

[Cite as *In re Reese*, 2004-Ohio-4188.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: GWENDOLEN S. REESE	:	Case No. V2004-60091
GWENDOLEN S. REESE	:	<u>ORDER OF A TWO-</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 1977 through 1987 sexual assault incident. On March 29, 2003, the applicant filed a supplemental compensation application seeking additional reimbursement. On August 26, 2003, the Attorney General granted the applicant an award of reparations in the amount of \$1,290.00 for unreimbursed allowable expense. On September 11, 2003, the applicant filed a request for reconsideration seeking additional work loss and counseling reimbursement. On January 8, 2004, the Attorney General granted the applicant an additional award in the amount of \$100.00 for allowable expense. However, the Attorney General denied the claim for work loss reimbursement. On January 30, 2004, the applicant filed a notice of appeal to the Attorney General's January 8, 2004 Final Decision contending she is entitled to work loss from July 18, 2002 through April 21, 2003. On May 7, 2004, a panel of commissioners held a final determination in abeyance, ordered the Attorney General to file a supplemental memorandum addressing the applicant's work loss from July 2002 through January 2003 and from February

2003 through April 2003, and continued the hearing. On June 4, 2004, the Attorney General filed a Supplemental Memorandum that included multiple exhibits and calculations indicating that \$3,431.11 in work loss was incurred from July 2002 through April 2003. The Attorney General's calculations failed to include a breakdown figure for work loss incurred from July 2002 through January 2003 and from February 2003 through April 2003, as directed by the panel. On June 10, 2004, the applicant filed a Reply Memorandum concurring with the Attorney General's calculations. Hence, this matter came to be heard before this two commissioner panel (with the agreement of the parties) on June 16, 2004 at 11:50 A.M.

{¶2} The applicant's attorney and an Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General explained the June 4, 2004 Supplemental Memorandum calculations and breakdown to the panel as follows:

{¶3} <u>DATES</u>	<u>AMOUNT</u>
{¶4} July 2002 - January 2003	\$2,694.50
{¶5} <u>February 2003 - April 2003</u>	<u>\$ 736.62</u>
{¶6} July 2002 - April 2003	\$3,431.12

{¶7} The Assistant Attorney General and counsel informed the panel that, in light of the confusion surrounding the Attorney General's calculations and the applicant's Reply Memorandum, witnesses Betty Hughes and Dorothy Evans are currently unavailable for testimony. Nevertheless, the parties agreed that the applicant could presently be reimbursed \$736.62 for unreimbursed work loss incurred from February 2003 through April 2003. However, testimony from Betty Hughes and Dorothy Evans is still needed in order to make an

accurate determination with respect to the applicant's July 2002 through January 2003 claim for work loss.

{¶8} From review of the file and with full consideration given to the comments presented at the hearing, this panel makes the following determination. We find that the applicant incurred work loss in the amount of \$736.62 from February 2003 through April 2003. However, this claim warrants additional investigation with respect to the applicant's purported claim of work loss occurring between July 2002 through January 2003. Therefore, the January 8, 2004 decision of the Attorney General shall be modified to grant the applicant an additional award in the amount of \$736.62 for unreimbursed work loss incurred from February 2003 through April 2003. This claim shall also be continued to allow the parties the opportunity to perpetuate the testimony of Betty Hughes and Dorothy Evans with respect to the applicant's claim for work loss from July 2002 through January 2003.

{¶9} IT IS THEREFORE ORDERED THAT

{¶10} The January 8, 2004 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$736.62;

{¶11} This claim is remanded to the Attorney General for payment of the award;

{¶12} This claim shall be continued to allow the parties the opportunity to perpetuate the testimony of Betty Hughes and Dorothy Evans, via telephone;

{¶13} The oral hearing on the applicant's notice of appeal from the decision of the Attorney General shall now be heard on **August 18, 2004 at 11:00 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;

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

{¶15} Costs are assumed by the court of claims victims of crime fund.

KARL H. SCHNEIDER
Commissioner

LEO P. MORLEY
Commissioner

ID #\11-dld-tad-061604

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

Filed 6-21-2004
Jr. Vol. 2254, Pgs. 29-32
To S.C. Reporter 8-10-2004