

M I N U T E S

MEETING DATE: December 8, 2009

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

MEMBERS ABSENT: Mr. Kenneth Jones, Ms. Sharon Rodi

STAFF PRESENT: Robert Wertz, Linda Gautier, Carla Domingue

GUESTS PRESENT: Erich Duchmann, Kent Wolkart, Lauta Steele, Robert Behl

I. CALL TO ORDER

Mr. Davis called the meeting to order at 9:35 a.m.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

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

III. APPEALS

A 1. Bossier 09-028

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). (Victim was in the process of committing a crime). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

A 2. Lafayette 09-025

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

A 3. Orleans 09-196

Ms. Adcock made a motion to award \$3,924.64 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

A 4. St. Tammany 09-011

Mr. DiBenedetto made a motion to uphold the appeal and to award \$1,748.00 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously.

IV. EMERGENCY CONFIRM/DENY

Ms. Polak made a motion to confirm the emergency rulings for the previous month. Ms. Williams seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 1. Bossier 08-021

Ms. Adcock made a motion to award \$525.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

F 2. Bossier 09-029

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed 8 to 1 with no abstentions.

F 3. Bossier 09-031

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

F 4. Bossier 09-037

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

F 5. Caddo 09-036

Ms. Adcock made a motion to award \$326.20 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Williams seconded the motion and the motion passed unanimously.

F 6. Caddo 09-039

Ms. Stapleton made a motion to award \$40.00 for MENTAL HEALTH, \$3,584.00 for WAGE, \$824.18 for MEDICAL, \$37.33 for MEDICAL MILEAGE. Ms. Williams seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 7. Caddo 09-041

Ms. Adcock made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Jim Pohlmann seconded the motion and the motion passed unanimously.

F 8. Caddo 09-045

Ms. Adcock made a motion to award \$292.71 for MEDICAL. The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed unanimously.

F 9. Caddo 09-054

Ms. Adcock made a motion to award \$4,850.00 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed unanimously.

F 10. Calcasieu 07-031

Ms. Polak made a motion to award \$435.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 11. Calcasieu 08-014

Ms. Polak made a motion to award \$1,500.00 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 12. Calcasieu 08-071

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

F 13. 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. The board also agreed to mark the case as "closed".

F 14. Calcasieu 09-019

Ms. Polak made a motion to waive outpatient limits on mental health claims and to award \$1,385.00 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 15. Calcasieu 09-029

Ms. Polak made a motion to award \$1,125.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 11/15/09.

F 16. Calcasieu 09-030

Ms. Polak made a motion to award \$1,290.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 09/23/09.

F 17. Calcasieu 09-047

Ms. Polak made a motion to award \$285.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 08/23/09.

V. ITEMS FOR FULL DISCUSSION

F 18. Calcasieu 09-065

Mr. DiBenedetto 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 19. Catahoula 09-001

Ms. Polak made a motion to award \$4,646.17 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL), \$203.84 for MEDICAL MILEAGE. The claim amounts were reduced by 50 % for contribution. Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 20. Desoto 09-004

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

F 21. East Baton Rouge 07-074

Ms. Polak made a motion to award \$4,825.89 for MEDICAL. Ms. Fanara seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 22. East Baton Rouge 09-089

Ms. Polak made a motion to award \$50.00 for MENTAL HEALTH. Ms. Adcock seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 23. Franklin 09-001

Ms. Polak made a motion to award \$224.63 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 24. Iberia 09-016

Ms. Stapleton made a motion to award \$350.00 for MENTAL HEALTH. Mr. Garris seconded the motion and the motion passed unanimously.

F 25. Iberia 09-038

Ms. Polak made a motion to award \$789.45 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 26. Iberville 09-004

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

F 27. Jefferson 09-034

Mr. DiBenedetto made a motion to deny. The motion died for lack of a 2nd. Ms. Polak made a motion to award \$2,064.75 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 28. Jefferson 09-039

Ms. Stapleton made a motion to award \$5,597.20 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 29. Lafayette 08-019

Ms. Adcock made a motion to award \$227.50 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Williams seconded the motion and the motion passed

V. ITEMS FOR FULL DISCUSSION

unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 30. Lafayette 09-004

Mr. DiBenedetto made a motion to deny. The motion died for lack of a 2nd. Ms. Stapleton made a motion to award \$855.96 for MEDICAL, \$203.35 for AMBULANCE TRANSPORT (MEDICAL). Mr. Garris seconded the motion and the motion passed 8 to 1 with no abstentions.

F 31. Lafayette 09-010

Mr. DiBenedetto made a motion to award \$2,500.00 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 32. Lafayette 09-021

Ms. Polak made a motion to award \$2,013.07 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 33. Lafourche 07-023

Mr. DiBenedetto made a motion to award \$135.00 for MENTAL HEALTH, \$483.60 for MEDICAL MILEAGE. Ms. Stapleton seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 34. Lafourche 07-048

Ms. Polak made a motion to award \$135.00 for MENTAL HEALTH, \$31.20 for MEDICAL MILEAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 36. Lafourche 09-038

Ms. Polak made a motion to award \$48.00 for MEDICAL. Jim Pohlmann seconded the motion and the motion passed unanimously.

F 37. Lafourche 09-060

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

F 38. Lafourche 09-062

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

F 39. Livingston 09-011

Ms. Stapleton made a motion to award \$5,000.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 40. Madison 09-001

Ms. Polak made a motion to award \$504.08 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 41. Morehouse 09-001

Mr. DiBenedetto made a motion to award \$157.49 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 42. Morehouse 09-003

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

F 43. Orleans 07-086

Ms. Polak made a motion to award \$920.00 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 44. Orleans 09-104

Ms. Adcock made a motion to defer ruling awaiting more information. Ms. Fanara seconded the motion and the motion passed unanimously.

F 45. Orleans 09-162

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

F 46. Orleans 09-163

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

F 47. Orleans 09-168

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously. The Board also requested that, in order to process future claims, they receive then entire case back.

F 48. Orleans 09-169

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Ms. Williams seconded the motion and the motion passed 8 to 1 with no abstentions.

F 49. Orleans 09-182

Ms. Adcock made a motion to award \$917.59 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 50. Orleans 09-185

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

F 51. Orleans 09-189

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Ms. Williams seconded the motion and the motion passed 8 to 1 with no abstentions.

F 52. Orleans 09-190

Ms. Stapleton made a motion to award \$4,967.55 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 53. Orleans 09-193

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

V. ITEMS FOR FULL DISCUSSION

F 54. Orleans 09-195

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

F 55. Orleans 09-203

Mr. DiBenedetto 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 56. Orleans 09-215

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

F 57. Orleans 09-219

Mr. Davis made a motion to defer ruling awaiting supplemental police report. Ms. Fanara seconded the motion and the motion passed unanimously.

F 58. Rapides 09-014

Mr. DiBenedetto made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 59. Rapides 09-018

Ms. Stapleton made a motion to award \$5,000.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 60. Rapides 09-025

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

F 61. Rapides 09-026

Ms. Fanara made a motion to defer ruling awaiting more medical information on victim regarding reimbursement of wage claim. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 62. Richland 09-004

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Mr. DiBenedetto seconded the motion and the motion passed 7 to 2 with no abstentions.

F 63. St. Charles 09-029

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously. The Board also requested that, in order to process future claims, they receive then entire case back.

F 64. St. Charles 09-037

Ms. Adcock made a motion to award \$5.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 65. St. Charles 09-039

Ms. Adcock made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony

V. ITEMS FOR FULL DISCUSSION

convictions). Mr. Garris seconded the motion and the motion passed unanimously. The Board also requested that the victim be referred to the local rape crisis center.

F 66. St. Martin 09-026

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

F 67. St. Mary 09-011

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

F 68. St. Mary 09-013

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition). Ms. Williams seconded the motion and the motion passed unanimously.

F 69. St. Tammany 07-007

Mr. Garris made a motion to award \$390.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 70. St. Tammany 07-008

Mr. Garris made a motion to award \$390.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 71. St. Tammany 09-001

Ms. Fanara made a motion to award \$4,480.00 for WAGE, \$4,565.36 for MEDICAL, \$403.19 for MEDICAL MILEAGE. Mr. Garris seconded the motion and the motion passed unanimously.

F 72. St. Tammany 09-024

Ms. Fanara made a motion to award \$728.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Jim Pohlmann seconded the motion and the motion passed unanimously.

F 73. Terrebonne 09-028

Ms. Polak made a motion to award \$635.77 for WAGE, \$884.30 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Garris seconded the motion and the motion passed unanimously.

F 74. Vermilion 09-022

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

F 75. Vermilion 09-023

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

F 76. Vermilion 09-025

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

V. ITEMS FOR FULL DISCUSSION

F 77. Vermilion 09-027

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

VI. LATE ADDITIONS

L 1. Caddo 09-051

Ms. Adcock made a motion to award \$1,579.01 for MEDICAL. Estimate approved for: \$8,420.99 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

L 2. Caddo 09-066

Ms. Adcock made a motion to award \$674.46 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

L 3. East Baton Rouge 09-065

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

L 4. Lafayette 09-033

Ms. Polak made a motion to award \$110.62 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 5. Orleans 09-202

Ms. Williams made a motion to award \$4,606.50 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

L 6. Orleans 09-216

Ms. Stapleton made a motion to award \$115.01 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 7. Rapides 09-015

Ms. Fanara made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

L 8. St. John The Baptist 09-002

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

L 9. Tangipahoa 09-015

Ms. Stapleton made a motion to award \$1,226.29 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

EBAT08-052 -- Mr. Garris made a motion to go into Executive Session to discuss EBAT08-052. Ms. Stapleton seconded the motion. The Board went into Executive Session to discuss the case. Mr. Dibenedetto made a motion to return to Open Session. Ms. Polak seconded the motion. The Board returned to Open Session. Ms. Polak made a motion to grant the request of the claimant's attorney. Mr. Dibenedetto seconded the motion and the motion passed unanimously.

Ms. Adcock made a motion to adjourn the Board meeting. Mr. Dibenedetto seconded the motion. Mr. Davis adjourned the meeting at 11:48 a.m.