

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: JACK K. COOPER	:	Case No. V2003-40194
CONNIE S. COOPER	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>

: : : : :

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred in relation to a January 3, 2002 DUI related automobile accident involving her deceased husband, Jack Cooper. On June 6, 2002, the Attorney General granted the applicant an award of reparations in the amount of \$12,578.27, of which \$4,606.17 represented funeral expense reimbursement. On July 11, 2002, the Attorney General issued a Final Decision indicating that the previous decision warranted no modification. On August 22, 2002, the applicant filed a supplemental compensation application. On December 20, 2002, the Attorney General granted the applicant an additional award in the amount of \$210.50 for certain unreimbursed dependent's replacement services loss. On February 25, 2003, the Attorney General granted the applicant an additional award of reparations in the amount of \$50.00. On March 7, 2003, the applicant filed a notice of appeal to the Attorney General's February 25, 2003 Final Decision contending that she is entitled to reimbursement for mowing and television repair expense. On September 19, 2003, a panel of commissioners ordered the Attorney General to file a supplemental memorandum, and continued the matter. On October 16, 2003, the Attorney General filed a supplemental

memorandum indicating that, after a Fout-Craig, V93-27851tc (2-5-99) analysis, the applicant owes the fund \$8,258.67. The Attorney General asserted that the applicant could not have afforded a \$300.00 a month mowing expense when she only receives \$545.00 per month in SSI. The Attorney General also contended that there is no evidence that the deceased was skilled in the area of television repair in order for the applicant to be reimbursed dependent's replacement services loss. Hence, this matter came to be reheard before this panel of three commissioners on February 11, 2004 at 11:30 A.M.

{¶2} The applicant's counsel and an Assistant Attorney General appeared at the hearing and presented oral argument for the panel's consideration.

{¶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. On March 2, 2004, the Attorney General filed a Response Memorandum indicating that after additional investigation the applicant is entitled to reimbursement of dependent's economic loss in the amount of \$37,161.23. Based upon this information, we find that the applicant incurred \$37,161.23 in unreimbursed dependent's economic loss. Therefore, the February 25, 2003 decision of the Attorney General shall be modified to grant the applicant an award for dependent's economic loss in the amount of \$37,161.23.

{¶4} IT IS THEREFORE ORDERED THAT:

{¶5} 1) Applicant's February 6, 2004 motion to testify via telephone is DENIED as moot;

{¶6} 2) The February 25, 2003 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$37,161.23;

{¶7} 3) The claim shall be referred to the Attorney General pursuant to R.C. 2743.191
for payment of the \$37,161.23 award;

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

JAMES H. HEWITT III
Commissioner

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

ID #\13-dld-tad-030404

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

Filed 4-1-2004
Jr. Vol. 2253, Pgs. 58-60
To S.C. Reporter 6-21-2004