

1 14B NCAC 09 .0302 is adopted for amendment as follows:

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3 **14B NCAC 09 .0302 PROCESSING AND PAYMENT OF CLAIMS**

4 (a) ~~An application for a claim shall be accepted only when submitted on an approved claim application form located~~
5 ~~on the Crime Victim Compensation website, <http://www.ncdps.gov/4victims> and a determination is made by the~~
6 ~~Director that the application is complete with the required information in accordance with G.S. 15B-7. An application~~
7 ~~for a claim shall be accepted when submitted through approved electronic application portal, or by fax, or email on an~~
8 ~~approved claim application and a determination is made by the Director that the submitted application is complete.~~

9 (b) ~~Claims will be processed in the order in which the completed applications are received, deliverable by United~~
10 ~~States mail-received. In any consideration of competing claims, with respect to priority order of processing, the filed~~
11 ~~date stamped on the claim shall be controlling. An application for a claim shall only be submitted on an approved~~
12 ~~claim application form located on the Crime Victim Compensation website, <http://www.ncdps.gov/4victim>. An~~
13 ~~application for a claim shall be submitted on an approved claim application through an approved electronic portal, the~~
14 ~~Crime Victim Compensation application portal, or by fax, or by email. The portal will be accessed through the NCDPS~~
15 ~~Victim Compensation Services website where there will be access to the portal using a weblink or a QR code. The~~
16 ~~public will gain access using electronic devices such as smart phones, computers, tablets and I-pads. The Director~~
17 ~~shall determine if the application is complete with the required information in accordance with G.S. 15B-7. An~~
18 ~~application for a claim shall be accepted only if all the preceding conditions are met. The date stamped on the claim~~
19 ~~shall control the order of processing any competing claims.~~

20 (c) ~~Every claim filed is subject to investigation to determine eligibility in accordance with G.S. 15B-8 by the Director.~~
21 ~~The Director shall determine compensation eligibility in accordance with G.S. 15B-8. Failure of the claimant to~~
22 ~~cooperate in the with any investigation in accordance with G.S. 15B-11 (c) involving their claim may result in a denial~~
23 ~~of the claim or a reduction in the amount awarded. Each claim filed is investigated to determine eligibility in~~
24 ~~accordance with G.S. 15B-8.~~

25 (d) ~~The Director or the Commission may reopen the investigation of into any claim upon a finding that the claimant~~
26 ~~has provided additional information. receiving additional information regarding the claim incident. This information~~
27 ~~may be provided by the victim/claimant, law enforcement, medical documents and the court system according to G.S.~~
28 ~~11 (d).~~

29 (e) ~~The Director shall mail a written statement of the award decision to the claimant claimant, along with the check~~
30 ~~for the award, if any, within 15 business days of the Director's or the Commission's decision according to G.S. 15B-~~
31 ~~10 or verification of current collateral source information, whichever occurs last according to G.S. 15B-16. This~~
32 ~~written statement shall notify the claimant: claimant whether this check is a partial or complete payment of the award;~~
33 ~~award, of any payments made directly to a service provider; provider, and of appeal rights.~~

34 (f) ~~Claims shall be docketed on a list to be reviewed by the Commission or the Director for determination of payment~~
35 ~~in accordance with G.S. 15B-8 and 15B-10 in an order determined by the Director.~~

36 (g) ~~All payments of compensation shall be made in strict accordance with the award issued by the Director or the~~
37 ~~Commission according to G.S. 15B-2 (1), 15B-10, and 15B-11.~~

1 (h) A claimant who fails to cooperate with or supply requested information including medical expenses, current
2 contact information, details regarding circumstances of crime to the Director or who supplies inaccurate or incomplete
3 information may have the claim denied or the award reduced, in the discretion of the Director or the Commission.

4 (i) The claimant shall inform the Director at any time before any action brought to recover damages for the criminally
5 injurious conduct that is the basis of any claim or award and the availability of any collateral source. Each claim filed
6 is investigated to determine eligibility in accordance with G.S. 15B-7 (b). The failure to provide such information
7 may be considered as fraud in accordance with G.S. 15B-7(b), allowing the Director or the Commission to reduce or
8 deny an award or to recover monies previously paid.

9 (j) All notifications and payments or other documents transmitted by ~~mailing~~ U.S. Mail will be sent to the address
10 submitted by the claimant. The claimant shall notify the Director in writing of any change of address.

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12 *History Note: Authority G.S. 15B-2; 15B-3; 15B-4; 15B-6;15B-7; 15B-8; 15B-10; 15B-11; 15B-16*
13 *Temporary Rule Eff. November 24, 1987 For a Period of 171 Days to Expire on May 13, 1988;*
14 *Eff. April 1, 1988;*
15 *Transferred from 14A NCAC 11 .0501 Eff. June 1, 2013;*
16 *Readopted Eff. September 1, 2020.*
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