

[Cite as *In re Dunning*, 2004-Ohio-5082.]

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

IN RE:	ANDRE A. W. DUNNING	:	Case No. V2003-40488
	ANDRE A. W. DUNNING	:	<u>ORDER OF A THREE-</u>
		:	<u>COMMISSIONER PANEL</u>
	Applicant	:	
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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a February 17, 2002 assault incident. On March 4, 2003, the Attorney General granted the applicant an award in the amount of \$163.31 in mileage reimbursement. However, the Attorney General denied reimbursement for the Grant Medical Center bill and counseling expense. On March 11, 2003, the applicant filed a request for reconsideration. On April 23, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that the applicant's economic loss had been recouped from collateral sources, namely from Social Security Income and food stamps. On May 22, 2003, the applicant filed a notice of appeal to the Attorney General's April 23, 2003 decision asserting that Social Security Income and food stamps should not be considered an offset to his economic loss. On January 29, 2004, the panel held a final determination in abeyance and ordered the Attorney General to file a supplemental memorandum addressing the applicant's total economic loss. On February 13, 2004, the Attorney General filed a Supplemental Memorandum indicating that the applicant received approximately \$2,678.67 more in collateral source benefits than he incurred in work loss from October 1, 2002 through December 31, 2003. Hence, this matter was reheard before this panel of three commissioners on July 7, 2004 at 11:15 A.M.

{¶ 2} Applicant's counsel and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. Applicant's counsel indicated that he is in agreement with the Attorney General's recommendation, as noted in the February 13, 2004 Supplemental Memorandum. Counsel indicated that he would like the opportunity to file a supplemental compensation application in the future, in the event the applicant incurs additional economic loss. After a brief discussion of the matter, 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 hearings, we find that the April 23, 2003 Final Decision of the Attorney General shall be affirmed without prejudice. Should the applicant obtain evidence of additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

{¶ 4} IT IS THEREFORE ORDERED THAT

- 1) The April 23, 2003 decision of the Attorney General is AFFIRMED without prejudice;
- 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 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;
- 4) Costs are assumed by the court of claims victims of crime fund.

1. \_\_\_\_\_
2. CLARK B. WEAVER, SR.
3. Commissioner

4. \_\_\_\_\_

5. \_\_\_\_\_  
THOMAS H. BAINBRIDGE

6. Commissioner

7. \_\_\_\_\_

8. \_\_\_\_\_  
JAMES H. HEWITT III

9. Commissioner

ID #\12-dld-tad-071204

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

Filed 8-30-2004  
Jr. Vol. 2254, Pgs. 149-151  
To S.C. Reporter 9-23-2004