

[Cite as *In re Davis*, 2004-Ohio-3239.]

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

IN RE: JEFFERY DAVIS, JR.	:	Case No. V2003-41107
JEFFERY DAVIS, JR.	:	<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 in relation to a December 17, 2002 assault. The applicant asserted that he was assaulted, while at work, by his former employer. On July 21, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss had been or may be recouped from a collateral source, primarily Bureau of Workers' Compensation. The Attorney General also denied the work loss claim asserting that the applicant was not employed at the time of the criminally injurious conduct. On August 5, 2003, the applicant filed a request for reconsideration. On September 30, 2003, the Attorney General denied the claim once again. On October 29, 2003, the applicant filed a notice of appeal. On January 29, 2004, this panel of commissioners held a final determination in abeyance and ordered the Attorney General to file a supplemental memorandum addressing the applicant's economic loss in light of the panel's findings. On February 24, 2004, the Attorney General filed a Supplemental Memorandum indicating that the applicant had incurred net work loss in the amount of \$2,978.19 from December 17, 2002 through December 23, 2003. To date, the applicant has yet to file a response to the Attorney General's recommendation.

{¶2} 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 work loss from December 17, 2002 through December 23, 2003 in the amount of \$2,978.19. Therefore, the September 30, 2003 decision of the Attorney General shall be reversed to award \$2,978.19 to the applicant for unreimbursed work loss.

{¶3} IT IS THEREFORE ORDERED THAT:

{¶4} 1) The September 30, 2003 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$2,978.19;

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

{¶6} 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;

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

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JAMES H. HEWITT III  
Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

To S.C. Reporter 6-21-2004

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CLARK B. WEAVER, SR.

Commissioner

ID #\5-dld-tad-031804

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