

[Cite as *In re Manis*, 2004-Ohio-1888.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: MICHAEL W. MANIS	:	Case No. V2003-40771
LINDA K. GUMP	:	<u>ORDER OF A THREE-</u>
MICHAEL W. MANIS	:	<u>COMMISSIONER PANEL</u>
JOHN GUMP	:	
Applicants	:	
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{¶1} Linda Gump filed a reparations application seeking reimbursement of expenses incurred in relation to a December 7, 2002 assault against Michael Manis, her son. On May 14, 2003, the Attorney General granted the victim an award of reparations in the amount of \$1,639.61 of which \$773 (\$304 as an out of pocket reimbursement to the victim + \$469 to the provider) represented Eastgate Dental expenses. On May 29, 2003, Linda Gump filed a request for reconsideration. On July 24, 2003, the Attorney General issued a Final Decision indicating that the previous decision warranted no modification and denied additional dental expense pursuant to R.C. 2743.60(D) since a collateral source was readily available. On August 7, 2003, Linda Gump filed a notice of appeal asserting that the victim was dropped from insurance with United Health Care when he turned 19 years old. Thus, no collateral source was available.

Hence, this matter came to be heard before this panel of three commissioners on January 14, 2004 at 10:50 A.M.

{¶2} The *pro se* applicants, via telephone, and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. John Gump, Linda Gump's husband, stated that he would like to be added as an applicant to this claim. Mr. Gump testified that the appeal was filed in light of pending medical expenses that were not paid by either United Health Care or the Victims' Fund. Mr. Gump explained that prior to January 14, 2003 he did not have insurance. However, Mr. Gump stated that all of the expenses, covered by United Health Care, have been paid and therefore he and Mrs. Gump only seek the \$773 dental expense that was originally granted in the Attorney General's May 14, 2003 Finding of Fact and Decision. The Assistant Attorney General agreed with Mr. Gump and recommended that the applicants be paid the \$773 in unreimbursed dental expense.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we make the following determination. We find that the applicants incurred \$773 in unreimbursed dental expense, as originally granted. Therefore, the July 24, 2003 decision of the Attorney General shall be affirmed and the claim shall be referred to the Attorney General for payment of the \$773 award that was granted in the Attorney General's May 14, 2003 decision.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) John Gump shall be added as an applicant to this claim;

{¶6} 2) The July 24, 2003 decision of the Attorney General is AFFIRMED;

{¶7} 3) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the \$773 award;

{¶8} 4) This order is entered without prejudice to the applicants' right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

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

CLARK B. WEAVER, SR.
Commissioner

JAMES H. HEWITT III
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

ID #\4-dld-tad-423

A copy of the foregoing was personally served upon the Attorney General and sent by regular mail to Hamilton County Prosecuting Attorney and to:

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