

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

|                          |           |                           |
|--------------------------|-----------|---------------------------|
| IN RE: CHERYL D. KIRKSEY | :         | Case No. V2003-40241      |
| CHERYL D. KIRKSEY        | :         | <u>ORDER OF A THREE-</u>  |
| Applicant                | :         | <u>COMMISSIONER PANEL</u> |
| <hr/>                    |           |                           |
|                          | : : : : : |                           |

{¶1} This appeal came to be heard before this panel of three commissioners on June 18, 2003 at 10:40 A.M. upon the applicant's March 28, 2003 appeal from the February 28, 2003 Final Decision of the Attorney General.

{¶2} Originally, the Attorney General denied the applicant an award of reparations based upon information that the applicant engaged in felonious conduct on May 9, 1996 when she allegedly struck a person with a wooden axe thereby causing or attempting to cause serious harm to the said individual. On reconsideration, the Attorney General modified the previous decision and granted the applicant a work loss award in the amount of \$39.62. However, the Attorney General denied reimbursement for the Good Samaritan Hospital bill contending that the applicant was eligible for the Ohio Hospital Care Assurance Program. The Attorney General also denied the replacement services loss and counseling expense claims as unverifiable. The applicant appealed the Attorney General's Final Decision.

{¶3} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General stated that the applicant was granted a three day work loss award. However, no documentation has been submitted to verify additional work loss. The Assistant Attorney General indicated that the applicant may file a supplemental compensation application for additional reimbursement.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the February 28, 2003 decision of the Attorney General shall be affirmed. Should the applicant obtain proper documentation to support a claim for additional reimbursement that would be an appropriate basis for filing a supplemental compensation application.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The February 28, 2003 decision of the Attorney General is AFFIRMED;

{¶7} 2) This claim is remanded to the Attorney General for payment of the \$39.62 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.

---

JAMES H. HEWITT III  
Commissioner

---

LEO P. MORLEY  
Commissioner

---

KARL H. SCHNEIDER  
Commissioner

ID #\1-dld-tad-070903  
Filed 8-14-2003  
Jr. Vol. 2250, Pg. 200  
To S.C. Reporter 9-19-2003