



STATE OF KANSAS

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April 11, 1979

ATTORNEY GENERAL OPINION NO. 79-59

Ms. Betty A. Bomar, Director
Crime Victims Reparations Board
Suite 343
503 Kansas Avenue
Topeka, Kansas 66603

Re: State Boards, Commissions and Authorities -- Crime
Victims Reparations Board -- Claims for Reparations.

Synopsis: The maximum reparations for work loss to be awarded by
the Crime Victims Reparations Board is two hundred
dollars (\$200) per week, to be diminished by the amount
which a claimant can recoup for work loss from other
persons and collateral sources.

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Dear Ms. Bomar:

You inquire whether the Crime Victims Reparations Board may approve
a claim for work loss when the claimant has received compensation for
work loss from insurance or other sources in the amount of two hundred
dollars (\$200) per week. The general rule for compensating work loss
is set out in K.S.A. 1978 Supp. 74-7305(h), which provides:

"Reparations for work loss, replacement services loss,
dependent's economic loss and dependent's replacement
service loss may not exceed two hundred dollars (\$200)
per week."

Although this provision standing alone would indicate that the Board
could approve such a claim, subsection (c) of that same statute contains

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limiting language that would be controlling in such a situation. This subsection provides in part:

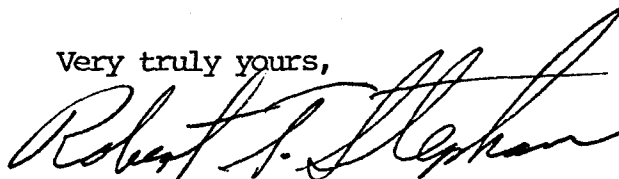
"Reparations otherwise payable to a claimant shall be diminished:

"(1) To the extent, if any, that the economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources. . . ."

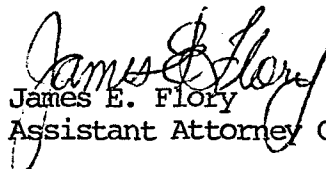
Thus, the two hundred dollar (\$200) maximum established in subsection (h) must be diminished by any amount that the claimant receives from other persons or collateral sources as defined in K.S.A. 1978 Supp. 74-7301(d). Consequently, if the claimant receives work loss compensation from other persons or collateral sources in the amount of two hundred dollars (\$200), no reparations for work loss can be approved by the Board under the Crime Victim Reparations Act. In the event that the claimant receives less than two hundred dollars (\$200) per week from the other person or source, the Board may approve a claim in the amount of the difference between two hundred dollars (\$200) and the amount received from the other person or source per week.

For the foregoing reasons, it is our opinion that the Board is not authorized to approve claims for work loss when the claimant receives work loss compensation of two hundred dollars (\$200) or more per week from other persons or collateral sources as defined in K.S.A. 1978 Supp. 74-7301(d).

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



James E. Flory
Assistant Attorney General

RTS:TDH:JEF:may