

4. Loss of Earnings: If, at the time of the crime, the victim was employed, he may be eligible for compensation for loss of earnings.

a. In order to be eligible for loss of earnings, the victim must demonstrate that, as a direct result of injuries caused by the crime, he/she is medically disabled from working and, further, the exact number of weeks for which he/she will be disabled from working. Upon request by the office, the victim must submit a disability letter from a treating physician or mental health provider demonstrating that the victim is disabled from working as a direct result of the crime and specifying an exact date when the victim is able to resume working. The disability letter must be on the letterhead of the treating physician or mental health provider, or on a disability form prescribed by the Crime Victim Compensation Program, and signed by the treating physician or mental health provider.

b. An award for loss of earnings shall be based on the victim's actual earnings at the time of the crime. If the victim was performing salaried employment at the time of the crime, the award shall be based on the victim's salary at the time of the crime. If the victim was performing seasonal, nonsalaried or intermittent work at the time of the crime, or if the victim had received a bona fide offer of employment at the time of the crime, the office may look to the victim's earnings history and the value of the victim's contractual work obligations in order to determine the victim's loss of earnings. Any award for loss of earnings based on seasonal, nonsalaried, or intermittent work, or on a bona fide offer of employment shall be based on an average net anticipated salary for the period of employment. If the victim was self-employed, the office may look to the victim's earnings history based on the victim's financial statements or tax returns for the three (3) years prior to the time of the crime. Any award for loss of earnings for self-employed victims shall be based on an average net salary for the aforementioned period of self-employment.

c. If, at the time of the crime, the victim was not employed, the Administrator shall not make an award for loss of earnings.

d. Upon request by the office, the Applicant must provide:
(1) verification from his/her employer (or, if self-employed, from his/her own income tax records) that he/she was employed at the time of the crime; and of the dates he/she was absent from work, his/her net weekly earnings at the time of the crime, and any sick and/or vacation benefits used in his/her

absence;

(2) proof of employment and earnings history for one year preceding the crime.

e. An award for loss of earnings shall be based on the loss of reported income. Unreported income may not form the basis of an award for loss of earnings.

f. An award for loss of earnings shall be based on net (after tax) earnings. Any compensation awarded shall be reduced by any money received or receivable from any other public or private source including, but not limited to, workers' compensation benefits, social security benefits, disability benefits, and sick and vacation benefits.

g. Failure to provide proof of earnings, or failure to provide proof of medical disability, may result in denial of a claim for loss of earnings.