

M I N U T E S

MEETING DATE: **January 13, 2009**

MEMBERS PRESENT: Ms. Nancy Adcock, Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr.,
Mr. Ben Garris, Ms. Mary L. Fanara, Mr. Kenneth Jones, Ms. Ann
Polak, Ms. Sharon Rodi, Ms. Carolyn Stapleton, Ms. Lucille Williams

MEMBERS ABSENT: There were no absences.

STAFF PRESENT: Bob Wertz, Linda Gautier, Carla Domingue

GUESTS PRESENT: Mechelle Delahoussaye, Kent Wolkart, Kathleen Stevens, Julie
Vezinot, Erich Duchmann, Zenia Smith, Latina Jolivette

I. CALL TO ORDER

Mr. Lamarr Davis called the meeting to order at 9:30 a.m.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Ms. Polak made a motion to approve the minutes of the previous meeting. Mr. Garris seconded the motion and the motion passed.

III. APPEALS

A 1. Caddo 08-041

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition). Ms. Fanara seconded the motion and the motion passed 9 to 1 with no abstentions.

A 2. St. Martin 08-016

Ms. Adcock made a motion to deny under authority of LAC22: XIII.301(A)(1)(a)i (felony convictions). Ms. Stapleton seconded the motion and the motion passed unanimously.

A 3. Terrebonne 08-015

Mr. Jones made a motion to deny under authority of LAC22: XIII.301(A)(1)(a)i (felony convictions). Ms. Williams seconded the motion and the motion passed unanimously.

IV. EMERGENCY CONFIRM/DENY

Mr. Garris made a motion to confirm the emergency rulings for the previous month. Mr. Jones seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 1. Acadia 07-003

Ms. Polak made a motion to award \$50.00 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously. Ms. Adcock made a motion to defer a decision on the claimant's request for an increase in maximum eligibility due to total and permanent disability awaiting more documentation. Ms. Rodi seconded the motion and the motion passed unanimously.

F 2. Acadia 07-004

Ms. Polak made a motion to award \$199.65 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 3. Assumption 08-006

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

F 4. Bossier 08-025

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 5. Bossier 08-027

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously.

F 6. Bossier 08-028

Ms. Adcock made a motion to award \$483.95 for MEDICAL. Mr. Jones seconded the motion and the motion passed 8 to 2 with no abstentions.

F 7. Bossier 08-029

Ms. Williams made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously. The Board also requested that a note be

V. ITEMS FOR FULL DISCUSSION

made to see if the Claimant can file for workers' compensation if he files for lost wages.

F 8. Bossier 08-033

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed 9 to 1 with no abstentions.

F 9. Calcasieu 04-042

Ms. Polak made a motion to award \$60.00 for MENTAL HEALTH. Mr. Jones seconded the motion and the motion passed unanimously.

F 10. Calcasieu 08-035

Ms. Polak made a motion to award \$120.00 for MENTAL HEALTH. Mr. Jones seconded the motion and the motion passed unanimously.

F 11. Calcasieu 08-048

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(4)(a) (career criminal). Mr. Jones seconded the motion and the motion passed unanimously.

F 12. Calcasieu 08-065

Ms. Polak made a motion to award \$157.50 for MEDICAL. Mr. Garris seconded the motion and the motion passed 8 to 2 with no abstentions.

F 13. Calcasieu 08-066

Ms. Polak made a motion to award \$584.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 14. Calcasieu 08-068

Ms. Polak made a motion to award \$10,000.00 for MEDICAL. Mr. Garris seconded the motion and the motion passed 9 to 1 with no abstentions. The board also agreed to mark the case as "closed".

F 15. Calcasieu 08-070

Ms. Polak made a motion to award \$200.00 for MENTAL HEALTH. Mr. Jones seconded the motion and the motion passed unanimously.

F 16. Calcasieu 08-071

Ms. Polak made a motion to award \$540.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 17. Calcasieu 08-072

Ms. Polak made a motion to award \$180.00 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 18. Calcasieu 08-073

Ms. Polak made a motion to award \$240.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 19. Concordia 08-006

Ms. Fanara made a motion to award \$112.50 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 20. Concordia 08-019

Ms. Fanara made a motion to award \$1,486.80 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Garris seconded the motion and the motion passed unanimously.

F 21. Desoto 08-005

Ms. Fanara made a motion to award \$803.60 for MEDICAL. Ms. Adcock seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 22. Desoto 08-006

Ms. Fanara made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 23. East Baton Rouge 08-030

Ms. Polak made a motion to award \$146.44 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 24. East Baton Rouge 08-060

Mr. DiBenedetto made a motion to award \$3,745.90 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 25. East Baton Rouge 08-061

Mr. DiBenedetto made a motion to award \$3,745.90 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 26. East Baton Rouge 08-064

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Mr. Garris seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 27. East Baton Rouge 08-069

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 28. East Baton Rouge 08-074

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Mr. Garris seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 29. Jefferson 08-024

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 30. Lafourche 08-062

Ms. Adcock made a motion to award \$934.58 for MEDICAL, \$3,920.00 for WAGE. Ms. Williams seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 31. Lafourche 08-079

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Mr. Jones seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 32. Lafourche 08-080

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Jones seconded the

V. ITEMS FOR FULL DISCUSSION

motion and the motion passed 9 to 0 with 1 abstention.

F 33. Lafourche 08-082

Ms. Polak made a motion to award \$2,019.18 for FUNERAL. Mr. Garris seconded the motion and the motion passed 8 to 1 with 1 abstention.

F 34. Lafourche 08-083

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Mr. Jones seconded the motion and the motion passed unanimously.

F 35. Lafourche 08-084

Ms. Stapleton made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed unanimously.

F 36. Lafourche 08-085

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 37. Lafourche 08-086

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

F 38. Lafourche 08-087

Mr. Jones made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously.

F 39. Lafourche 08-088

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Jones seconded the motion and the motion passed unanimously.

F 40. Madison 08-009

Ms. Fanara made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 41. Orleans 07-013

Mr. Jones made a motion to award \$3,945.32 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 42. Orleans 07-027

Mr. Jones made a motion to award \$2,245.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed 9 to 1 with no abstentions.

F 43. Orleans 08-002

Mr. Jones made a motion to deny under authority of LAC22: XIII.301(A)(1)(a)i (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 44. Orleans 08-019

Mr. Jones made a motion to award \$150.00 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 45. Orleans 08-034

Mr. Jones made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 46. Orleans 08-055

Mr. Jones made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. Garris seconded the motion and the motion passed unanimously.

F 47. Orleans 08-058

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 48. Orleans 08-071

Mr. Jones made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Mr. Garris seconded the motion and the motion passed unanimously.

F 49. Orleans 08-076

Mr. Jones made a motion to deny the claim. Mr. DeBenedetto seconded the claim and the motion passed 8 to 2 with no abstentions. Mr. Jones made a motion to reconsider the case. Ms. Rodi seconded the motion and the motion passed 6 to 4. Ms. Rodi made a motion to award 50% of LOST WAGES. Mr. Garris seconded the motion and the motion passed 6 to 4 with no abstentions. The Board also voted to close the case.

F 50. Orleans 08-093

Mr. Jones made a motion to award \$448.09 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed 9 to 1 with no abstentions. The board also agreed to mark the case as "closed".

F 51. Orleans 08-099

Mr. Jones made a motion to award \$4,500.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 52. Orleans 08-101

Ms. Rodi made a motion to award \$3,154.00 for FUNERAL. Mr. Jones seconded the motion and the motion passed 9 to 1 with no abstentions.

F 53. Orleans 08-112

Mr. Jones made a motion to defer ruling awaiting more information on status of investigation. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 54. Orleans 08-113

Mr. Jones made a motion to award \$1,857.63 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$27.30 for MEDICAL MILEAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 55. Orleans 08-121

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed 7 to 3 with no abstentions.

V. ITEMS FOR FULL DISCUSSION

F 56. Orleans 08-122

Mr. Jones made a motion to deny under authority of LAC22: XIII.301(A)(1)(a)i (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 57. Orleans 08-125

Ms. Stapleton made a motion to defer ruling awaiting more information. Mr. Jones seconded the motion and the motion passed unanimously.

F 58. Orleans 08-126

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 59. Orleans 08-128

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 60. Orleans 08-131

Mr. Jones made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed 9 to 1 with no abstentions.

F 61. Orleans 08-134

Mr. Jones made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed 8 to 2 with no abstentions.

F 62. Orleans 08-135

Mr. Jones made a motion to defer ruling awaiting more information. Ms. Polak seconded the motion and the motion passed unanimously.

F 63. Orleans 08-137

Mr. Jones made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Adcock seconded the motion and the motion passed unanimously.

F 64. Orleans 08-138

Mr. Jones made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 65. Orleans 08-140

Mr. Jones made a motion to deny under authority of LAC22: XIII.301(A)(1)(a)i (felony convictions). Ms. Rodi seconded the motion and the motion passed unanimously.

F 66. Orleans 08-141

Mr. Jones made a motion to deny under authority of LAC22: XIII.301(A)(1)(a)i (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 67. Rapides 08-024

Ms. Fanara made a motion to award \$379.13 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Rodi seconded the motion and the motion passed unanimously.

F 68. St. Landry 08-019

Ms. Fanara made a motion to award \$724.08 for MEDICAL. Mr. DiBenedetto seconded

V. ITEMS FOR FULL DISCUSSION

the motion and the motion passed unanimously.

F 69. St. Martin 08-019

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. Garris seconded the motion and the motion passed unanimously.

F 70. St. Martin 08-022

Ms. Stapleton made a motion to approve the eligibility of this claimant. Mr. Jones seconded the motion and the motion passed unanimously.

F 71. St. Mary 08-010

Ms. Rodi made a motion to award \$4,027.50 for FUNERAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 72. St. Mary 08-012

Mr. DeBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Fanara seconded the motion and the motion passed. Mr. Garris made a motion to reconsider the case. Ms. Rodi seconded the motion and the motion passed. Ms. Rodi made a motion to approve the eligibility of this claimant with a 50% REDUCTION for contribution. Mr. Jones seconded the motion and the motion passed 8 to 2 with no abstentions.

F 73. St. Tammany 08-013

Mr. DiBenedetto made a motion to award \$4,804.54 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

F 74. St. Tammany 08-034

Mr. Jones made a motion to award \$2,183.09 for MEDICAL, \$900.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed 9 to 0 with 1 abstention.

F 75. St. Tammany 08-037

Ms. Polak made a motion to award \$896.00 for WAGE, \$2,929.95 for MEDICAL. Estimate approved for: \$875.00 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 76. Vermilion 08-009

Ms. Polak made a motion to award \$135.77 for MEDICAL, \$119.58 for AMBULANCE TRANSPORT (MEDICAL). Mr. Garris seconded the motion and the motion passed unanimously.

F 77. Webster 08-006

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Ms. Stapleton seconded the motion and the motion passed 8 to 2 with no abstentions.

F 78. West Baton Rouge 08-004

Ms. Stapleton made a motion to award \$773.24 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 79. West Baton Rouge 08-005

Ms. Stapleton made a motion to award \$2,670.20 for MEDICAL MILEAGE. Mr. Jones seconded the motion and the motion passed unanimously.

F 80. West Baton Rouge 08-007

Ms. Stapleton made a motion to approve the eligibility of this claimant. Mr. Jones seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 1. Calcasieu 08-061

Ms. Polak made a motion to award \$1,736.00 for WAGE. Mr. Garris seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

L 2. Concordia 08-013

Ms. Stapleton made a motion to award \$802.00 for MENTAL HEALTH, \$141.39 for MEDICAL MILEAGE. Ms. Polak seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 3. Concordia 08-018

Ms. Fanara made a motion to award \$4,000.00 for FUNERAL. Mr. Garris seconded the motion and the motion passed unanimously.

L 4. Orleans 08-082

Mr. Jones made a motion to award \$1,754.02 for WAGE, \$2,136.37 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

L 5. St. Tammany 08-026

Ms. Polak made a motion to award \$200.19 for MEDICAL, \$52.00 for MEDICAL MILEAGE. Mr. Garris seconded the motion and the motion passed unanimously.

L 6. St. Tammany 08-030

Ms. Rodi made a motion to award \$7,496.40 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

L 7. St. Tammany 08-032

Ms. Polak made a motion to award \$825.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 8. Terrebonne 08-009

Ms. Polak made a motion to award \$644.80 for MEDICAL, \$30.91 for WAGE. Mr. Jones seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

New CVR Board maximum amounts allowable for payment on funeral and mental health counseling are as follows:

Funeral - \$5,000

Mental Health Counseling

MS/MSW (OPC/BCSW) - \$75/hr.

PhD/MD (Board Certified) - \$85/hr.

Group therapy: \$30/session