Rules and Regulations of the State of Georgia

Department 115 CLAIMS ADVISORY BOARD

Current through Rules and Regulations filed through November 6, 2026

Table of Contents

ADMINISTRATIVE HISTORY
Chapter 115-1. ORGANIZATION.
Rule 115-1-.01. Organization.
Rule 115-1-.02. Administration.
Chapter 115-2. CLAIMS OF OVER $5000.00.
Rule 115-2-.01. Applicability.
Rule 115-2-.02. Consideration of Claims by Board.
Rule 115-2-.03. Notice of Claim Over $5,000.00; Filing.
Rule 115-2-.04. Acknowledgement of Receipt of Notice of Claim.
Rule 115-2-.05. Supporting Documentation.
Rule 115-2-.06. Filing of Notice of Possibility of Claim by Department or Agency.
Rule 115-2-.07. Compliance With Time Limitations and Filing of Supporting Documents Required Prior to Consideration.
Rule 115-2-.08. Claimant's Responsibility for Drafting and Introduction of Compensation Resolution.
Rule 115-2-.09. Meetings.
Rule 115-2-.10. Recommendation of Board.
Rule 115-2-.11. Claims Paid or Payable by Insurance.
Chapter 115-3. CLAIMS OF $5000.00 OR LESS.
Rule 115-3-.01. Board Authorized to Direct Payment by Department or Agency.
Rule 115-3-.02. Notice of Claim of $5,000.00 or Less.
Rule 115-3-.03. Acknowledgment of Receipt of Notice of Claim.

Rule 115-3-.04. Supporting Documents Required.
Rule 115-3-.05. Notification of Department or Agency.
Rule 115-3-.06. Meetings.
Rule 115-3-.07. Decision of Board.
Rule 115-3-.08. Claims Paid or Payable by Insurance.
Rule 115-3-.09. Payment of Claim in Full and Complete Settlement.
Chapter 115-4. COMPENSATION OF PERSONS FOR INJURIES SUSTAINED WHILE PREVENTING CRIME OR AIDING OFFICER OF THE LAW.
Rule 115-4-.01. Consideration of Claims by Board.
Rule 115-4-.02. Processing of Claims; Notice of Claim; Supporting Documentation.
Rule 115-4-.03. Recommendation of Board.
Rule 115-4-.04. Report to General Assembly.
Chapter 115-5. STATEMENT ATTACHED TO CHECKS ISSUED FOR PAYMENT OF CLAIMS.
Rule 115-5-.01. Statement Attached to All Checks Issued in Payment of Claims.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Chapter 115-1, entitled "Organization," containing Rules 115-1-.01 and 115-1-.02, was filed on March 24, 1983, effective April 13, 1983.

Chapter 115-2, entitled "Claims of Over $500.00," containing Rules 115-2-.01 through 115-2-.10, was filed on March 24, 1983, effective April 13, 1983.

Chapter 115-3, entitled "Claims of $500.00 or Less," containing Rules 115-3-.01 through 115-3-.09, was filed on March 24, 1983; effective April 13, 1983.

Chapter 115-4, entitled "Compensation of Persons for Injuries Sustained While Preventing Crime or Aiding Officer of the Law," containing Rules 115-4-.01 through 115-4-.04 was filed on March 24, 1983; effective April 13, 1983.

Chapter 115-5, entitled "Statement Attached to Checks Issued for Payment of Claim," containing Rule 115-5-.01, was filed on March 24, 1983; effective April 13, 1983.

Paragraph 115-2-.09(3) has been amended. Filed September 12, 1983; effective October 2,1983.

Paragraph 115-3-.06(5) has been amended. Filed September 12, 1983; effective October 2,1983.

Rule 115-2-.10 is amended by renumbering paragraphs (2), (3) and (4) as (3), (4) and (5), respectively, and adopting a new paragraph (2). Filed July 30, 1984; effective August 19, 1984.

Rule 115-2-.11 has been adopted. Filed July 30, 1984; effective August 19,1984.

Paragraph 115-3-.01(2) has been amended. Filed July 30, 1984; effective August 19, 1984.

Rule 115-3-.02 has been amended by renumbering paragraph (2) as (3) and adopting a new paragraph (2). Filed July 30, 1984; effective August 19, 1984.

Rule 115-3-.07 has been amended by renumbering paragraphs (2), (3), (4) and (5) as (3), (4), (5) and (6), respectively, and adopting a new paragraph (2). Filed July 30, 1984; effective August 19, 1984.

Rule 115-1-.01 has been repealed and a new Rule 115-1-.01 adopted. Filed August 22, 1986, effective September 11, 1986.

Rule 115-2-.10 has been amended by renumbering paragraph (5) as paragraph (6) and a new paragraph (5) adopted. Filed August 22,1986; effective September 11, 1986.

Rule 115-3-.07 has been amended by renumbering paragraphs (3), (4), (5) and (6) as paragraphs (4), (5), (6) and (7), respectively, and a new paragraph (3) adopted. Filed August 22, 1986; effective September 11, 1986.

Rule 115-4-.03 has been amended by renumbering paragraphs (6), (7) and (8) as paragraphs (7), (8) and (9), respectively, and a new paragraph (6) adopted. Filed August 22, 1986; effective September 11, 1986.

Rule 115-1-.01 has been repealed and a new Rule 115-1-.01 adopted. Filed June 25, 1987; effective July 15, 1987.

Rule 115-2-.03 has been amended by the adoption of a new subparagraph (2)(c). Filed June 25, 1987; effective July 15, 1987.

Rule 115-2-.10 amended by renumbering paragraphs (2) through (6) to (3) through (7) and adopted a new paragraph (2). Filed September 14, 1989; effective October 4, 1989.

Rule 115-3-.07 amended by renumbering paragraphs (2) through (7) to (3) through (8) and adopted a new paragraph (2). Filed September 14, 1989; effective October 4, 1989.

Rule 115-2-.06(3) has been amended. Filed February 15, 1991; effective March 7, 1991.

Rules 115-2-.05(d) and 115-3-.04(d) have been amended. Filed March 4, 1998; effective March 24, 1998.

Chapter 115-2 has been retitled "Claims of Over $5,000.00". Chapter 115-3 has been retitled "Claims of $5,000.00 or Less". Rules 115- 1-.02; 115-2-.01, .03, .06, .10; 115-3-.01, .02, .05, .07; and 115-4-.03 have been amended. Filed July 28, 2000; effective August 17, 2000.

Cite as Ga. Comp. R. & Regs. R. dept. 115, ADMINISTRATIVE HISTORY

Chapter 115-1. ORGANIZATION.

Rule 115-1-.01. Organization.

The Claims Advisory Board is composed of the Secretary of State, who is the chairman, the Commissioner of the Department of Human Resources, the Commissioner of the Department of Transportation, and the Commissioner of the Department of Corrections. Whenever the Board takes any official action, three of the members shall constitute a quorum; however, any of those individuals named above may be represented by a deputy or other designated employee; and any such action shall be valid if any two of the remaining three individuals are present during such action. In the event the Chairman is absent or otherwise unable to attend and preside at a meeting of the Board, the member of the Board whose length of service exceeds that of the other members present shall preside over that meeting.

Cite as Ga. Comp. R. & Regs. R. 115-1-.01
Authority: O.C.G.A. Sec. 28-5-60.
History. Original Rule entitled "Organization" was flied on March 24, 1983; effective April 13, 1983.
Amended: Rule repealed and a new Rule of the same title adopted. Filed August 22, 1986; effective September 11, 1986.

Amended: Rule repealed and a new Rule of the same title adopted. Filed June 25,1987; effective July 15, 1987.

Rule 115-1-.02. Administration.

The Claims Advisory Board, hereinafter "the Board," is assigned to the Secretary of State for administrative purposes only as prescribed in Code Section 50-4-3. The public may make submissions and requests to the Board by directing such inquiries to the Board, in care of the Board secretary, 2 M.L.K., Jr. Drive, Ste. 820, West Tower, Atlanta, GA 30334, in accordance with the procedures outlined in these rules.

Cite as Ga. Comp. R. & Regs. R. 115-1-.02
Authority: O.C.G.A. Secs. 28-5-60, 28-5-81.
History. Original Rule entitled "Administration" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: F. July 28, 2000; eff. August 17, 2000.

Chapter 115-2. CLAIMS OF OVER $5000.00.

Rule 115-2-.01. Applicability.

The rules and regulations contained in this Chapter shall be applicable to claims of over $5,000.00 which are otherwise eligible for consideration by the Board under O.C.G.A., Art. 4, Ch. 5, T. 28, as amended.

Cite as Ga. Comp. R. & Regs. R. 115-2-.01
Authority: O.C.G.A. Secs. 28-5-100, 28-5-81.
History. Original Rule entitled "Applicability" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: F. July 28, 2000; eff. August 17, 2000.

Rule 115-2-.02. Consideration of Claims by Board.

In order for an otherwise eligible claim under this Chapter to be processed by the Board, the following materials must be filed with this Board:

(a) A Notice of Claim, on forms provided by the Board, which may be filed on behalf of the claimant by the member of the House of Representatives who intends to introduce a compensation resolution with respect to such claim; or

(b) a Notice of Possibility of Claim, on forms provided by the Board, which is to be filed by the state department or agency against which a claim is directed; and

(c) all supporting documentation requested by the Board.

Cite as Ga. Comp. R. & Regs. R. 115-2-.02
Authority: O.C.G.A. Sec. 28-5-80.
History. Original Rule entitled "Consideration of Claims by Board" was filed on March 24, 1983; effective April 13, 1983.

Rule 115-2-.03. Notice of Claim Over $5,000.00; Filing.

(1) Any member of the House of Representatives may file on behalf of a claimant a Notice of Claim form, which shall be provided by the Board. Each Notice of Claim shall include a sworn description of the incident signed by the claimant.

(2) A Notice of Claim under this Chapter shall be filed:

(a) On or before the 15th day of November immediately preceding the introduction of a compensation resolution in the House of Representatives, if the event giving rise to the claim against the state occurred on or before the 5th day of November;

(b) within 10 days after the occurrence of the event giving rise to the claim, if the event giving rise to the claim against the state occurred subsequent to the 5th day of November immediately preceding the introduction of the compensation resolution.

(c) within two years after the date of event giving rise to the claim.

Cite as Ga. Comp. R. & Regs. R. 115-2-.03
Authority: O.C.G.A. Secs. 28-5-80, 28-5-81, 28-5-86.
History. Original Rule entitled "Notice of Claim Over $500.00; Filing" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: Filed June 25, 1987; effective July 15, 1987.
Amended: Rule retitled "Notice of Claim Over $5,000.00; Filing." F. July 28, 2000; eff. August 17, 2000.

Rule 115-2-.04. Acknowledgement of Receipt of Notice of Claim.

The Board shall acknowledge receipt of the Notice of Claim to the claimant and the representative and shall send each a list of required supporting documents.

Cite as Ga. Comp. R. & Regs. R. 115-2-.04
Authority: O.C.G.A. Sec. 28-5-80.
History. Original Rule entitled "Acknowledgement of Receipt of Notice of Claim" was filed on March 24, 1983; effective April 13, 1983.

Rule 115-2-.05. Supporting Documentation.

The Board shall not take action on a claim until all supporting documents requested by the Board have been received and filed with the Board. The following supporting documents, where applicable, shall be filed by the claimant or on his/her behalf:

(a) copy of accident/incident report signed by investigating officers-State Patrol, County Police, City Police, Campus Police, Security Officer, etc.;

(b) claimant's affidavit concerning receipt of compensation from insurers or third parties on form provided by Board;

(c) if any insurance has been paid or is payable, a waiver of claim form executed by the insurer;

(d) receipted itemized repair bill, or two estimates of repair;

(e) physician's statement as to nature, cause and extent of injury or illness;

(f) sworn itemized list of all medical bills (physicians, hospital, drugs, etc.), with bills or copies of bills attached;

(g) sworn affidavit as to the value of property on which total loss is alleged;

(h) if property is a total loss and has been sold for salvage or will be sold for salvage, a sworn affidavit from dealer indicating the salvage value of the property or evidence showing the exact amount received for salvage;

(i) such other supporting evidence claimant may wish to provide, in affidavit form;

(j) such other supporting data or documentation as the Board may request in writing for proper evaluation of a particular claim.

Cite as Ga. Comp. R. & Regs. R. 115-2-.05
Authority: O.C.G.A. Sec. 28-5-80.
History. Original Rule entitled "Supporting Documentation" was filed on March 24, 1983; effective April 13, 1983.
Amended: F. Mar. 4,1998; eff. Mar. 24, 1998.

Rule 115-2-.06. Filing of Notice of Possibility of Claim by Department or Agency.

(1) It shall be the duty of each state department and agency to file with the Claims Advisory Board a Notice of Possibility of Claim covering any occurrence which would be the subject of a Notice of Claim as provided in Code Section 28-5-80. Such Notice of Possibility of Claim shall be filed on forms provided by the Board and furnished to each state department and agency upon request.

(2) It shall be the duty of each state department and agency to file a Notice of Possibility of Claim within 30 days after the date of any such occurrence.

(3) If filed within the same time limitations relative to the filing of Notices of Claims over $5,000.00, as provided in Code Section 28-5-80 and Code Section 28-5-86, a Notice of Possibility of Claim shall be sufficient for action to be taken thereon; and the fact that no Notice of Claim has been filed within the time provided shall not prevent the introduction of a resolution and action thereon. In such an event, provided that the claimant has secured a member of the House of Representatives to sponsor a resolution on his/her behalf and the Board receives notice of such sponsorship, the Board shall forward a list of required supporting documents to the claimant and to such Representative, or to the office of legislative counsel, at the request of such Representative.

Cite as Ga. Comp. R. & Regs. R. 115-2-.06
Authority: O.C.G.A. Sec. 28-5-81.
History. Original Rule entitled "Filing of Notice of Possibility of Claim by Department or Agency" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: F. Feb. 15, 1991; eff. Mar. 7, 1991.
Amended: F. July 28, 2000; eff. August 17, 2000.

Rule 115-2-.07. Compliance With Time Limitations and Filing of Supporting Documents Required Prior to Consideration.

The Board is prohibited from considering any resolution for compensation unless a Notice of Claim or Notice of Possibility of Claim is filed within the time provided for in Code Section 28-5-80, unless the resolution is introduced and the information required by the Board is filed within the time limitations specified in Code Section 28-5-80.

Cite as Ga. Comp. R. & Regs. R. 115-2-.07
Authority: O.C.G.A. Sec. 28-5-84.
History. Original Rule entitled "Compliance With Time Limitations and Filing of Documents Required Prior to Consideration of Claim" was filed on March 24, 1983; effective April 13, 1983.

Rule 115-2-.08. Claimant's Responsibility for Drafting and Introduction of Compensation Resolution.

It shall be the responsibility of the claimant under this Chapter to contact a member of the House of Representatives and request that such Representative cause to be drafted and sponsor a resolution for compensation on behalf of the claimant. The Board may not make a recommendation on any claim under this Chapter unless a compensation resolution has been introduced in the House of Representatives on behalf of the claimant.

Cite as Ga. Comp. R. & Regs. R. 115-2-.08
Authority: O.C.G.A. Sec. 28-5-84.
History. Original Rule entitled "Claimant's Responsibility for Drafting and Introduction of Compensation

Resolution" was filed on March 24, 1983; effective April 13, 1983.

Rule 115-2-.09. Meetings.

(1) Upon receipt of a certified copy of the compensation resolution from the Clerk of the House of Representatives, and provided that all supporting documentation has been submitted, the resolution and claim shall be placed on the agenda for review at the next scheduled meeting of the Board.

(2) Notice of such meeting shall be sent to the members of the Board, the state Representative who is sponsoring the resolution, the representative of the department against which the claim has been made, the claimant (if the claimant has requested notification) and the attorney for the claimant (if the claimant is represented by counsel).

(3) Neither the claimant, the claimant's attorney, the state Representative who introduced the resolution on the claimant's behalf or the representative of the department against which the claim has been made shall be required to appear before the Board, but they shall be allowed to appear before the Board relative to the claim, if they so desire. Such appearance shall be deemed to be a hearing for purposes of O.C.G.A., Section 28-5-82, but shall not be governed by the provisions of the Georgia Administrative Procedure Act applicable to contested cases. Persons in the custody of the State can appear in person only at the discretion of the Board.

Cite as Ga. Comp. R. & Regs. R. 115-2-.09
Authority: O.C.G.A. Sec. 28-5-82.
History. Original Rule entitled "Meetings" was filed on March 24, 1983; effective April 13, 1983.
Amended: Filed September 12, 1983; effective October 2, 1983.

Rule 115-2-.10. Recommendation of Board.

(1) After investigation of the claim by the Board and consideration there of at a regularly scheduled meeting or hearing, the Board shall prepare a statement including its findings, its determination of the merits of the claim, its recommendation as to the payment thereof, and such other information as the Board deems advisable. Such statement shall be immediately transmitted to the chairman of the House Appropriations Committee, who shall present the same to the full committee.

(2) If the claimant is a state employee and the claim arises out of the performance of the claimant's duties, the Board, in its discretion, will recommend payment only for items that are shown by the claimant to be either required or deemed by the Board to be reasonably necessary for the performance of the claimant's duties and not used merely for convenience or esthetic value.

(3) The Board, in its discretion, will not recommend payment of any part of any claim which arises as a result of:

(a) The commission of an illegal act by the claimant; or

The violation by the claimant of an internal disciplinary rule or regulation promulgated by the department or agency against which the claim is filed, including, but not limited to:

1. rules relating to the prevention of violence or abuse or threats of violence or abuse against another person;

2. rules pertaining to safety, security and orderly operation;

3. rules relating to possession, manufacture or introduction of contraband;

4. rules relating to possession or acquisition of property by fraud or deception.

(4) The recommendations of the Board under this Chapter shall be advisory in nature only and shall not be binding on the House of Representatives, the Senate, or any committee of either.

(5) The Board shall make no recommendations after the fifteenth (15th) day of any regular session of the General Assembly.

(6) The Board shall make no recommendation regarding any claim which is the subject of pending litigation.

(7) The Board shall not approve any claim for, or on behalf of, any person who is or was at the time of the alleged loss an inmate in the custody of the Department of Corrections.

(8) The Representative introducing the resolution shall be notified of the action taken by the Board on the claim and the recommendation made by the Board to the Appropriations committee. In the event the Representative is dissatisfied with the recommendation of the Board and has not previously appeared at the hearing, he shall be entitled to have the Board set a hearing by so requesting of the chairman in writing.

Cite as Ga. Comp. R. & Regs. R. 115-2-.10
Authority: O.C.G.A. Secs. 28-5-81, 28-5-82, 28-5-83, 28-5-84, 28-5-85.
History. Original Rule entitled "Recommendation of Board" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: Filed July 30, 1984; effective August 19, 1984.
Amended: Filed August 22, 1986; effective September 11, 1986.
Amended: F. Sept. 14, 1989; eff. Oct. 4, 1989.
Amended: F. July 28, 2000; eff. August 17, 2000.

Rule 115-2-.11. Claims Paid or Payable by Insurance.

The Board shall make no recommendation for payment of any part of any claim under this Chapter which is paid or payable by insurance, nor shall the Board recommend payment on any compensation resolution introduced on behalf of the insurer of the aggrieved party.

Cite as Ga. Comp. R. & Regs. R. 115-2-.11
Authority: O.C.G.A Sec. 28-5-83.
History. Original Rule entitled "Claims Paid or Payable by Insurance" was filed on July 30, 1984; effective August 19, 1984.

Chapter 115-3. CLAIMS OF $5000.00 OR LESS.

Rule 115-3-.01. Board Authorized to Direct Payment by Department or Agency.

(1) When the total amount of a claim against the state is $5,000.00 or less, and the incident giving rise to such claim occurred on or subsequent to July 1, 2000, the Board shall be authorized to direct the state department or agency affected by the claim to pay the claimant such amount, not exceeding $5,000.00, as may be authorized by the Board pursuant to its statutory authority.

(2) The rules and regulations in this Chapter shall also apply to any claim against the state in the amount of $5,000.00 or less if the date of the occurrence giving rise to such claim was prior to July 1, 2000.

Cite as Ga. Comp. R. & Regs. R. 115-3-.01
Authority: O.C.G.A. Secs. 28-5-81, 28-5-85; H.B. No. 999, Act. No. 921.
History. Original Rule entitled "Board Authorized to Direct Payment by Department or Agency" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: Filed July 30, 1984; effective August 19, 1984.
Amended: F. July 28, 2000; eff. August 17, 2000.

Rule 115-3-.02. Notice of Claim of $5,000.00 or Less.

(1) If a citizen has a claim against the state subject to the provisions of this Chapter, such person may file such claim with the Board by filing a Notice of Claim on forms provided by the Board. No claim shall be considered by the Board unless such Notice of Claim has been filed. Each Notice of Claim shall include a sworn description of the incident signed by the claimant.

(2) No claim under this part shall be considered by the Board unless Notice of Claim has been filed with the Board within two years after the date of the event giving rise to the claim.

(3) A claimant who filed a Notice of Claim under the procedures applicable to such claim prior to July 1, 2000, and the amount of the claim is less than $5,000.00 but more than $500.00, the claimant shall have the option of seeking a compensation resolution from the General Assembly. All claims pending on the effective date of O.C.G.A. § 28-5-85, or thereafter if such claim is based on an occurrence which took place before July 1, 2000, for $500.00 or less, shall be settled exclusively through the Claims Advisory Board.

Cite as Ga. Comp. R. & Regs. R. 115-3-.02
Authority: O.C.G.A. Secs. 28-5-81, 28-5-85.
History. Original Rule entitled "Notice of Claim of $500.000 or Less" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: Filed July 30, 1984; effective August 19, 1984.
Amended: Rule retitled "Notice of Claim of $5,000.00 or Less." F. July 28, 2000; eff. August 17, 2000.

Rule 115-3-.03. Acknowledgment of Receipt of Notice of Claim.

The Board shall acknowledge receipt of the Notice of Claim to the claimant and shall send the claimant a list of required supporting documents.

Cite as Ga. Comp. R. & Regs. R. 115-3-.03
Authority: O.C.G.A., Sec. 28-5-85.
History. Original Rule entitled "Acknowledgment of Receipt of Notice of Claim" was filed on March 24, 1983, effective April 13, 1983.

Rule 115-3-.04. Supporting Documents Required.

The Board shall not take action on a claim made under this Chapter until all supporting documents requested by the Board have been received and filed with the Board. The following supporting documents, where applicable, shall be filed by the claimant or on his/her behalf:

(a) Copy of accident/incident report signed by investigating officers-State Patrol, County Police, City Police, Campus Police, Security Officer, etc., if applicable;

(b) claimant's affidavit concerning receipt of compensation from insurers or third parties on form provided by Board;

(c) if any insurance has been paid or is payable, a waiver of claim form executed by the insurer;

(d) receipted itemized repair bill, or two estimates of repair;

(e) physician's statement as to nature, cause and extent of injury or illness;

(f) sworn itemized list of all medical bills (physicians, hospital, drugs, etc.) with bills or copies of bills attached;

(g) sworn affidavit as to the value of property on which total loss is alleged;

(h) if property is a total loss and has been sold for salvage or will be sold for salvage, a sworn affidavit from dealer indicating the salvage value of the property or evidence showing the exact amount received for salvage;

(i) claimant's "Settlement Agreement, Covenant Not to Sue and Release", on form provided by Board:

(j) such other supporting evidence claimant may wish to provide, in affidavit form;

(k) such other supporting data or documentation as the Board may request in writing for proper evaluation of a particular claim.

Cite as Ga. Comp. R. & Regs. R. 115-3-.04
Authority: O.C.G.A. Sec. 28-5-85.
History. Original Rule entitled "Supporting Documents Required" was filed on March 24, 1983; effective April 13, 1983.
Amended: F. Mar. 4, 1998: eff. Mar. 24, 1998.

Rule 115-3-.05. Notification of Department or Agency.

(1) When a claim under this Chapter is filed with the Board, the Board shall notify the department or agency of the state government affected by such claim of the basis for such claim, and such notice shall include any information submitted by the claimant in support of such claim.

(2) Within 45 days after receiving such notification, it shall be the duty of such state department or agency to submit a report to the Board on forms provided by the Board, setting forth the findings of such state department or agency relative to such claim. Said report may make a recommendation to the Board relative to the payment of such claim, but such recommendation shall not be binding upon the Board.

Cite as Ga. Comp. R. & Regs. R. 115-3-.05
Authority: O.C.G.A. Secs. 28-5-81, 28-5-85.
History. Original Rule entitled "Notification of Department or Agency" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: F. July 28, 2000; eff. August 17, 2000.

Rule 115-3-.06. Meetings.

(1) The Board shall meet as often as necessary to adequately perform its functions under this Chapter, and no less than four times per calendar year.

(2) Claimants shall be given reasonable notice of the time and place of the meeting at which his/her claim is to be considered.

(3) The department or agency against which the claim is directed shall be given reasonable notice of the time and place of the meeting at which the claim is to be considered.

(4) No claim shall be placed on the agenda for review by the Board unless all supporting documents requested by the Board have been on file for at least 14 days prior to the scheduled meeting date. The Board Chairman shall have the authority to waive this requirement for good cause shown by the claimant.

(5) Proceedings before the Board shall be informal in nature, and shall not be subject to the provisions of the Georgia Administrative Procedure Act governing contested cases. Neither the claimant (with or without counsel) nor the agency representative shall be required to appear at the Board meeting, but may request in writing to be placed on the agenda for 15 minutes each, absent a showing that further time is necessary for proper presentation of the facts surrounding the claim which determination shall be made by the chairman. Persons in the custody of the State can appear in person only at the discretion of the Board.

Cite as Ga. Comp. R. & Regs. R. 115-3-.06
Authority: O.C.G.A. Sec. 28-5-85.
History. Original Rule entitled "Meetings" was filed on March 24, 1983; effective April 13, 1983.
Amended: Filed September 12, 1883; effective October 2, 1983.

Rule 115-3-.07. Decision of Board.

(1) After reviewing and considering all information submitted by a claimant in support of the claim against the state and the report of the state department or agency affected by such claim, the Board shall make a determination either to pay or reject such claim against the state.

(2) If the claimant is a state employee and the claim arises out of the performance of the claimant's duties, the Board, in its discretion, will authorize payment only for items that are shown by the claimant to be either required or deemed by the Board to be reasonably necessary for the performance of claimant's duties and not used merely for convenience or esthetic value.

(3) The Board, in its discretion, will not authorize payment of any part of any claim which arises as a result of:

(a) the commission of an illegal act by the claimant; or

(b) the violation by the claimant of an internal disciplinary rule or regulation promulgated by the department or agency against which the claim is filed, including, but not limited to:

1. rules pertaining to the prevention of violence or abuse or threats of violence or abuse against another person;

2. rules pertaining to safety, security and orderly operation;

3. rules relating to possession, manufacture or introduction of contraband;

4. rules relating to possession or acquisition of property by fraud or deception.

(4) The Board shall make no recommendation regarding any claim which is the subject of pending litigation.

(5) The Board shall not be bound by the total amount claimed against the state and may authorize the payment of a lesser amount.

(6) The Board shall not approve any claim for, or on behalf of, any person who is or was at the time of the alleged loss an inmate in the custody of the Department of Corrections.

(7) If the Board determines that the claim against the state is justified and that the amount of such claim, or a portion thereof, should be paid, it shall issue its order to the chief executive or administrative officer of the state department or agency affected by such claim ordering such officer, within 30 days after receipt of such order, to pay the claimant the amount specified by the Claims Advisory Board in its order contingent upon the claimant's execution of the appropriate "Settlement Agreement, Covenent Not to Sue and Release" form. A copy of such order shall be mailed to the claimant.

(8) If the Claims Advisory Board determines that the claim against the state should be rejected, it shall notify the claimant of such rejection, and such notice shall explain the reasons for such rejection. A copy of such notice to the claimant shall be sent to the state department or agency affected by the claim.

(9) The decision of the Claims Advisory Board shall be final.

Cite as Ga. Comp. R. & Regs. R. 115-3-.07
Authority: O.C.G.A. Secs. 28-5-81, 28-5-85.
History. Original Rule entitled "Decision of Board" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: Filed July 30, 1984; effective August 19, 1984.
Amended: Filed August 22, 1986; effective September 11, 1986.
Amended: F. Sept. 14, 1989; eff. Oct. 4, 1989.
Amended: F. July 28, 2000; eff. August 17, 2000.

Rule 115-3-.08. Claims Paid or Payable by Insurance.

The Board shall not authorize or direct the payment of any part of any claim under this Chapter which is paid or payable by insurance, nor shall the Board authorize or direct payment to any insurer of the aggrieved party.

Cite as Ga. Comp. R. & Regs. R. 115-3-.08
Authority: O.C.G.A Sec. 28-5-85.
History. Original Rule entitled "Claims Paid or Payable by Insurance" was filed on March 24, 1983; effective April 13, 1983.

Rule 115-3-.09. Payment of Claim in Full and Complete Settlement.

Any payment made to a claimant under this Chapter shall be in full and complete settlement of any claim against the state arising from said occurrence, and each claimant, as a condition precedent to receiving payment, shall execute a "Settlement Agreement, Covenant Not to Sue and Release" form provided by the Board.

Cite as Ga. Comp. R. & Regs. R. 115-3-.09
Authority: O.C.G.A Sec. 28-5-85.
History. Original Rule entitled "Payment of Claim in Full and Complete Settlement" was filed on March 24, 1983; effective April 13, 1983.

Chapter 115-4. COMPENSATION OF PERSONS FOR INJURIES SUSTAINED WHILE PREVENTING CRIME OR AIDING OFFICER OF THE LAW.

Rule 115-4-.01. Consideration of Claims by Board.

(1) The Board shall have authority to consider and make recommendations to the General Assembly concerning payment of Compensation to innocent persons who sustain injury or property damage, or both, and to dependent heirs of innocent persons killed in attempting to prevent the commission of crime against the person of another or in aiding or attempting to aid officers of the law upon their request.

(2) In its discretion, the Board may appoint a special master to take testimony in connection with such claim, supervise or conduct necessary investigations, and report to the Board; but ultimate recommendation on any claim shall be made only by the Board.

Cite as Ga. Comp. R. & Regs. R. 115-4-.01
Authority: O.C.G.A., Sec. 28-5-100.
History. Original Rule entitled "Consideration of Claims by Board" was filed on March 24, 1983; effective April 15, 1983.

Rule 115-4-.02. Processing of Claims; Notice of Claim; Supporting Documentation.

(1) Claims under this Chapter shall, where applicable, be processed by the Board in the same manner as other claims subject to compensation by resolution, except as outlined herein.

(2) A Notice of Claim under this Chapter shall be filed within 18 months after the date of the personal injury or death for which compensation is authorized under this Chapter.

(3) The incident or offense for which compensation is sought under this Chapter must have been reported to an officer of the law within five (5) days of its occurrence, or if the incident or offense could not reasonably have been reported within such period, within five (5) days of the time when a report could reasonably have been made.

(4) Any such claimant under this Chapter shall, prior to introduction of a resolution for compensation, submit in addition to any other documents required by the Board, reports from all physicians and surgeons who have treated or examined the victim and from hospitals that have admitted the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. If, in the opinion of the Board, reports on the previous medical history of the victim, examination of the injured victim and a report thereon, or report on the cause of death of the victim by an impartial medical expert would be of material aid in making its recommendation, the Board shall call for the claimant to produce such reports and submit to such examination.

Cite as Ga. Comp. R. & Regs. R. 115-4-.02
Authority: O.C.G.A., Sec. 28-5-102.
History. Original Rule entitled "Processing of Claims; Notice of Claim; Supporting Documentation" was, filed on March 24, 1983; effective April 13, 1983.

Rule 115-4-.03. Recommendation of Board.

(1) In making its recommendation relative to the claims reviewed under this Chapter, the Board shall take into consideration, insofar as practicable, the rates and amounts of compensation payable for injuries or property damage and death under other laws of this state and of the United States.

(2) The Board may recommend to the General Assembly payment of compensation:

(a) To or for the benefit of the injured person;

(b) in the case of personal injury of the victim, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of such injury;

(c) in the case of death of the victim, to or for the benefit of any one or more of the heirs at law of the victim, who at the time of the victim's demise were dependent upon him for over half of their support; or

(d) to or for the benefit of the owner of the damaged property.

(3) In making its recommendation to the General Assembly, the Board shall:

(a) Consider a person to have intended an act, notwithstanding that by reason of age, insanity, drunkenness, or otherwise, he was legally incapable of forming a criminal intent;

(b) consider all circumstances surrounding the claim, including, but not limited to, provocation, consent, or any other behavior of the victim which directly or indirectly contributed to his injury or death; the prior case or social history, if any, of the victim or claimant; any need for financial aid present; and any other relevant matters;

(c) take into consideration any amounts received or receivable from any other source or sources by the victim or his dependents as a result of the incident or offense giving rise to the claim.

(4) Claims and recommendations may be made under this Chapter regardless of whether or not any person is prosecuted or convicted of any offense arising out of such act.

(5) In no event shall the Board recommend that compensation under this Chapter be awarded to:

(a) Any victim of a criminal act not provided for in Code Section 28-5-100;

(b) Any one who:

1. is a spouse, parent, grandparent, child (natural or adopted), grandchild, brother, sister, half brother, half sister, or parent of the spouse of the offender;

2. was, at the time of the personal injury or death of the victim, living with the offender as a member of his family or household or maintaining a sexual relationship, whether illicit or not, with such person or with any member of the family of such person;

3. violated a penal law of this state which violation caused or contributed to his injuries or death; or

4. was injured as a result of the operation of a motor vehicle, boat, or airplane, unless the same was used as a weapon in a deliberate attempt to run the victim down; or

5. any officer of the law injured in the performance of his official duties; or

6. any person who is or was at the time of the alleged loss an inmate in the custody of the Department of Corrections.

(6) The Board shall make no recommendation regarding any claim which is the subject of pending litigation.

(7) No compensation shall be recommended by the Board pursuant to this Chapter in an amount exceeding $5,000.00 per claim.

(8) The Board shall, in an advisory way only, recommend to the General Assembly payment of compensation under this Chapter and the amount thereof for the following:

(a) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim; and

(b) loss of earning power as a result of total or partial incapacity of such victim.

(9) No resolution for the payment of compensation under this Chapter shall be adopted unless notice of claim has been filed in accordance with these Rules, the claim is otherwise presented in accorance with law, and the personal injury or death was the result of an incident or offense for which compensation is authorized by this Chapter.

Cite as Ga. Comp. R. & Regs. R. 115-4-.03
Authority: O.C.G.A. Secs. 28-5-81, 28-5-102 to 28-5-106.
History. Original Rule entitled "Recommendation of Board" adopted. Filed March 24, 1983; effective April 13, 1983.
Amended: Filed August 22, 1986; effective September 11, 1986.
Amended: F. July 28, 2000; eff. August 17, 2000.

Rule 115-4-.04. Report to General Assembly.

The Board shall prepare and transmit to the General Assembly, along with its recommendation on each claim under this Chapter, a report of its activities in connection therewith, including the name of the claimant, a brief description of the facts surrounding the claim, the amount of compensation recommended, and the Board's reasons therefor.

Cite as Ga. Comp. R. & Regs. R. 115-4-.04
Authority: O.C.G.A., Sec. 28-5-107.
History. Original Rule entitled "Report to General Assembly" was filed on March 24, 1983; effective April 13,

1983.

Chapter 115-5. STATEMENT ATTACHED TO CHECKS ISSUED FOR PAYMENT OF CLAIMS.

Rule 115-5-.01. Statement Attached to All Checks Issued in Payment of Claims.

The check issued to any person, firm, association, or corporation as payment for any claim pursuant to these rules shall have attached thereto the following statement:

"It shall be unlawful for any member of the Claims Advisory Board, any member of the General Assembly, or any state official or employee to receive any fee, money, gift, or any other thing of value, other than the regular compensation and allowance he receives from state funds, in connection with any claim presented to the Claims Advisory Board."

Cite as Ga. Comp. R. & Regs. R. 115-5-.01
Authority: O. C. G. A., Sec. 28-5-63.
History. Original Rule entitled "Statement Attached to All Checks Issued in Payment of Claims" was filed on March 24, 1983; effective April 13, 1983.