

[Cite as *In re Gess*, 2004-Ohio-1889.]

**IN THE COURT OF CLAIMS OF OHIO**  
**VICTIMS OF CRIME DIVISION**

IN RE: DESTINY M. GESS	:	Case No. V2003-40755
MICHELLE RAMSEY	:	<u>ORDER OF A THREE-</u>
BERNICE LE MASTER	:	<u>COMMISSIONER PANEL</u>
Applicants	:	

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{¶1} On August 8, 2002, Michelle Ramsey filed a reparations application seeking reimbursement for expenses incurred with respect to the 1997 through November 2001 sexual abuse of her minor daughter. On December 4, 2002, the Attorney General granted Ms. Ramsey an award in the amount of \$478.22, of which \$420.00 was paid. On January 28, 2003, the Attorney General granted Ms. Ramsey an additional award in the amount of \$99.99, which included the \$58.22 not yet paid. On February 7, 2003, Ms. Ramsey filed a supplemental compensation application seeking additional reimbursement. On May 27, 2003, the Attorney General issued a Supplemental Finding of Fact and Decision granting Ms. Ramsey an award in the amount of \$20.00. The Attorney General however denied the claim for reimbursement of the victim's maternal grandmother's, Bernice LeMaster, counsel expense. On June 5, 2003, a request for reconsideration was filed along with additional documentation showing that Ms. LeMaster was sent to counseling in order to help her granddaughter. On August 4, 2003, the

Attorney General issued a Final Decision denying Ms. LeMaster's counseling expense claim once again. On August 6, 2003, an appeal of the Attorney General's Final Decision was filed. On December 3, 2003, this panel of commissioners reversed the Attorney General's August 4, 2003 Final Decision, ordered the Attorney General to file a supplemental memorandum addressing the applicants' economic loss, and continued the matter. On December 23, 2003, the Attorney General filed a Supplemental Memorandum recommending that Bernice LeMaster be granted an award in the amount of \$539.09. Hence, this matter came to be heard before this panel of three commissioners on January 28, 2004 at 11:25 A.M.

{¶2} The applicants' counsel and an Assistant Attorney General appeared at the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General recommended that Bernice LeMaster be granted an allowable expense award in the amount of \$539.09, as noted in the Attorney General's December 23, 2003 Supplemental Memorandum. Applicants' counsel indicated that he agreed with the Attorney General's recommendation.

{¶3} From review of the file and with full consideration given to the information presented at the hearing, this panel makes the following determination. We find that Bernice LeMaster incurred \$539.09 in unreimbursed allowable expense. Therefore, the December 3, 2003 decision of the panel of commissioners shall be MODIFIED to render judgment in favor of Bernice LeMaster in the amount of \$539.09 for unreimbursed allowable expense.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The December 3, 2003 decision of the panel of commissioners (Jr. Vol. 2252, Pgs. 12-13) is MODIFIED to render judgment in favor of Bernice LeMaster in the amount of \$539.09 for unreimbursed allowable expense;

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

{¶7} 3) 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;

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

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KARL H. SCHNEIDER  
Commissioner

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LEO P. MORLEY  
Commissioner

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JAMES H. HEWITT III  
Commissioner

ID #\10-dld-tad-020904

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

Filed 3-24-2004  
Jr. Vol. 2253, Pgs. 39-41  
To S.C. Reporter 4-14-2004

