75.00 for three days temporary total disability, less 10% for a net temporary total disability award of \$67.50.
 2. \$665.00 for 19 weeks disfigurement at \$35.00 per week, less 10% for a net disfigurement award of \$598.50, payable in a lump sum.
- All subject to the further order of this Board.

Claim #40-P-79

Claimant, male, 28, was struck in the face by a man following an automobile accident in Prince George's County. The claimant sustained a fractured jaw as a result of the incident. The assailant was apprehended, tried and found guilty. The claimant sustained \$680.85 in unreimbursed medical expenses as a result of the incident. The claimant lost 6 weeks from work as a result of the incident, however, he has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$680.85 for unreimbursed medical expenses.
2. \$920.70 for six weeks temporary total disability.

All subject to the further order of this Board.

Claim #46-P-79

Claimant, male, 19, was assaulted and robbed by three young men in Charles County, Maryland. The assailants were apprehended, tried and found guilty of assault and battery.

The claimant lost two days from work as a result of the incident, however, he has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board. The claimant also sustained \$138.80 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$138.80 for unreimbursed medical expenses.
2. \$30.93 for two days temporary total disability.

All subject to the further order of this Board.

Claim #66-P-79

Claimant, male, 19, was assaulted and robbed on school grounds of the Samuel Morris Elementary School in Prince George's County by two young men. The assailants were apprehended and trial is pending.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$11.25. The claimant also sustained property losses as a result of the incident, however, this Board has no statutory authority for compensating for property loss. The claimant did sustain 2½ days lost wages as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$11.25 for unreimbursed medical expenses.
2. \$40.00 for 2½ days temporary total disability.

All subject to the further order of this Board.

Claim #80-P-79

Claimant, male, 20, was assaulted and viciously beaten on a parking lot in Allegany County, by an assailant. The assailant was apprehended, tried and found guilty.

The claimant sustained \$499.86 in unreimbursed medical expenses as a result of the incident. The claimant also lost three days from work as a result of the incident, however, he has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$499.86 for unreimbursed medical expenses.
2. \$46.41 for three days temporary total disability.

All subject to the further order of this Board.

Claim #87-P-79

Claimant is the mother of a 9 year old child who was assaulted and beaten and sexually molested by a teenage girl in Baltimore City. The assailant was apprehended and the matter has been referred to the juvenile authorities.

All of the claimant's medical expenses were reimbursed by insurance. The claimant's daughter sustained an unsightly scar to her nose as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant's daughter is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$140.00 for 8 weeks disfigurement at \$17.50 per week, payable in a lump sum for the use and benefit of the minor claimant.

All subject to the further order of this Board.

Claim #93-P-79

Claimant, female, 63, was robbed and assaulted by two teenage boys on a public street in Baltimore City. During the incident the claimant sustained a fractured left shoulder.

All of the claimant's medical expenses have been reimbursed with the exception of \$458.00. The claimant lost 12 weeks from work as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$458.00 for unreimbursed medical expenses.
2. \$999.96 for 12 weeks temporary total disability.

All subject to the further order of this Board.

Claim #95-P-79

Claimant, female, 56, was assaulted and robbed on a public street in Baltimore by a young man and a young woman. The assailants grabbed the claimant from behind and took her purse and knocked her to the ground during the incident.

The claimant sustained \$412.50 for unreimbursed medical expenses as a result of the incident. The claimant also lost five weeks from work as a result of the incident, however, she received \$112.00 in sick benefits during her convalescence. The claimant also sustained disfiguring scars to her right cheek and lip as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$412.50 for unreimbursed medical expenses.
2. \$193.35 for five weeks temporary total disability, less \$112.00 for a net temporary total disability award of \$81.35.
3. \$350.00 for 10 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #102-P-79

Claimant, male, 47, alleges that he was stabbed in the abdomen and chest by an assailant on a parking lot in Harford County. The claimant's brother (101-P-79) was also stabbed during the incident. When the investigating officer arrived on the scene, immediately after the incident, they spoke to the claimant who advised the investigating officer that he did not wish to prosecute. The investigating officer was subsequently informed by both victims at the Harford Memorial Hospital that they now wish to prosecute. The claimant alleges that he attempted to institute charges against the alleged assailants, however, the Commissioner would not issue a warrant unless the investigating officers would appear before and ask that this charge be issued. The matter was subsequently referred to Harford County State's Attorney's Office. No charges have been filed against the alleged assailants to date. It is also to be noted that the investigating officers interviewed several witnesses to the incident who all stated that the claimant and his brother started an argument which escalated into a fight, during which fight the claimant and his brother were injured.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is not an innocent victim of a crime. The fundamental purpose of this Board is to compensate innocent victims of crime and not those individuals who are injured as a result of their own conduct, as in the instant case.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #121-P-79

Claimant, male, 44, was assaulted and robbed on a public street in St. Mary's County by an unknown assailant.

The claimant sustained \$2,310.69 in unreimbursed medical expenses. The claimant lost four weeks from work as a result of the incident, however, he has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$2,310.69 for unreimbursed medical expenses.
2. \$476.00 for four weeks temporary total disability.

All subject to the further order of this Board.

Claim #123-D-79

Claimant is the wife of a man who was shot to death during an execution-style murder in his apartment in Baltimore City. The claimant's husband was a heroin dealer and the investigating officers found a glassine bag of heroin on the claimant's

body along with other narcotic paraphernalia. The decedent had no visible means of support and the claimant was receiving public assistance at the time of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant was not an innocent victim of a crime. The fundamental purpose of this Board is to compensate innocent victims of crime and not those individuals who are injured as a result of their own illicit activities as in the instant case.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #131-P-79

Claimant, male, 67, was attacked, assaulted and robbed by several unknown assailants on a public street in Baltimore City for no apparent reason. The claimant sustained serious injury to his person, inclusive of a fractured skull, a broken jaw and the loss of sight in his left eye as a consequence of the occurrence.

The claimant was a laborer whose average weekly wage totalled \$220.00 at the time of the occurrence. He is now receiving a retirement Social Security benefit in the current amount of \$366.00 per month. The claimant's Social Security retirement benefits have been paid retroactively from December, 1977.

Most of the claimant's medical expenses have been reimbursed by collateral sources, however, the claimant has sustained \$125.90 in unreimbursed miscellaneous medical expenses. The claimant's loss of sight in his left eye is permanent.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$125.90 for unreimbursed medical expenses.
2. \$586.66 for four weeks temporary total disability.
3. \$21,645.00 for total loss of vision in his left eye, payable at \$238.38 per month beginning January 1, 1979.

All subject to the further order of this Board.

Claim #140-P-79

Claimant, female 25, was assaulted during an attempted rape and attack in her home in Price George's County.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$69.20. The claimant lost ten days from work as a result of the incident, however, she received sick pay during this period and accordingly no award for lost time will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$69.20 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #147-P-79

Claimant, female, 61, was assaulted and robbed and viciously beaten by a young man in her home in Baltimore City. Immediately prior to the incident the claimant was at home when someone came to her door. The claimant opened the door and was immediately assaulted and viciously beaten. The claimant was unemployed at the time of the incident and accordingly no award for temporary total disability will be made by this Board.

All of the claimant's medical expenses were reimbursed by the State. The claimant did sustain, however, numerous scars to her face and both hands were fractured. The assailant was apprehended and trial is pending.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$1,050.00 for 60 weeks disfigurement at \$17.50 per week, payable in a lump sum.

All subject to further order of this Board.

Claim #151-P-79

Claimant, male, 27, was assaulted and viciously beaten by four men on a parking lot in Baltimore County. Immediately prior to the incident the four men were assaulting another man vandalizing his car. The claimant and several other individuals walked on to the scene and asked the victim of the assault if he needed any help. At that point the four assailants proceeded to assault the claimant. The assailants were subsequently apprehended and their trial is pending.

The claimant sustained several unsightly scars to his face as a result of the incident. The claimant also sustained \$271.86 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$271.86 for unreimbursed medical expenses.
2. \$700.00 for 20 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim 158-D-79

Claimant is the legal guardian of two minor children whose mother was stabbed and killed by the minors' father in Kent County. The minor children's father has been found guilty of manslaughter.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The minor claimants are related to the assailant, their father, within the first degree of consanguinity and are thereby ineligible claimants and are completely precluded from receiving an award under the Statute.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim 160-P-79

Claimant, female, 25, was assaulted and raped in the laundry room of her apartment building in Montgomery County. The assailant was apprehended, tried and found guilty.

The claimant lost approximately four weeks from work as a result of the incident, however, she was reimbursed for her lost time by sick pay and accordingly no award for temporary total disability will be made by this Board. The claimant did sustain, however, \$238.22 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$238.22 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #182-P-79

Claimant, male, 29, was shot in the face and abdomen by his paramour during a domestic argument and altercation in her home in Baltimore City.

The claimant's paramour reported to the investigating officers on the date of the incident that she asked the claimant to leave her home, whereupon the claimant became enraged and assaulted her. When she attempted to call the police, the claimant disconnected the phone line and threatened her. She thereupon attempted to leave the premises and the claimant threw her to the floor and then threw her against the wall and began to throw things at her. During this confrontation the paramour secured a gun and shot the claimant. The claimant and the paramour both filed assault charges against each other.

The claimant was unemployed at the time of the incident and accordingly sustained no wage loss. All of the claimant's medical expenses were reimbursed by State Medical Assistance.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is ineligible for an award since domestic disputes are excluded from coverage under the Statute.
2. There is no showing in the file before us that the claimant sustained a serious financial hardship as a result of the incident as required by Section 12(f) of the Statute.
3. The claimant's conduct leading up to the incident precludes the claimant from receiving an award by this Board.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #197-P-79

Claimant, female, 45, sustained lacerations to her hands, scalp and face as a result of being struck by an assailant's fist and a hammer during a rape attempt in her home in Baltimore City. The assailant was apprehended and is currently in a mental institution in Ohio.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$509.00. The claimant lost 6.2 weeks from work as a result of the incident. She received \$648.00 in insurance benefits during her convalescence. The claimant also sustained several unsightly scars to her face as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$509.00 for unreimbursed medical expenses.
2. \$744.00 for 6.2 weeks temporary total disability, less \$648.00 received for a net temporary total disability award of \$96.00.
3. \$525.00 for 15 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #204-P-79

Claimant, female, 20, was abducted and assaulted by an assailant on a public street in Baltimore. The assailant was subsequently apprehended, tried and found guilty. The assailant was ordered to pay \$2,000.00 in restitution, however, no restitution has been paid to date.

The claimant sustained \$4,952.79 in unreimbursed medical expenses as a result of the incident. The claimant sustained a broken tibia on the left leg as a result of the incident. The claimant lost nine weeks from work as a result of the incident. She received sick and annual leave pay for a portion of her lost time, however, she was

unreimbursed for eleven days of her lost time. She has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$4,952.79 for unreimbursed medical expenses.
2. \$155.45 for 11 days temporary total disability.

All subject to the further order of this Board.

Claim #208-P-79

Claimant, male, 28, was robbed and brutally assaulted on a parking lot in Prince George's County and thereafter abducted by his assailant. The claimant's wife (Claim #209-P-79) was with him at the time of the occurrence and was assaulted and forcibly raped by two assailants who were apprehended and their trials are pending.

The claimant sustained injuries to his left eye, mouth and cheek and suffered two broken teeth as a consequence of the criminal assault. Injuries to the left eye area required 14 stitches and resulted in disfigurement. The claimant lost one week's wages as a consequence of the occurrence.

The claimant sustained \$452.42 in unreimbursed medical expenses as a result of the incident. The claimant returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$153.45 for one week temporary total disability.
2. \$700.00 for 20 weeks disfigurement at \$35.00 per week, payable in a lump sum.
3. \$452.42 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #209-P-79

Claimant, female, 29, was assaulted and forcibly raped by two assailants on a parking lot in Prince George's County and thereafter abducted by her assailant. The claimant's husband (Claim #208-P-79) was with the claimant at the time of the incident and was robbed and brutally assaulted. The assailants were apprehended and their trials are pending.

Claimant lost one week from work as a consequence of the incident. All of the claimant's medical expenses have been reimbursed by insurance.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$153.45 for one week temporary total disability.

All subject to the further order of this Board.

Claim #214-P-79

Claimant is the mother of a young man who was abducted and stabbed to death by an assailant in Anne Arundel County. It is also to be noted that the assailant also abducted and stabbed to death the claimant's three year old grandson (215-D-79). The assailant was apprehended and his trial is pending. Charges against the assailant

are also pending for the killing of two other persons in the State of Virginia.

The funeral expenses were reimbursed by the Department of Social Services and donations made by the Salvation Army with the exception of \$328.38.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The victim was an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award for this Board's maximum funeral expense allowance.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$900.00 for unreimbursed funeral expenses.

All subject to the further order of this Board.

Claim #218-P-79

Claimant, male, 34, was shot in the abdomen during an argument on a public street in Baltimore City concerning narcotics. The assailant was apprehended, tried and found guilty. Several days prior to the incident the claimant had a woman to intercede for him in the purchasing of dangerous-controlled substances. Apparently the quality for the drugs left something to be desired and the claimant went back to the woman to complain and get his money back. The woman assured him that there would be no problem as the dealer was often in the area. On the date of the incident the claimant confronted the dealer about getting the drugs and requested a return for his money. Words were exchanged which escalated into the shooting.

The claimant is no stranger to the Baltimore City Police Department and he has been arrested and convicted on numerous occasions for various anti-social acts, including the possession of heroin.

All of the claimant's medical expenses were reimbursed by State Medical Assistance. The claimant also received monies from the Department of Social Services as a result of this incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is not an innocent victim of a crime. The fundamental purpose of this Board is to compensate innocent victims of crime and not those individuals who are injured as a result of their own illicit activities as in the instant case. It is obvious that the claimant is the author of his own misfortune and that the citizens of the State of Maryland do not owe him a moral obligation.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #229-P-79

Claimant, male, 19, was assaulted and severely beaten by a number of assailants on a public street in Montgomery County at which time the victim was stabbed several times with an ice pick and suffered a broken leg by having been beaten with a sledge hammer. One of the assailants was apprehended, found guilty and sentenced and another assailant was found not guilty, at the time of the trial as a consequence of identification problems with the State's case. The majority of the claimant's medical expenses have been reimbursed by collateral sources, however the claimant suffered \$227.00 in unreimbursed medical expenses.

The claimant suffered slight scarring on the right lower leg below the knee cap as a consequence of the stabbing.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$394.34 for 2.57 weeks temporary total disability.
2. \$227.00 for unreimbursed medical expenses.

3. \$70.00 for two weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #262-P-79

Claimant, male, 45, alleges that he was struck by a van on a parking lot in Harford County. The criminal investigation report of the Maryland State Police from this incident has been secured by this Board and is now part of our files. On the date of the incident the claimant and a companion were in and out of a nearby tavern and were consuming alcohol for approximately 13 hours prior to the incident. The investigating officers noted that blood was located in several areas of the parking lot and it was their opinion that an altercation had occurred rather than a hit and run by an automobile. The claimant initially stated to the investigating officers at the hospital that he was struck by the mirror of a van which did not stop after hitting him. The attending physician at the hospital was also interviewed by the investigating officers and the attending physician told the officers that the claimant had told him that he was struck on the head by a full can of beer. The investigating officers also interviewed the claimant's companion who was drinking with him on the night of the incident and he stated that he and the claimant were seated in the claimant's pickup truck and drinking from a bottle of whiskey when a vehicle rammed their rear. The truck was subsequently examined by the investigating officers and no damage was found on the truck.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant has not met the burden of proving that he was an innocent victim of a crime. In the instant case, the claimant gave two different versions of the alleged incident and his companion gave a third version. Accordingly, no award will be made to the claimant.

WHEREFORE, it is ordered that the claim herein be disallowed.

Claim #263-P-79

Claimant, male, 23, was struck in the face by an assailant at a birthday party in an apartment in Baltimore City, for no apparent reason. The assailant left the State shortly after the incident.

The claimant sustained \$301.00 in unreimbursed medical expenses as a result of the incident. The claimant alleges that he lost one week from work as a result of the incident. The claimant's alleged employer failed to respond to this Board's numerous inquiries. No award for his alleged lost time will be made herein.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$301.00 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #270-D79

Claimant's son was shot to death in a school parking lot in Charles County. The assailant was apprehended, tried and found guilty and sentenced to 30 years imprisonment.

The claimant sustained \$636.50 in unreimbursed funeral expenses as a result of the incident. The claimant was also partially dependent upon the decedent for his support at the time of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$636.50 for unreimbursed funeral expenses.
2. \$7,720.58 for partial dependency, payable in a lump sum.

All subject to the further order of this Board.

Claim #278-P-79

Claimant, female, 20, was assaulted in her home in Baltimore County by a young woman. The assailant was apprehended, tried and although she was given probation before judgment, was ordered to pay restitution of the medical expenses to the claimant. The claimant did sustain, however, one week lost time from work as a result of the incident. It is to be noted that no restitution has been made to date.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$73.33 for one week temporary total disability.
2. \$145.78 for unreimbursed medical expenses

All subject to the further order of this Board.

Claim #286-P-79

Claimant, female, 20, alleges that she was cut with a broken whiskey bottle in a tavern in Baltimore City by another woman. The other woman was arrested and the case against her was dismissed when the claimant herein refused to testify against the other woman.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant did not fully cooperate with all law enforcement authorities as is required by the Statute. This Board places great emphasis on people cooperating with all law enforcement agencies for if violent crime is to be contained it is necessary that claimants cooperate with the law enforcement authorities in bringing their assailants to justice.

WHEREFORE, it is ordered that the herin claim be disallowed.

Claim #290-P-79

Claimant, male, 18, was assaulted and viciously beaten by several other youths in a public park in Howard County. One of the assailants was apprehended and trial is pending.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$247.71. The claimant was unemployed at the time of the incident and accordingly no award for temporary total disability will be made by this Board. We find that the claimant has a 10% permanent disability to his body as a whole as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$247.71 for unreimbursed medical expenses.
2. \$875.00 for 10% permanent partial disability to the body as a whole.

All subject to the further order of this Board.

Claim #298-P-79

Claimant, male, 26, was struck in the head with a walking cane by an assailant in Cecil County. Immediately prior to the incident, the claimant was attempting to take a gun away from a man when his companion struck the claimant in the back of the head. The assailants were apprehended and their trial is pending.

The claimant sustained \$130.05 in unreimbursed medical expenses as a result of the incident. The claimant lost one week from work as a result of the incident. The claimant lost one week from work as a result of the incident, however, he has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$130.05 for unreimbursed medical expenses.
2. \$133.33 for one week temporary total disability.

All subject to the further order of this Board.

All subject to further order of this Board

Claim #328-P-79

Claimant is the mother of a 14 year old girl who was raped by two teenagers in Baltimore City. The assailants were apprehended and trials are pending.

The claimant sustained \$1,198.37 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant's daughter is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$1,198.37 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #349-P-79

Claimant, female, 22, was raped and assaulted on a public street in Baltimore by an unknown assailant. All of the claimant's medical expenses were reimbursed by other sources with the exception of \$95.00. The claimant lost four weeks from work as a result of the incident, however, she has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$95.00 for unreimbursed medical expenses.
2. \$322.00 for 4 weeks temporary total disability.

All subject to the further order of this Board.

Claim #363-P-79

Claimant, male, 57, was shot in the chest by a woman in her home in Somerset County. Immediately prior to the incident the claimant forced his way in the home of a woman threw a window on the front porch. Once the claimant gained entrance he proceeded to her second-story bedroom where he found her sleeping. He began to beat her and threatened her with a knife. The woman obtained a shotgun and shot the claimant at close range. The State's Attorney for Somerset County refused to prosecute the case against the woman and the case was closed.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is not an innocent victim of a crime. The fundamental purpose of this Board is to compensate innocent victims of a crime and not those individuals who are injured as a result of their own illicit activities, as in the instant case.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #364-P-74

Claimant, female, 62, was assaulted and robbed by a young woman on a public street in Prince George's County. The assailant was apprehended, tried and found guilty.

The claimant sustained \$406.20 for unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$406.20 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #398-P-79

Claimant, female, 25, was struck in the head with a steel pipe by an assailant on a parking lot in Prince George's County.

The claimant sustained \$1,019.90 in unreimbursed medical expenses as a result of the incident. The claimant lost 3½ weeks from work as a result of the incident. The claimant has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board. no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$1,019.90 for unreimbursed medical expenses.
2. \$291.65 for 3½ weeks temporary total disability.

All subject to the further order of this Board.

Claim #409-D-79

Claimant is the mother of a woman who was shot to death on a public street in Baltimore. Immediately prior to the incident the claimant's daughter had gone to a currency exchange store to cash a check. Outside of that store at the time, a man shot and fatally killed another man. The decedent was struck with the same bullet that passed through the other man's body. The assailant was apprehended and trial is pending.

The decedent was unemployed at the time of the incident and received public assistance. We find that the claimant was not dependent upon the decedent for her support at the time of the incident. The claimant did sustain, however, \$977.00 in unreimbursed funeral expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for this Board's maximum funeral expense allowance.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$900.00 for unreimbursed funeral expenses.

All subject to the further order of this Board.

Claim #434-P-79

Claimant, female, 24, sustained injuries to her right leg when she was injured during a fire bombing of a home in Baltimore City. No assailant has been apprehended to date.

All of the claimant's medical expenses have been reimbursed by insurance with the exception of \$24.63. It is to be noted that the claimant has been seeing a doctor for rheumatic joint disease in her ankles prior to the incident. Trauma sustained during the incident was noted by her treating physician but was considered non-contributory to her condition. The claimant lost five weeks from work as a result of the incident. She also sustained an unsightly scar to her right leg as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$24.63 for unreimbursed medical expenses.
2. \$738.35 for five weeks temporary total disability.

All subject to the further order of this Board.

Claim #444P-79

Claimant, male, 20, was assaulted and viciously beaten in his home by an aberrated assailant in Allegany County. The assailant was apprehended, tried and found guilty.

All of the claimant's medical expenses were reimbursed by insurance. The claimant lost 7.2 weeks from work as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$556.78 for 7.2 weeks temporary total disability.

All subject to the further order of this Board.

Claim #446-P-79

Claimant, female, 24, was assaulted and raped by an assailant on a public road in Anne Arundel County. The assailant was apprehended, tried and found guilty.

The claimant lost one week from work as a result of the incident. The claimant's average weekly wage was \$112.00. The claimant also sustained \$318.34 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$318.34 for unreimbursed medical expenses.
2. \$74.67 for one week temporary total disability.

All subject to the further order of this Board.

Claim #480-P-79

Claimant, female, 20, alleges she was forced into an automobile at gun point and subsequently assaulted and raped, in Baltimore City. The claimant stated to the investigating officers, however, that on the date of the incident she was standing on a street corner when the alleged assailant drove by and asked her if she wanted a lift. She applied in the affirmative and entered his automobile and subsequently he produced a gun and forced her to have sexual relations with him. The alleged assailant gave a statement to the police department and subsequently submitted to a

polygraph examination. He stated that he picked the claimant up in his automobile, however, stated that he gave the claimant a \$20.00 bill for sexual services. The claimant did not appear in court for the alleged assailants trial and the matter was placed on the stet docket.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant did not fully cooperate with all law enforcement authorities as required by the Statute. In view of the fact that the claimant's version of the incident as given to the police and as given to this Board are in conflict with one another, we do not find that she has met her burden of showing by a preponderance of the evidence that she was an innocent victim of a crime.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #490-P-79

Claimant, female, 75, was assaulted and robbed on a public street in Allegany County by a male teenager. The assailant was found to be delinquent.

All of the claimant's medical expenses were reimbursed by State Medicare with the exception of \$64.20. The claimant lost several weeks from work as a domestic and we find that she returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$64.20 for unreimbursed medical expenses.
2. \$294.95 for temporary total disability.

All subject to the further order of this Board.

Claim #493-P-79

Claimant, female, 23, was assaulted and hit over her right eye by an assailant on a public street in Baltimore. Immediately prior to the incident the claimant had been jogging with two of her girlfriends when they were approached by an aberrated assailant who assaulted the claimant. The assailant was apprehended, tried and found guilty and ordered to pay the claimant's medical expenses.

The claimant lost .6 weeks from work as a result of the incident. She also sustained an unsightly scar to her face as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$46.72 for .6 weeks temporary total disability.
2. \$1,050.00 for 30 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #512-P-79

Claimant, female, 53, was assaulted, robbed and raped by an unknown assailant in Queen Anne's County. The claimant sustained \$231.04 in unreimbursed medical expenses as a result of the incident. She lost 6 weeks from work as a result of the incident, however, she has since returned to work with no diminution in earnings and accordingly no award for permanent partial disability will be made by this Board. The claimant also sustained an unsightly scar to her face as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.

2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$231.04 for unreimbursed medical expenses
2. \$528.00 for 6 weeks temporary total disability.
3. \$175.00 for 5 weeks disfigurement at \$35.00 per week, payable in a lump sum.

All subject to the further order of this Board.

Claim #541-P-79

Claimant, female, 85, was the victim of an assault and robbery on a public street in Prince George's County at which time an unknown male assailant snatched the claimant's purse. The claimant sustained a fractured rib, teeth, lacerations of the nose and upper lip as a consequence of the occurrence. The claimant sustained unreimbursed medical expenses in the amount of \$5,520.14. The claimant was unemployed at the time of the occurrence and accordingly no award for permanent partial disability will be made by this Board.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$5,520.14 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #24-D-80

Claimant is the father of a 15 year old boy who was killed as a consequence of an automobile accident occurring in Anne Arundel County. The decedent was a passer in a vehicle being operated by a teenaged driver along a winding country road when it failed to negotiate a curve and ran off the right side of the road, striking a number of trees, killing ten passengers and seriously wounding one additional passenger. The driver was criminally charged, convicted and sentenced for automobile manslaughter of the decedent.

Based upon the extensive evidence submitted on behalf of the claimant inclusive of an extensive report issued by the Anne Arundel County Police Department in connection with the tragic and unfortunate occurrence and inclusive of a comprehensive investigative report issued by the National Transportation and Safety Board, this Board finds that the probable cause of the accident was high speed reckless driving of the vehicle by the driver who was under the influence of alcohol and marijuana. Contributing to the severe consequences of the accident was the presence of passengers in the open bed of a pickup truck, an area which offered no crash protection.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was a victim of a tragic and senseless accident.
2. That although the decedent was a victim of a tragic and senseless act, the claimant has not sustained the burden of proof in establishing the elements of the claim by the preponderance of the evidence; namely, the statutory prerequisite that the victim be injured as a consequence of a "crime" which is defined under Section 2(c) of the Act as being an act committed by any person in the State of Maryland which would constitute a crime as defined in Article 27 of the Annotated Code of Maryland or at common law, provided, however, that no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this Article unless the injuries were *intentionally* inflicted through the use of a vehicle. A careful review of all the evidence submitted in support of the claim reveals that although the criminal defendant acted in a gross and negligent fashion no evidence indicates that he committed an "intentional crime" or that the injuries were "intentionally inflicted through the use of a vehicle." Accordingly, we find that no "crime" occurred within the meaning of the

Statute.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #84-P80

Claimant, male, 37, was assaulted at a traffic light in Prince George's County by an assailant. Immediately prior to the incident the claimant was driving his automobile on a public road when he became involved in a passing situation with another automobile. When the vehicles stopped at a redlight, the occupant of the other vehicle got out of his car and struck the claimant with a club in the face.

All of the claimant's medical expenses were reimbursed by insurance with the exception of \$333.20. The claimant lost one day from work as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$333.20 for unreimbursed medical expenses.
2. \$30.69 for one day temporary total disability.

All subject to the further order of this Board.

Claim 109-P-80

Claimant, female, 49, was robbed and raped and shot in the mouth in her apartment in Montgomery County by an unknown assailant. The claimant sustained no loss of income as a result of the incident and accordingly no award for temporary total disability will be made by this Board.

The claimant did sustain, however, \$698.45 in unreimbursed medical expenses as a result of the incident.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The claimant is an innocent victim of a crime.
2. The claimant meets all the necessary statutory criteria for the following award.

WHEREFORE, it is ordered that the claimant be awarded:

1. \$698.45 for unreimbursed medical expenses.

All subject to the further order of this Board.

Claim #110-D-80

Claimant is the mother of a man who was shot to death in Baltimore City. A claim as also filed on behalf of the decedent's minor son.

Approximately five hours prior to the incident, the decedent went to a female companion's apartment with a plaid suitcase containing approximately six ounces of cocaine and 28 pounds of marijuana. Subsequently thereto, the decedent sold approximately half of the cocaine to a man who later turned out to be an escapee from the Maryland House of Correction. Several hours thereafter, the decedent was shot in the back of the head in a hallway by two assailants. They were seen by an independent witness immediately after the incident carrying a plaid suitcase away. They were subsequently apprehended and their trials are pending. The decedent's body was searched immediately after the incident and three items of the controlled-dangerous substance was found in his clothing.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was not an innocent victim of a crime. The fundamental purpose of this Board is to compensate innocent victims of crime and not those individuals who are injured as a result of their own illicit activities as in the instant case. This Board takes note of the fact that those individuals who are involved in the sale and distribution of narcotics engaged in a dangerous and perilous occupation.

WHEREFORE, it is ordered that the herein claim be disallowed.

Claim #125-D80

Claimant is the mother of a young woman who was found dead in her bedroom. The investigating officers noted fresh needle marks on the inside of the decedent's left arm at the elbow joint. The State Medical Examiner was unable to find any wounds on the decedent that would be sufficient to cause death. He concluded that the decedent died from an overdose of drugs.

The Board concludes after reviewing the file, the evidence submitted and after due deliberation that:

1. The decedent was responsible for her own death and accordingly, no award can be made by this Board. The fundamental purpose of this Board is to compensate innocent victims of crime and not those individuals, or their dependents, who are the authors of their own misfortune, as in the instant case.

WHEREFORE, it is ordered that the herein claim be disallowed.