

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: CASSANDRA M. HOWE	:	Case No. V2001-31881
TERRY L. HOWE	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>

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{¶1} This appeal came to be heard before this panel of three commissioners on February 5, 2003 at 10:15 A.M. upon the applicant's November 18, 2002 appeal from the November 13, 2002 Final Decision of the Attorney General.

{¶2} On June 30, 2002, the Attorney General granted the applicant an award of reparations in the amount of \$3,193.29 for counseling expense. The Attorney General also denied certain expense items pursuant to R.C. 2743.60(D) contending that some of the applicant's expense had been or may be recouped from a collateral source. On reconsideration, the Attorney General granted the applicant an award in the amount of \$3,489.66 as unreimbursed counseling expense. The applicant appealed the Attorney General's Final Decision asserting that she is owed additional allowable expense.

{¶3} The applicant's counsel and an Assistant Attorney General attended the hearing. Applicant's counsel indicated that he and the Assistant Attorney General were in agreement with the recommended total award of \$3,736.15 as stated in the Attorney General's December 23, 2002 Brief. Counsel stated that he will file a supplemental compensation application for additional loss. The Assistant Attorney General raised no objections. After a brief discussion of the claim, the panel chairman concluded the hearing.

{¶4} From review of the file and with full consideration given to the information presented at the hearing, this panel makes the following determination. On January 16, 2003, this panel of commissioners granted the applicant's motion to pay the undisputed award amount of \$3,489.66. Therefore, we find the November 13, 2002 decision of the Attorney General shall be modified to grant the applicant an award in the amount of \$246.49 (\$3,736.15 - \$3,489.66).

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The November 13, 2002 decision of the Attorney General is MODIFIED to render judgment in the amount of \$246.49 in favor of the applicant;

{¶7} 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;

{¶8} 3) This order is entered without prejudice to the applicant's right to file a supplemental compensation application pursuant to R.C. 2743.68;

{¶9} 4) Costs are assumed by the court of claims victims of crime fund.

CLARK B. WEAVER, SR.
Commissioner

DALE A. THOMPSON
Commissioner

ASHER W. SWEENEY
Commissioner