

(II) 1. IN DETERMINING WHETHER THE CLAIMANT WILL SUFFER SERIOUS FINANCIAL HARDSHIP, THE BOARD SHALL CONSIDER ALL OF THE FINANCIAL RESOURCES OF THE CLAIMANT.

2. UNLESS TOTAL DEPENDENCY IS ESTABLISHED, FAMILY MEMBERS ARE CONSIDERED TO BE PARTLY DEPENDENT ON A PARENT WITH WHOM THEY RESIDE WITHOUT REGARD TO ACTUAL EARNINGS.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A CLAIM IF THE VICTIM SUFFERED PHYSICAL INJURY OR DEATH AS A DIRECT RESULT OF TRYING TO PREVENT A CRIME OR DELINQUENT ACT OR AN ATTEMPTED CRIME OR DELINQUENT ACT FROM OCCURRING IN THE VICTIM'S PRESENCE OR TRYING TO APPREHEND AN OFFENDER WHO HAD COMMITTED A CRIME OR DELINQUENT ACT IN THE VICTIM'S PRESENCE OR HAD COMMITTED A FELONY.

(3) THE BOARD MAY NOT FIND THAT A CLAIMANT FAILS TO SUFFER SERIOUS FINANCIAL HARDSHIP BECAUSE A CLAIMANT IS INDIGENT OR JUDGMENT PROOF.

(C) MINIMUM ALLOWABLE CLAIM.

THE BOARD MAY MAKE AN AWARD ONLY IF THE CLAIMANT, AS A RESULT OF THE INJURY ON WHICH THE CLAIM IS BASED, HAS:

(1) INCURRED AT LEAST \$100 IN UNREIMBURSED AND UNREIMBURSABLE EXPENSES OR INDEBTEDNESS REASONABLY INCURRED FOR MEDICAL CARE, INCLUDING EXPENSES FOR EYEGLASSES AND OTHER CORRECTIVE LENSES, MENTAL HEALTH COUNSELING, FUNERAL EXPENSES, OR OTHER NECESSARY SERVICES; OR

(2) LOST AT LEAST 2 CONTINUOUS WEEKS' EARNINGS OR SUPPORT.

(D) CONTRIBUTORY CONDUCT.

(1) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN CONSIDERING A CLAIM AND IN DETERMINING THE AMOUNT OF AN AWARD, THE BOARD SHALL DETERMINE WHETHER THE VICTIM'S CONDUCT CONTRIBUTED TO THE INFLECTION OF THE VICTIM'S INJURY, AND, IF SO, REDUCE THE AMOUNT OF THE AWARD OR REJECT THE CLAIM.

(II) THE BOARD MAY DISREGARD THE RESPONSIBILITY OF THE VICTIM FOR THE VICTIM'S OWN INJURY IF THAT RESPONSIBILITY IS ATTRIBUTABLE TO EFFORTS BY THE VICTIM:

1. TO PREVENT A CRIME OR DELINQUENT ACT OR AN ATTEMPTED CRIME OR DELINQUENT ACT FROM OCCURRING IN THE VICTIM'S PRESENCE; OR

2. TO APPREHEND AN OFFENDER WHO HAD COMMITTED A CRIME OR DELINQUENT ACT IN THE VICTIM'S PRESENCE OR HAD COMMITTED A FELONY OR DELINQUENT ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT.