

[Cite as *In re Hankins*, 2004-Ohio-1891.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: PATREESE L. HANKINS	:	Case No. V2003-41077
PATREESE L. HANKINS	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
: : : : :		

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an October 27, 2002 assault. On July 9, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(C) contending that the applicant failed to fully cooperate with law enforcement officials in the investigation of the incident. On July 29, 2003, the applicant filed a request for reconsideration. On September 29, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(D) asserting that all the applicant’s medical expense had been or may be recouped from a collateral source, specifically Medicaid. The Attorney General also denied the applicant’s claims for work loss, replacement services loss , and evidence replacement loss as unverifiable. On October 22, 2003, the applicant filed a notice of appeal to the Attorney General’s Final Decision contending that all of her medical expenses were not covered by Medicaid. On November 26, 2003, the Attorney General filed a Brief recommending that the applicant be granted an award in the amount of \$43.39 for unreimbursed prescription expense. Hence, this matter came to be heard before this panel of three commissioners on January 15, 2004 at 10:45 A.M.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General stated that his Brief sets forth the Attorney General's position with respect to this claim. After a brief discussion of the claim, the panel chairman concluded the hearing.

{¶3} From review of the file and with full consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant incurred \$43.39 in unreimbursed allowable expense, as noted in the Attorney General's November 26, 2003 Brief. Therefore, the September 29, 2003 decision of the Attorney General shall be reversed to grant the applicant an award in the amount of \$43.39 for unreimbursed allowable expense. Should the applicant obtain proof of additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The September 29, 2003 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$43.39;

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

{¶7} 3) This order is entered without prejudice to the applicant's 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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CLARK B. WEAVER, SR.
Commissioner

JAMES H. HEWITT III
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

ID #\1-dld-tad-012204

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

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To S.C. Reporter 4-14-2004

