

**IN THE COURT OF CLAIMS OF OHIO  
VICTIMS OF CRIME DIVISION**

IN RE: BRIAN D. O'ROURKE	:	Case No. V2002-51770
BRIAN D. O'ROURKE	:	<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 January 22, 2003 at 10:30 A.M. upon the applicant's November 4, 2002 appeal from the October 18, 2002 Final Decision of the Attorney General.

{¶2} Originally, the Attorney General granted the applicant an award in the amount of \$870.99. However, the Attorney General denied the applicant's request for work loss and food items. On reconsideration, the Attorney General denied the applicant's claim for food items and parking reimbursement. The applicant appealed the Attorney General's Final Decision contending that he is owed reimbursement for dietary expenses since those items qualify as allowable expense, in light of the facial injuries he sustained during the assault.

{¶3} Applicant's counsel and an Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. As indicated in the January 16, 2003 Applicant's and Attorney General's Joint Supplemental Memorandum, the Assistant Attorney General explained that after further review of the claim she now recommends the applicant be

granted an allowable expense award in the amount of \$126.13. Applicant's counsel raised no objections.

{¶4} From review of the file and with full consideration given to the information presented at the hearing, this panel makes the following determination. We find the applicant incurred allowable expense in the amount of \$126.13. The October 18, 2002 decision of the Attorney General shall be reversed to award \$126.13 in allowable expense to the applicant.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The October 18, 2002 decision of the Attorney General is REVERSED to render judgment in the amount of \$126.13 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.

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KARL H. SCHNEIDER  
Commissioner

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LEO P. MORLEY  
Commissioner

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JAMES H. HEWITT III  
Commissioner

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