

Vehicle Damage Reimbursement, Third Party Liability Coverage and Reporting Responsibilities

Management Directive, 17-02 (REV) | Revision Date: 05/10/2021

Overview

This Management Directive applies to any employee designated as a mileage permittee who receives mileage reimbursement, including one who is designated as an occasional driver.

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Version Summary

This management directive was updated from the 06/01/2018 version. Additional steps have been added for the Employee and Supervisor when an employee/driver has been in an auto accident involving clients. The title has been changed from: Vehicle Damage reimbursement and Third-Party Liability Coverage to: Vehicle Damage Reimbursement, Third-Party Liability Coverage and Reporting Responsibilities.

POLICY

Policy

The County assumes the following costs which result from mileage permittees' use of their vehicle:

Damage Reimbursement for Permittee Vehicle

The County will reimburse mileage permittees for the cost of repair to their vehicle, and other incidental expenses, when their vehicle is damaged while driving on County business. The vehicle must be owned or leased by the permittee; otherwise, the damage will not be reimbursable.

Third Party Liability Costs

The County will pay damages for personal injury, or property loss incurred by a third party in accidents involving DCFS mileage permittees while driving on County business, providing such liability does not result from fraud, corruption, or actual malice on the part of the permittee. The County does not maintain commercial auto liability insurance – these costs are paid from each department's operating budget. [Back to Policy](#)

Permittee's Private Auto Liability Insurance

A permittee who is involved in an accident while driving on County business, does not have to submit a claim to his/her private insurance company in order to receive reimbursement for damage to his/her vehicle. However, the employee is responsible for complying with any and all duties, including accident reporting requirements by the State of California Department of Motor Vehicle, which are required under his/her private auto insurance policy. [Back to Policy](#)

Damage Reimbursement Component

Whenever a mileage permittee's vehicle is damaged while driving on County business, the County will reimburse the permittee for the reasonable cost to repair the vehicle. The county will reimburse permittees for damage resulting from an accident (regardless of fault). Other types of covered damages include, but are not limited to, a broken window, slashed tires, or for expenses needed to clean or repair a vehicle resulting from the required transportation of other persons relevant to County business, (i.e. transporting DCFS children/youth, and the child/youth causes damage to the vehicle). If

the permittee's vehicle is stolen while on County business, the County will reimburse the permittee for the fair market value of the vehicle.

- This Vehicle Damage Reimbursement does not cover damage to or loss of personal property inside the vehicle.

Permittees are eligible for this reimbursement while driving on County business or parked while on County business, but are not eligible while commuting to and from home to work. All persons receiving mileage reimbursement, including those designated as occasional drivers are eligible for damage reimbursement. However, unlike regular permittees, occasional drivers are not eligible for damage which occurs while parked at the permittee's headquarters' parking lot.

The County will reimburse a permittee for the actual cost of a rental car, not to exceed \$40.00 per day, up to a maximum of thirty (30) days for each day the employee is without his/her vehicle that was damaged and is covered by this program, and actual towing charges to move an inoperable vehicle, limited to 50 miles in towing. Also, the County will reimburse vehicle storage costs, not to exceed \$10.00 per day, for reasonable storage needs.

To obtain reimbursement for damage to his/her vehicle, a permittee must fill out and submit the, Claim for Damage to Personal Vehicle, within 10 business days from the date of the damage, along with two estimates of repair costs, and, a copy of permittee's mileage certification. Instructions for completing the forms are included. If the damage was the result of an accident, the employee must also complete the County of Los Angeles Vehicle Accident and Incident Report within 3 (three) business days from the date of the accident.

- Permittees may not claim or receive reimbursement from the County and also from his/her private auto liability policy, nor from any other source, including any third party who caused the accident, or that party's insurance company.

When requesting reimbursement by filling out **the Claim for Damage to Personal Vehicle**, a mileage permittee acknowledges that they are obligated to reimburse the County one hundred percent of any other payments received from another source for the same damages. If the reimbursement from another source is greater than the County reimbursement amount, the permittee must reimburse only the County reimbursement amount.

- A Permittee who attempts to obtain county reimbursement as well as reimbursement from another source may result in disciplinary action, up to and including discharge.

The Office of Health and Safety Management (OHSM) will conduct a random sampling of approved vehicle damage reimbursement claims to ensure that double dipping is not taking place. In some instances, in order to fully evaluate a claim, the employee's private insurance carrier will be contacted. If it is reported that double dipping has occurred or suspected, a referral will be made to the Auditor Controller's Office of County Investigations.

An eligible employee may not be entitled to reimbursement from the County under the following circumstances:

- If he/she does not properly file the Claim for Damage to Personal Vehicle, within 10 business days from the date of the damage and submit the additional required documents within thirty (30) business days from the date of the damage with his or her Regional Administrator/Office Head/Division Chief;
- When the amount of damage is \$5.00 or less;
- When damage occurs while the employee is commuting to and from work, or during the employee's lunch hour;
- While the employee is off-duty; or
- If the purpose of the trip is to undergo medical examination or treatment, to participate in a civil service examination, or to pursue employee relations matters on the employee's behalf.

An eligible employee who, in conjunction with a claim filed under this directive, performs any of the following acts shall be in violation of this directive:

- States as a fact, that which is not true if the employee/driver knew or should have known based upon supporting documentation, it was untrue;
- States as a fact, that which is not true if the employee has no reasonable ground to believe it is true; or
- Conceals any facts that he/she knows or believes to be material in conjunction with any claim he/she files.

Any employee suspected of violating the directive shall be referred for investigation. Any employee in violation of the directive shall be referred for disciplinary action.

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Third Party Liability Costs

If a mileage permittee is involved in an accident where there is personal injury or damage to property (other than the permittee's own vehicle), the County will assume the resulting liability costs, with the exception of liability resulting from permittee fraud, corruption, or actual malice, or for certain other exceptions required by County Code Section 5.32.

The County contracts with a private firm, Carl Warren and Company (Carl Warren), to handle auto and other liability claims filed against the County. To ensure Carl Warren has the necessary information, all persons who drive on County business must be given the following documents when they are first certified to drive on County business. In addition, pursuant to the provisions of the Fringe Benefits MOUs, all current mileage permittees must also be given these documents on an annual basis, even if they have been given such documents previously. Current permittees are to be given these forms as soon as possible to comply with these MOU provisions:

- County Third-Party Auto-Liability Protection: Information and Instructions for Permittee Drivers, [Attachment B](#):

A one-page instruction sheet that should be kept in the permittee's vehicle. This sheet describes the County's third-party auto liability coverage and provides instructions for the permittee to follow in the event of an accident.

- Los Angeles County Evidence of Financial Responsibility, [Attachment C](#): Must be kept in the permittee's vehicle. This document, rather than the permittee's notice of insurance issued by their private insurance, is to be shown to other parties in case of an accident. In addition, if the permittee's private insurance company requires proof that the County has assumed liability for the permittee while driving on County business, this document can be used as the needed documentation.
- Certification of Receipt of Mileage Reimbursement Program Information, [Attachment D](#): A form that departments use to document that the permittee has received information concerning the County's Mileage Reimbursement Program, and the permittee's responsibilities in the event of a loss or accident. This form should be kept in the permittee's personnel file.
- County of Los Angeles Report of Vehicle Collision of Incident, [Attachment E](#): The vehicle accident report form. This form must be completed within 3 business days after an accident and submitted to the permittee's supervisor.

Annually, the Regional Administrator/Office Head/Division Chief will notify each mileage permittee that the County will provide third party liability protection to such employees who use their personal vehicle to conduct County business. Regional Administrator/Office Head/Division Chief are responsible for providing the aforementioned forms as soon as possible to the employees assigned and or re-assigned to his or her office.

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Providing Proof of Personal Auto Liability Insurance and Driver's License Information

The Auditor-Controller's fiscal manual has been revised to no longer require departments to have a mileage permittee provide proof of automobile insurance on an annual or other routine basis. However, should the permittee's vehicle be involved in an accident or file a claim for reimbursement for damage for the permittee's vehicle, the permittee must provide the County with the name of the permittee's private insurance company and policy information.

When requesting reimbursement by filling out [the Claim for Damage to Personal Vehicle](#), a mileage permittee acknowledges that they are obligated to reimburse the County one hundred percent of any other payments received from another source for the same damages. If the reimbursement from another source is greater than the County reimbursement amount, the permittee must reimburse only the County reimbursement amount.

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PROCEDURE

An Employee/Driver is Involved in an Auto Accident

Employee Responsibilities

1. Exchange insurance information with the other party or parties showing the [County of Los Angeles: Evidence of Financial Responsibility](#) form that has been provided to you by the County. Do not admit fault or liability, nor discuss the circumstances of the accident with anyone other than an investigating officer.
2. If the permittee is transporting a DCFS client (parent/guardian/child/non-minor dependents), and is in a vehicle accident, the employee shall immediately report the accident to their supervisor/manager and contact the necessary Law Enforcement agency and document those efforts. Police Report is required if accident/incident involved hit and run, theft, vandalism, injury, death.
3. The employee shall also seek medical attention for DCFS clients, especially minor child(ren), regardless of whether or not there is apparent/visible injury. The accident, follow up appointments and efforts of seeking medical attention must be documented in CWS/CMS within 72 hours of the vehicle accident.
4. Employee is to consult with management as to who the designated staff member assigned to the office is, to properly discard and replace the child car seat once they have been involved in an accident in order to ensure a continued high level of crash protection for child passengers.
5. Within 24 hours of the accident, and only if your accident involved a third party, contact Carl Warren and Company, the County's claim administrator, at (818) 247-2206 to inform them of the incident. In addition, have your supervisor contact Carl Warren and Company to verify that you are an eligible permittee driving in the course and scope of your County employment, only if your accident involved a third party.
6. Within 3 business days of the accident, fill out the [County of Los Angeles Report of Vehicle Collision or Incident](#) and submit the completed form to your supervisor.
7. Within 10 days, all permittee drivers involved in a vehicle accident are responsible for completing and filing the [State SR-1](#) <https://www.dmv.ca.gov/portal/file/report-of-traffic-accident-occurring-in-california-sr-1-pdf/> form for any accident involving damages of \$750.00 or over, and/or any injury to any party involved. Failure to file this form could affect the permittee's driver's license or registration renewal. Neither the County nor Carl Warren and Company can file the form on behalf of the permittee.

- If the employee is not able to conduct the mentioned tasks as stated above, the supervisor is to take on the responsibilities as noted under Step #2 in the Supervisor's Responsibilities section below.

Supervisor Responsibilities

1. Contact Carl Warren and Company to verify that the employee is an eligible permittee driving in the course and scope of County employment, only if the accident involved a third party.
2. Assist in contacting appropriate parties (i.e. client's parents/caregivers, follow up with client's medical providers, and Law Enforcements), inputting contacts, ensuring that the car seats are discarded and replaced appropriately. In addition, assist with completing [DCFS 1688-1](#), DCFS Worker and Report to the Juvenile Court of Death, Injury or Illness to notify Children's Court and attorneys of any injuries if applicable and if the employee is unable to complete the tasks.
3. Review the County of Los Angeles Report of Vehicle Collision or Incident form, and supporting documentation for completeness and accuracy. If not complete or accurate, return to employee for corrective action.
4. Inspect the employee's vehicle within the next business day or as soon as possible and complete the [DCFS Vehicle Accident/Incident Preliminary Checklist](#) form. If the vehicle is reported inoperable, view the photos submitted by the employee and complete the DCFS Vehicle Accident/Incident Preliminary Checklist form.
5. Forward the complete County of Los Angeles Report of Vehicle Collision or Incident form with the supporting documents and photos, and the DCFS Vehicle Accident/Incident Preliminary Checklist form to the Regional Administrator/Office Head/Division Chief.

Regional Administrator/Office Head/Division Chief Responsibilities

1. Review and forward the duly signed electronic copy of County of Los Angeles Report of Vehicle Collision or Incident with photos and the DCFS Vehicle Accident/Incident Preliminary Checklist forms to the [OHSM In-Box](#) at healt@dcfs.lacounty.gov within 30 business days.
2. Provide the employee copies of the duly signed County of Los Angeles Report of Vehicle Collision or Incident and the DCFS Vehicle Accident/Incident Preliminary Checklist forms. The employee is required to submit copies of these forms if he or she files a Claim for Damage to Personal Vehicle.

3. File a copy of the County of Los Angeles Report of Vehicle Collision or Incident with photos and the DCFS Vehicle Accident/Incident Preliminary Checklist forms in the employee's personnel file.

Office of Health and Safety Management (OHSM) Responsibilities

1. The OHSM shall receive completed County of Los Angeles Report of Vehicle Collision or Incident with photos and the DCFS Vehicle Accident/Incident Preliminary Checklist forms, maintain a copy for recordkeeping purposes, and forward the originals to County's Claims Administrator for processing. If the County driver is injured, the OHSM shall also attach a copy of the County of Los Angeles Report of Vehicle Collision or Incident form to the Employer's Report of Occupation Injury or Illness form and forward to the contracted Third Party Administrator for Workers' Compensation purposes.

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Filing for a Vehicle Damage Claim

Employee Responsibilities

1. To obtain reimbursement for damage to his or her vehicle, a mileage permittee must fill out and submit the [Claim for Damage to Personal Vehicle](#), to the Regional Administrator/Office Head/Division Chief or the designated Supervisor within ten (10) business days from the date of the damage as required by the County Code. The mileage permittee must attach two (2) estimates from licensed auto repair facilities with the details and cost to repair the vehicle. Copies of the signed [County of Los Angeles Report of Vehicle Collision or Incident](#), the [DCFS Vehicle Accident/Incident Preliminary Checklist](#) forms and the Field Itinerary (if applicable) must be attached to the claim form.

In addition to the forms required by the County Code, the mileage permittee must also submit the following to the Regional Administrator/Office Head/Division Chief within thirty (30) business days from the date of the damage:

- Copy of approved E-Caps Timesheet (REQUIRED);
- Copy Vehicle Registration (REQUIRED);
- Copy of driver's license (REQUIRED);
- Proof of insurance (REQUIRED);
- Colored photos of the vehicle's front and back with license plate, driver and passenger sides and the damage (REQUIRED); and
- Police Report (REQUIRED if accident/incident involved hit and run, theft, vandalism, injury, death).

The mileage permittee may check with the [State of California Department of Consumer Affairs, Bureau of Automotive Repair](#) whether an auto repair facility is licensed.

If the cost to repair the damage exceeds the fair market value of the vehicle, reimbursement will be made at Kelley Blue Book fair market value minus the salvage value of the car. In this case, the mileage permittee will be requested to submit another estimate, which indicates the vehicle's salvage value, year and make of the vehicle, odometer and Vehicle Identification Number.

If the vehicle is inoperable and towed to a licensed repair facility, the claimant may submit an appraisal of damages from his/her insurance company in lieu of a second estimate.

If the mileage permittee filed a claim with his/her personal insurance carrier, the County will reimburse the insurance deductible only. Employees must provide verification that the deductible was applied.

Rental Expense Reimbursement

Employee must provide sufficient documentation (bill, invoice, receipts, etc.) for the costs of rental car coverage. Rental reimbursement is not to exceed \$40.00 per day and will cover each day the employee is without his or her vehicle but not to exceed thirty (30) consecutive days. Additional documentation may be required for clarification.

Towing Expense Reimbursement

Employee must provide sufficient documentation (bill, invoice, receipts, etc.) for towing cost if needed. Reimbursement for towing charges claim is not to exceed 50 miles in towing. Additional documentation may be required for clarification.

Storage Expense Reimbursement

Employee must provide sufficient documentation (bill, invoice, receipts, etc.) for storage cost if needed. Reimbursement for storage cost claims is not to exceed \$10.00 per day and is not to exceed thirty (30) consecutive days. Additional documentation may be required for clarification.

Failure to properly file the claim with the required forms and submit the documents in the proper time will result in the denial of the claim.

If the Director of the Department of Children and Family Services or his/her designee finds that the mileage permittee is not entitled to reimbursement, he/she shall notify the mileage permittee in writing. In accordance with Section 5.85.080 of Chapter 5.85 of the

County Code, the denial of the claim by the Department Head or his/her designee shall be final and not subject to review.

If during repairs supplemental damages are discovered, the County will reimburse based on the supplemental damage estimate. Reimbursement for supplemental damage is available only if the repairs are completed at the repair facility that provided the original estimate for which a permittee is compensated.

If a mileage permittee is entitled to reimbursement under section 5.85.060 of County Code Chapter 5.85, the amount of the reimbursement shall be calculated by subtracting \$5.00 and the amount that he/she has received from insurance or any other sources other than the County from the lower of two estimates of the cost to repair from licensed auto repair business, provided said lower estimate does not exceed the current fair market value of such vehicle. If the lower estimate of the cost of repairs exceeds the current fair market value of the vehicle, the amount of the reimbursement shall be calculated by subtracting \$5.00 and the salvage value of the vehicle from the current fair market value.”

Supervisor Responsibilities

Determine whether the incident occurred in the course and scope of employment by reviewing the information including but not limited to the date, time, location and the purpose of the trip on the DCFS 632B, **Field Itinerary** form **and reconcile with other** documents submitted by the employee. Recommend whether to accept or reject the claim. Complete Section B of the Claim for Damage to Personal Vehicle and submit it with attachments to the Regional Administrator/Office Head/Division Chief no later than the next business day of receipt from employee.

Regional Administrator/Office Head/Division Chief Responsibilities

Confer with the supervisor to ensure accuracy of the claim information and complete Section C of the Claim for Damage to Personal Vehicle. Forward the claim with the supporting forms and documents to the **OHSM In-Box** at: healt@dcfs.lacounty.gov. The Regional Administrator/Office Head/Division Chief shall ensure that the claim packet is forwarded to OHSM no later than five (5) business days from the date the claim and required documents are received. The Regional Administrator/Office Head/Division Chief shall ensure that the original claim and the documents are filed in the employee's office personnel folder and must not be returned to the employee, or designate the employee to submit his or her own claim on behalf of the Regional Administrator/Office Head/Division Chief.

Office of Health and Safety Management (OHSM) Responsibilities

Verify the information submitted with the claim and investigate as deemed appropriate.

1. If the employee was involved in an accident and filed a Claim for Vehicle Damage Reimbursement, check whether the employee submitted a complete County of Los Angeles Report of Collision or Incident form within three (3) days from the date of the accident. Untimely reporting for vehicle damage reimbursement shall result in denial of a permittee's claim.
2. Check whether the employee has been certified as a Mileage Permittee covering the time of the incident.
3. Check whether the permittee has provided proof of ownership for the damaged vehicle.
 - The permittee must be using his/her privately owned vehicle to be compensated for any damages that occur to the vehicle while in the course and scope of County business.
 - Vehicles include the following: automobiles, pick-up trucks, or vans. Excluded from consideration are motorcycles, recreational vehicles, off-road vehicles and marine vehicles.
4. Check whether the permittee provided a copy of the current vehicle registration and proof of vehicle liability insurance.
5. Check whether the permittee was working on the day of the incident and whether the permittee was utilizing his/her personal vehicle while on County business (includes parked at field location or headquarters).
 - In order to benefit from the Program, the permittee must be on duty and driving in the course and scope of County business.
 - Excluded are trips to undergo a medical examination or treatment, to participate in a Civil Service examination, or to pursue employee relations matters on the employee's behalf.
6. Check whether the permittee's vehicle was damaged in his/her assigned headquarters. Verify the employee's status as a mileage permittee.
 - The Program will pay for damages sustained in the permittee's headquarters parking location. This does not apply to occasional drivers. If the permittee is parked at another location and the vehicle is damaged during this time, the permittee must be in course and scope of County business.
7. Check whether the permittee has a current driver's license.
 - If the permittee does not have a current driver's license, report the discovery to the supervisor so that action can be taken to re-evaluate the employee's mileage permittee status.

8. Check whether the Claim for Damage to Personal Vehicle report is completed.
 - Untimely claims shall be denied for reimbursement.
9. Check whether two separate itemized estimates were completed by a licensed repair facility. Evaluate whether the estimates are similar in itemization of work to be repaired. If there is a significant difference, clarification may be requested to explain the disparity in costs. Request for a salvage value estimate, if the expenses exceed the fair market value of the vehicle.
 - a. If the lower estimate of the cost of repairs exceeds the current fair market value of the vehicle, request the employee to provide a salvage value of the car.
 - To determine whether an auto repair facility is licensed, contact the [State of California Department of Consumer Affairs, Bureau of Automotive Repair](#).
 - If during repairs supplemental damages are discovered, the County will reimburse based on the supplemental damage estimate. Coverage for supplemental damage is available only if the repairs are completed at the repair facility that provided the original estimate for which a permittee is compensated.
10. Check whether rental, towing and/or storage fees have been verified with sufficient documentation (invoices, receipts, etc.).
11. Check whether photos of the damaged vehicle were provided by the permittee.
12. Photos should validate the permittee's claim for the specified damages. Check to reconcile the damage seen in the photo against the documentation provided by the permittee to ensure that the estimated cost is validated by all the evidence provided including photos.
13. Check whether a copy of the police report was attached to the claim. There may be occasions when a report was not filed. If a report is on file, review the information and reconcile with the other documentation including the County of Los Angeles Report of Vehicle Collision or Incident form to ensure both are consistent with the permittee's claim.
 - Police reports are customarily filed when there is an injury to any party, or when the damage is caused by hit and run or vandalism.
14. Recommend approval or denial of the claim.
 - a. If denied, return the claim with a written explanation of the denial. If the Director of the Department of Children and Family Services or his/her designee finds that the mileage permittee is not entitled to reimbursement, he/she shall notify the mileage permittee in writing. Pursuant to Section 5.85.080 of Chapter 5.85 of the County Code, the denial of the claim by the Department Head or his/her designee shall be final and not subject to review.

- b. If approved, calculate reimbursement pursuant to section 5.85.060 of Chapter 5.85 of the County Code which states:

“When an Eligible Employee is entitled to reimbursement under this chapter, the amount of the reimbursement shall be calculated by subtracting \$5.00 and the amount that he/she has received from insurance or any other sources other than the County from the lower of two estimates of the cost to repair from licensed auto repair business, provided said lower estimate does not exceed the current fair market value of such vehicle. If the lower estimate of the cost of repairs exceeds the current fair market value of the vehicle, the amount of the reimbursement shall be calculated by subtracting \$5.00 and the salvage value of the vehicle from the current fair market value.”

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APPROVALS

Supervisor Approval

- County of Los Angeles Report of Vehicle Collision or Incident
- Claim for Damage to Personal Vehicle

Regional Administrator/Office Head/Division Chief Approval

- County of Los Angeles Report of Vehicle Collision or Incident
- Claim for Damage to Personal Vehicle

Office of Health and Safety Management (OHSM)

- County of Los Angeles Report of Vehicle Collision or Incident
- Claim for Damage to Personal Vehicle

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HELPFUL LINKS

Attachments

[Attachment A](#), Claim for Damage to Personal Vehicle

[Attachment B](#), County Third-Party Auto-Liability Protection: Information and Instructions for Permittee Drivers

[Attachment C](#), Los Angeles County Evidence of Financial Responsibility

[Attachment D](#), Certification of Receipt of Mileage Reimbursement Program Information
[Attachment E](#), County of Los Angeles Report of Vehicle Collision or Incident
[Attachment F](#), DCFS Vehicle Accident/Incident Preliminary Checklist

Forms

LA Kids

[DCFS 1688-1](#), DCFS Worker and Report to the Juvenile Court of Death, Injury or Illness

References

[L.A. County \(LAC\) Code Chapter 5.85, Section 5.32](#): Addresses when the County will or will not assume liability costs, County Code Section 5.32

[LAC Code Chapter 5.85, Section 5.85.060](#): Provides instruction for calculating reimbursement.

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