

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: ROY TOLER	:	Case No. V2002-51702
ROY TOLER	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} This appeal came to be heard before this panel of three commissioners on August 6, 2003 at 11:00 A.M. upon the applicant's October 16, 2002 appeal from the October 11, 2002 Final Decision of the Attorney General.

{¶2} The Attorney General denied the applicant's claim contending that the applicant failed to prove he incurred economic loss. The Attorney General stated that the applicant had Bureau of Workers' Compensation coverage. The applicant appealed the Attorney General's Final Decision.

{¶3} Neither the applicant nor anyone on his 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 advised the panel that she received additional information from the Bureau of Workers' Compensation in relation to the applicant's work loss claim. The Assistant Attorney General stated that new economic loss calculations were performed and that the applicant should be granted an award in the amount of \$10,117.49 for

unreimbursed work loss incurred from April 30, 2002 through June 14, 2003, as noted in the Attorney General's July 28, 2003 Supplemental Memorandum. The Assistant Attorney General also informed the panel that another Assistant Attorney General spoke with the applicant and that the applicant indicated his agreement with the Attorney General's recommendation.

{¶4} From review of the file and with full and careful consideration given to the oral argument 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 work loss in the amount of \$10,117.49 from April 30, 2002 through June 14, 2003. Therefore, the October 11, 2002 decision of the Attorney General shall be reversed and the applicant shall be granted a work loss award in the amount of \$10,117.49.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The October 11, 2002 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant in the amount of \$10,117.49;

{¶7} 2) The claim is referred to the Attorney General 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

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