

[Cite as *In re Taylor*, 2003-Ohio-4541.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: EDWARD E. TAYLOR	:	
CAROLENE TAYLOR	:	Case No. V2002-51435
EDWARD E. TAYLOR	:	Case No. V2002-51443
Applicants	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} On June 5, 2002, the Attorney General granted the victim an award of reparations in the amount of \$927.96 for unreimbursed allowable expense. However, the Attorney General denied Carolene Taylor's claim pursuant to R.C. 2743.60(E)(4) based upon information that she was convicted of domestic violence on December 18, 1996. The Attorney General denied most medical expense pursuant to R.C. 2743.60(D) contending that the victim's medical expense had been or may be recouped from Medicaid. The Attorney General also denied the replacement services loss claim as unverifiable. On August 19, 2002, the Attorney General issued a Final Decision granting the victim an additional award in the amount of \$508.83 for allowable expense. However, the replacement services loss and mileage expense claims were denied as unverifiable. On August 23, 2002, the applicants appealed the Attorney General's Final

Decision contending that the victim is entitled to additional travel reimbursement. On February 27, 2003, this panel of commissioners continued the matter and ordered the Attorney General to perform transportation calculations. On April 9, 2002, the Attorney General filed a Supplemental Brief which indicated that no new economic loss calculations could be performed based on the limited information provided. On April 15, 2003, an Applicants' Reply Memorandum was filed indicating that the applicants' total mileage expense was \$53.52. This matter came to be reheard before this panel of three commissioners on May 21, 2003 at 10:30 A.M.

{¶2} Applicants' counsel and an Assistant Attorney General attended the hearing and presented oral argument for the panel's consideration. Applicants' counsel stated that he was unable to support any reimbursement beyond the \$53.52 allowable expense (mileage) recommendation that was noted in his reply memorandum. Counsel advised the panel that he attempted to contact the applicants for additional documentation to no avail.

{¶3} The Assistant Attorney General asserted that the panel must first find that the applicants incurred replacement services loss in order to properly grant the applicants an allowable expense award. However, the Attorney General argued that based on the information presented there is insufficient evidence that the applicants incurred \$960.00 in replacement services loss as originally suggested by the applicants.

{¶4} From review of the file and with full and careful consideration given to the information presented at the hearing, we make the following determination. We find that the victim, Edward Taylor, incurred \$53.52 in unreimbursed replacement services loss . Therefore,

the August 19, 2002 decision of the Attorney General shall be modified to grant the victim an award in the amount of \$562.35 (\$508.83 + \$53.52).

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The August 19, 2002 decision of the Attorney General is MODIFIED to render judgment in favor of the victim in the amount of \$562.35;

{¶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 victim'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

KARL H. SCHNEIDER
Commissioner