

[Cite as *In re McGill*, 2003-Ohio-2495.]

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

IN RE: BARRY D. MC GILL : Case No. V2002-50820

BARRY D. MC GILL : ORDER OF A THREE-
COMMISSIONER PANEL

Applicant :
(2000-34215)

$$\begin{array}{ccccc} \bullet & \bullet & \bullet & \bullet & \bullet \\ \bullet & \bullet & \bullet & \bullet & \bullet \end{array}$$

{¶1} This appeal came to be heard before this panel of three commissioners on February 19, 2003 at 10:55 A.M. upon the applicant's May 24, 2002 appeal from the May 2, 2002 Final Decision of the Attorney General.

{¶2} On supplemental, the Attorney General granted the applicant an award of reparations in the amount of \$57.90 for unreimbursed allowable expense. However, the Attorney General denied the work loss claim. On reconsideration, the Attorney General denied the applicant's claim pursuant to former R.C. 2743.52(A) contending that the applicant's expenses are not related to the criminally injurious conduct. The applicant appealed the Attorney General's Final Decision.

{¶3} The applicant, applicant's attorney and an Assistant Attorney General attended the hearing and presented exhibits and brief comments for this panel's consideration. As indicated in Exhibit A, counsel stated the applicant did not incur any work loss from November 9, 1999 through January 31, 2000 with Columbus Public Schools. Counsel stated that documentation

obtained from Columbus Public Schools indicates the applicant was placed on disability leave during the time period in question.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. We find the applicant failed to prove he incurred work loss from November 9, 1999 through January 31, 2000 with Columbus Public Schools. However, should the applicant incur additional economic loss that would be an appropriate basis for filing a supplemental compensation application. Therefore, the May 2, 2002 decision of the Attorney General shall be affirmed without prejudice.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The May 2, 2002 decision of the Attorney General is AFFIRMED without prejudice;

{¶7} 2) This claim is DENIED and judgment is entered for the state of Ohio;

{¶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.

JAMES H. HEWITT III
Commissioner

LEO P. MORLEY
Commissioner

ID #V2002-50820.doc\5-dld-tad-031003
Filed 4-11-2003
Jr. Vol. 2249, Pgs. 163-164
To S.C. reporter 5-14-2003

KARL H. SCHNEIDER
Commissioner