

[Cite as *In re Ruffin*, 2003-Ohio-6127.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: SABRINA N. RUFFIN	:	Case No. V2002-51524
SABRINA N. RUFFIN	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} On September 4, 2001, the applicant filed a reparations application seeking reimbursement for expenses incurred in relation to a May 30, 2001 dog attack. On July 24, 2002, the Attorney General issued a Final Decision granting the applicant an award in the amount of \$1,245.51 of which \$1,183.55 represents allowable expense and \$61.96 represents work loss incurred from May 31, 2001 through June 2, 2001. On September 10, 2002, the applicant appealed the Attorney General's Final Decision. On January 16, 2003, this panel of commissioners set aside the Final Decision and ordered the Attorney General to file a supplemental memorandum addressing the applicant's total economic loss. On February 25, 2003, the Attorney General filed a Supplemental Memorandum recommending the applicant be granted an award in the amount of \$577.64 for unreimbursed work loss incurred from June 3, 2001 through August 1, 2001. On March 12, 2003, the applicant filed a Response indicating that she wants loss income reimbursement from June 3, 2001 through August 1, 2001 to be calculated

based upon her average weekly income for the one year period preceding her injury. Hence, this appeal came to be reheard before this panel of three commissioners on August 6, 2003 at 10:50 A.M.

{¶2} The applicant (via telephone), applicant's attorney and an Assistant Attorney General attended the hearing and presented testimony, an exhibit, and oral argument for this panel's consideration. Sabrina Ruffin briefly testified that prior to the criminally injurious conduct she worked for a temporary agency as a state tested nurses assistant. Ms. Ruffin explained that the majority of her assignments were located at Maxim Healthcare Service, Inc. Ms. Ruffin advised the panel that in May she took a two week leave of absence, without pay, to care for an ailing relative and to seek full time employment. Lastly, the applicant stated that in August she returned to the temporary agency.

{¶3} At the conclusion of applicant's testimony, the Assistant Attorney General introduced Exhibit A which displayed a breakdown of the applicant's work loss. The Assistant Attorney General essentially recommended that the applicant be granted an additional work loss award in the amount of \$1,662.51. Applicant's counsel indicated that he agreed with the Assistant Attorney General's recommendation. On August 13, 2003, the Assistant Attorney General filed a Supplemental Brief indicating that the \$1,245.51 award that was previously granted in the Attorney General's Final Decision has already been paid to the applicant. Accordingly, the Attorney General asserted that the applicant should only be granted \$1,662.53.

{¶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 that the applicant incurred additional work loss from May 31, 2001 through August 1, 2001.

Therefore, the July 24, 2002 decision of the Attorney General shall be modified to award the applicant an additional \$1,662.53 in unreimbursed work loss.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The July 24, 2002 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$1,662.53;

{¶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.

CLARK B. WEAVER, SR.
Commissioner

DALE A. THOMPSON
Commissioner

ASHER W. SWEENEY
Commissioner