

From: [Communications, VCF \(CIV\)](#)
To: [Communications, VCF \(CIV\)](#)
Subject: VCF Policy Updates – Work-life Age, Annual Gross Income, and Residual Earnings
Date: Wednesday, May 1, 2024 10:30:21 AM
Attachments: [image001.png](#)

This email is sent from an unattended mailbox.

Good morning,

The VCF has updated certain components of Policies and Procedures Section 2.3, which details the methodology used to calculate lost earnings. These updates are summarized below and are effective today, **May 1, 2024**.

1. **Work-life Age:** The maximum age for awarding lost earnings has been increased from 65 to 70 years old. Previously, the VCF did not award lost earnings if the victim was 65 years or older at the time of disability or death. The VCF has raised the age to 70 years, except in cases where the victim's only eligible disability determination is a pension reclassification, where we will continue to use age 65 as the maximum. The VCF will continue to use the Markov Model to determine the victim's expected remaining years of workforce participation based on the start of loss, as explained in our Policies and Procedures, [Section 2.3](#).
2. **Statutory Limitation on Annual Gross Income:** The annual gross income cap has been increased to \$255,610, to account for inflation. As explained in our Policies and Procedures, [Section 2.3](#), the VCF Act limits the annual loss of earnings and other benefits that are considered gross income for each year of loss. The previous limit, established by Congress as part of the 2015 VCF Reauthorization, was \$200,000 per year.
3. **Residual Earnings Amount:** The standard amount used to calculate future residual earnings capacity has been increased to the current minimum wage applicable to large employers in New York City, which equates to \$33,280 annually.

When in the claims process do these updated policies apply? These updates apply to all pending claims, which means all claims (initial or on amendment) for which we have not yet decided the award. Any claims that have not reached "Determination Made: Processing" status as of today's date will be calculated under the updated policies.

Will my client be permitted to amend their claim to request reconsideration of their previous award under the new policies? No. The VCF reviews claims based on the policy at the time of review, and will not allow amendments based solely on an update.

Can my client appeal awards decided under the updated policies? These updates do not

change the appeals process or the current criteria to appeal an award. If a claimant appeals an award decided under the updated policies, we will review the request and decide whether it is valid, as explained in our Policies and Procedures, [Section 4](#). However, the gross income cap is a statutory requirement and will not be changed on appeal.

If you have any question or concerns regarding these changes, please contact our law firm liaisons.

Please do not reply to this email. This email was sent from a mailbox that is not monitored.



VCF Helpline: 1-855-885-1555

Website: www.vcf.gov

Information for Law Firms: www.vcf.gov/lawfirms

Follow the VCF on [Twitter](#) @Sept11VCF