

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control \_\_\_\_\_ Department or Agency Crime Victims' Compensation Commission  
Rule No. 262-x-4-.10

Rule Title: Reconsideration of Claims Filed on Behalf of Minor Victims,  
Incompetent Victims, or Deceased Victims.

New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly  
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the  
state's police power and the protection of the  
public health, safety, or welfare? Yes

Is there another, less restrictive method of  
regulation available that could adequately protect  
the public? No

Does the propounded rule have the effect of directly  
or indirectly increasing the costs of any goods or  
services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the  
public than the harm that might result from the  
absence of the proposed rule? N/A

Are all facets of the rulemaking process designed  
solely for the purpose of, and so they have, as  
their primary effect, the protection of the public? Yes

.....  
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is  
required to be accompanied by a fiscal note prepared in accordance with  
subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....  
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full  
compliance with the requirements of Chapter 22, Title 41, Code of Alabama  
1975, and that it conforms to all applicable filing requirements of the  
Administrative Procedures Division of the Legislative Reference Service.

Signature of certifying officer Cassie T. Jones Cassie T. Jones, Ed.D.

Date 5/13/14

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 262-x-4-.10 Reconsideration of Claims Filed on Behalf of Minor Victims, Incompetent Victims, or Deceased Victims


INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION: The Commission proposes to amend the rule to provide for reconsideration of claims filed by an ineligible claimant on behalf of minor victims, incompetent victims, or deceased victims.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Crime Victims' Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267, or oral comments at 334.290.4420.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments shall be received until the close of record at 5:00 p.m. on July 7, 2014. All comments should be addressed to the contact person listed below or oral comments at 334.290.4420.

CONTACT PERSON AT AGENCY: Kim Z. Martin, General Counsel, Alabama Crime Victims' Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267.

  
Cassie T. Jones, Ed.D.  
Executive Director

**262-x-4-.10 Reconsideration of Claims Filed on Behalf of Minor Victims, Incompetent Victims, or Deceased Victims**

1. AUTHORITY

Code of Alabama § 15-23-12(d) (1995), which provides:

The commission, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a commission decision for the purpose of judicial review.

2. Compensation cannot be paid to a claimant who is ineligible for compensation benefits. When an ineligible claimant files for compensation benefits on behalf of a minor victim, incompetent victim, or deceased victim, the claim must be not approved.
3. The Commission may reconsider a decision denying or reducing a compensation award for a minor victim, incompetent victim, or deceased victim due to the ineligibility of the claimant, in the event of either of the following:
  - a. The minor victim reaches the age of majority, or can otherwise legally act on his/her own behalf;
  - b. A person (other than the ineligible claimant) who is legally authorized to act on behalf of a minor victim, incompetent victim, or deceased victim files for compensation benefits on behalf of the victim.

**Author:** Dr. Cassie T. Jones

**Statutory Authority:** ALA. CODE § 15-23-5(14) (1995)

**History:** Filed May 13, 2014