

[Cite as *In re Massri*, 2004-Ohio-4184.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: SHUKRI MASSRI	:	Case No. V2004-60334
SHUKRI MASSRI	:	<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 an August 24, 2001 assault and robbery incident. On June 25, 2003, the Attorney General granted the applicant an award of reparations in the amount of \$2,972.27 as unreimbursed work loss incurred from August 25, 2001 through August 30, 2003 (minus food stamps). On September 11, 2003, the applicant filed a supplemental compensation application seeking additional economic loss. On November 26, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(E)(4) contending that the applicant was convicted of domestic violence on July 18, 2003, which is during the pendency of the claim. On December 18, 2003, the applicant filed a request for reconsideration asserting that he was convicted of persistent disorderly conduct and not domestic violence. On March 16, 2004, the Attorney General modified his previous decision and granted the applicant an award in the amount of \$9,440.02 for unreimbursed work loss incurred from August 25, 2001 through August 31, 2003. On April 5, 2004, the applicant filed a notice of appeal to the Attorney General’s March 16, 2004 Final

Decision. On May 17, 2004, the Attorney General filed a Brief indicting that the applicant incurred additional work loss in the amount of \$2,666.64 from August 25, 2001 through August 31, 2003. On June 16, 2004, a panel of commissioners granted the applicant an award of reparations in the amount of \$2,666.64 for unreimbursed work loss, ordered the Attorney General to file a supplemental memorandum calculating the applicant's work loss from August 26, 2002 through August 31, 2004, and continued the matter. On July 26, 2004, the Attorney General filed a Supplemental Memorandum recommending the applicant be granted an additional award in the amount of \$12,367.13 for work loss incurred from August 26, 2002 through March 9, 2004. The Attorney General indicated the applicant was released to return to work on March 10, 2004. Hence, this matter came to be heard before this panel of three commissioners on August 4, 2004 at

{¶2} The *pro se* applicant and an Assistant Attorney General attended the hearing and presented testimony and brief comments for the panel's consideration. The Assistant Attorney General recommended that the applicant be awarded an additional \$12,367.13 in work loss incurred from August 26, 2002 through March 9, 2004 since Mr. Massri was released to return to work on March 10, 2004. However, Mr. Massri testified that he was still physically unable to return to work on March 10, 2004, despite the Bureau of Workers' Compensation's release. Mr. Massri also stated that he has reapplied for Social Security Disability. After hearing Mr. Massri's testimony, the Attorney General stated that she withdraws her recommendation based on Mr. Massri's potential collateral sources.

{¶3} From review of the file and with full and careful consideration given to the information presented at the hearing, this panel finds that the matter warrants additional

investigation. Therefore, this claim is referred to the Attorney General for further investigation regarding the applicant's total economic loss from August 24, 2001 through November 30, 2004, in light of the applicant's continued inability to return to work and his application for Social Security Disability. We also find that the June 16, 2004 order of the panel of commissioners is modified to grant the applicant an award in the amount of \$15,033.77 (\$2,666.64 + \$12,367.13).

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} The June 16, 2004 order of the panel of commissioners is MODIFIED to render judgment in the amount of \$15,033.77 in favor of the applicant;

{¶6} The Attorney General shall file a supplemental memorandum on or before **November 15, 2004** addressing the applicant's total economic loss from August 24, 2001 through November 30, 2004;

{¶7} The oral hearing on the applicant's notice of appeal from the decision of the Attorney General shall now be heard on **December 1, 2004 at 10:30 A.M.** at the **Court of Claims of Ohio, The Ohio Judicial Center, 65 South Front Street, Fourth Floor, Columbus, Ohio 43215**, by a panel of three commissioners;

{¶8} The parties to this action shall be prepared to proceed on the merits of this case on December 1, 2004;

{¶9} The clerk shall send applicant a copy of this order and a VC-21 (Confirmation of Attendance) postcard.

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

KARL H. SCHNEIDER
Commissioner

ID #\6-dld-tad-080404

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

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To S.C. Reporter 8-10-2004