

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: JERMELL SHROPSHIRE	:	Case No. V2003-41166
PATRICIA D. CARTER	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to the February 3, 2003 murder of her son, Jermell Shropshire. On August 4, 2003, the Attorney General denied the applicant's claim for funeral reimbursement contending that she failed to incur the expense. On August 27, 2003, the applicant filed a request for reconsideration contending that she, in fact, paid the funeral expense and that the decedent's minor children should receive dependent's economic loss. On October 27, 2003, the Attorney General denied the applicant's claim once again asserting that Walter J. Walker, Jr. (the applicant's brother) paid the funeral expense and that no evidence has been submitted to prove that the decedent's minor children incurred loss of support. On November 10, 2003, the applicant filed a notice of appeal to the Attorney General's October 27, 2003 decision along with the affidavit of Walter J. Walker, Jr. Hence, this matter came to be heard before this panel of three commissioners on January 29, 2004 at 11:45 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 based on the information submitted thus far, she is unable to accurately determine who actually paid the funeral bill. The Assistant Attorney General recommended the Attorney General's Final Decision be affirmed. After a brief discussion of the claim, the panel chairman concluded the hearing.

{¶3} 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 Patricia Carter incurred funeral expense in the amount of \$7,000.00. The claim file contains the affidavit of Walter J. Walker, Jr., who swore that his involvement in the matter was simply that of a messenger delivering payment to the funeral home on behalf of the applicant. We believe that Mr. Walker's affidavit proves by a preponderance of the evidence that the applicant actually incurred the funeral expense. Therefore, the October 27, 2003 decision of the Attorney General shall be reversed and the claim shall be remanded to the Attorney General for payment of the funeral expense. Should the applicant or the decedent's minor children, upon reaching the age of majority, obtain proof of dependent's economic loss/dependent's replacement services loss that would be an appropriate basis to file a supplemental compensation application.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The October 27, 2003 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant in the amount of \$5,000.00 for unreimbursed funeral expense;

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

{¶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.

KARL H. SCHNEIDER
Commissioner

LEO P. MORLEY
Commissioner

JAMES H. HEWITT III
Commissioner

ID #\1-dld-tad-020904

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

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