

**3050.3200 LOSS OF INCOME.**

Subpart 1. **Computation of lost income: employed victim.** If the victim was employed at the time of the crime for which the claim is filed, the board shall compute lost income using a certification of lost wages provided by the victim's employer at the time of the crime for which a claim has been filed.

Income to be replaced must be calculated at a rate which equals the victim's net income at the time of the crime for which the claim has been filed. If a certification of lost wages is unavailable, the board shall compute lost income as indicated in subpart 2.

Subp. 2. **Computation of lost income: victim self-employed or unemployed.** If the victim was self-employed or unemployed at the time of the crime for which the claim has been filed, loss of income must be calculated at a rate which is based upon the victim's average net income in the 12 months before the crime for which the claim was filed as evidenced by tax returns, W-2 forms, check stubs, or other government agency records.

The board shall deny an award for lost wages when it is determined the victim failed to report those wages upon which the loss is based to state or federal revenue departments as required by law. No compensation may be provided for unreported wages.

No anticipated work may be considered for compensation, unless the victim had been hired by an employer and was unable to begin employment as a result of the crime-related injuries.

Subp. 2a. **Estimated tax.** If the tax rate cannot be determined from the information received by the board under subpart 1 or 2, the board shall estimate the tax at a rate of 15 percent for victims with a gross annual income less than \$20,000 and 25 percent for victims with a gross annual income greater than \$20,000.

Subp. 3. **Proof of inability to work.** If necessary to determine the extent of disability and the length of compensation for lost income, the board shall request that the victim provide a statement from a licensed physician or psychologist indicating that the victim is or was unable to work due to injuries sustained as a result of the crime for which the victim has filed a claim.

The board shall withhold payment for loss of income if a statement has been requested and not received.

Subp. 4. **Paid leave.** The board must not pay for lost wages covered by a claimant's accumulated sick leave, vacation leave, compensatory time, or holiday pay.

Subp. 5. **Maximum number of weeks.** Compensation for loss of income usually may not exceed 26 weeks. If the victim's disability continues past 26 weeks, the victim may request an extension for up to 26 additional weeks. This request must include an evaluation by a physician that states continuing disability and explains any extenuating circumstances.

Subp. 6. **Maximum number of hours.** The board may not compensate for hours missed in excess of 40 hours per week. If the victim was employed at the time of the crime for which the claim is filed, the board shall compute lost income using a certification of lost wages provided by the victim's employer at the time of the crime for which a claim has been filed.

Income to be replaced must be calculated at a rate which equals the victim's net income at the time of the crime for which the claim has been filed. If a certification of lost wages is unavailable, the board shall compute lost income as indicated in subpart 2.

Subp. 7. **Family members of deceased.** Payment of wage loss compensation for a parent or spouse of a victim who died as the direct result of a crime usually may not exceed six weeks. If the emotional disability of the parent or spouse continues past six weeks, the parent or spouse may make a request for an extension of the lost wages. The request must include an evaluation by a physician or psychologist stating that there is a continuing emotional disability due to the crime and a date by which the claimant is expected to return to work. The extension may not exceed 46 weeks. Payment of wage loss compensation for children, grandparents, or siblings of a victim who died as the direct result of a crime may not exceed six weeks. No extension of lost wages for other family members is allowed, unless there are extraordinary circumstances where the limit imposes undue hardship on the secondary victim.

Subp. 8. **Students.** The board must not reimburse a claimant for loss of tuition, scholarship, or student loan funds or loss of income due to a delay in completion of schooling related to the crime.

Subp. 9. **Timeliness of request.** A request for replacement of lost income must be made to the board within two years after the claim is filed.

**Statutory Authority:** *MS s 611A.56*

**History:** *16 SR 2025; 17 SR 2284; 20 SR 2376; 23 SR 519; 25 SR 1718; 38 SR 1043*

**Published Electronically:** *March 11, 2014*