

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: JAMES W. SHORTER	:	Case No. V2003-40623
JAMES W. SHORTER	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
Applicant	:	
(1998-61402)	:	
	: : : : :	

{¶1} On October 6, 1998, the applicant filed a reparations application seeking reimbursement of expenses incurred in relation to an October 18, 1996 incident. On May 9, 2002, the applicant filed a supplemental compensation application. On August 7, 2002, the Attorney General denied the applicant's claim for an additional award of reparations. On September 9, 2002, the applicant filed a request for reconsideration. On September 30, 2002, the Attorney General denied the applicant's claim again. On January 30, 2003, the applicant appealed the Attorney General's Final Decision, however the court did not receive notice of the appeal until June 19, 2003. On July 28, 2003, the Attorney General filed a Brief recommending that the applicant be granted \$2,336.82 for unreimbursed work loss. Hence, this appeal came to be heard before this panel of three commissioners on September 10, 2003 at 10:20 A.M.

{¶2} Applicant's counsel and an Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. Applicant's counsel renewed his August 29, 2003 motion to pay the applicant the undisputed amount of \$2,336.82 and his August

29, 2003 motion for continuance of the hearing in order to further investigate the applicant's medical claims. The Assistant Attorney General raised no objections to the motions.

{¶3} 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 that the applicant has proven, by a preponderance of the evidence, that he incurred additional work loss as a result of the criminally injurious conduct and hence the applicant shall be awarded \$2,336.82. Moreover in light of the information presented at the hearing, we find that further investigation of the applicant's economic loss is warranted. Therefore, this case shall be continued and the Attorney General shall be ordered to file a supplemental memorandum addressing the applicant's total economic loss.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The September 30, 2002 decision of the Attorney General shall be REVERSED and judgment is rendered in favor of the applicant in the amount of \$2,336.82;

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

{¶7} 3) This claim is also continued and the oral hearing on the applicant's notice of appeal shall be heard on **December 3, 2003 at 10:30 A.M.** at the Court of Claims of Ohio, Capitol Square Office Building, 65 East State Street, Suite 1100, Columbus, Ohio 43215, by a panel of three commissioners;

{¶8} 4) On or before **November 14, 2003**, the Attorney General shall file a supplemental memorandum addressing the applicant's total economic loss;

{¶9} 5) On or before **November 21, 2003**, the applicant shall file a response to the Attorney General's supplemental memorandum;

{¶10} 6) The clerk shall send applicant a copy of this order and a VC-21 (Confirmation of Attendance) postcard;

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

DALE A. THOMPSON
Commissioner

CLARK B. WEAVER, SR.
Commissioner

ASHER W. SWEENEY
Commissioner