

[Cite as *In re Applegate-Roeder*, 2004-Ohio-5083.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: LAURA L. APPLGATE-ROEDER	:	Case No. V2003-40984
LAURA L. APPLGATE-ROEDER	:	<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 April 2, 2001 incident. The applicant, a corrections officer, stated that she was injured while attempting to separate two inmates from fighting. On August 4, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(A) contending that the applicant failed to report the incident to law enforcement officials, even though the matter was filed with the Ohio State Highway Patrol by Richland County Corrections Facility staff. On August 7, 2003, the applicant filed a request for reconsideration. On September 30, 2003, the Attorney General granted the applicant an award in the amount of \$10,524.34 for unreimbursed work loss incurred from April 2, 2001 through July 12, 2003. However, the Attorney General denied the claim for allowable medical expense pursuant to R.C. 2743.60(D) contending that the applicant's medical expenses have been or may be recouped from the Bureau of Workers' Compensation. On October 6, 2003, the applicant filed an appeal of the Attorney General's September 30, 2003 decision asserting that she is owed overtime work loss and employer retirement fund

contributions. On June 21, 2004, a panel of commissioners held a final determination in abeyance, ordered the Attorney General and applicant to file memoranda addressing the applicant's total economic loss, and continued the hearing. On July 9, 2004, the Attorney General filed a Brief recommending the applicant be granted an additional award in the amount of \$5,859.99 for unreimbursed work loss incurred from April 2, 2001 through July 12, 2003. However, the Attorney General failed to recommend an award for employer retirement fund contributions. On July 27, 2004, the applicant's attorney filed a Reply Memorandum indicating his agreement with the Attorney General's July 9, 2004 recommendation for work loss. Hence, this matter came to be reheard before this panel of three commissioners on August 18, 2004 at 12:30 P.M.

{¶ 2} The applicant, applicant's counsel, and an Assistant Attorney General attended the hearing. Applicant's counsel and the Assistant Attorney General reiterated their agreement with respect to granting the applicant an additional award of reparations in the amount of \$5,859.99 for unreimbursed work loss incurred from April 2, 2001 through July 12, 2003.

{¶ 3} From review of the file and with full and careful consideration given to all the evidence presented at the hearings, this panel makes the following determination. We find that the applicant incurred additional work loss from April 2, 2001 through July 12, 2003 in the amount of \$5,859.99. However, we do not find that the applicant is entitled to employer retirement fund contributions, since that loss is a future loss, which the applicant is only entitled to receive upon retirement or separation from state service. Therefore, the September 30, 2003 decision of the Attorney General shall be modified to grant the applicant a total award in the amount of \$16,384.33 (\$10,524.34 + \$5,859.99) for unreimbursed work loss.

IT IS THEREFORE ORDERED THAT

- 1) The September 30, 2003 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$16,384.33;
- 2) This claim is referred to the Attorney General for payment of the award;
- 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.

JAMES H. HEWITT III
Commissioner

KARL H. SCHNEIDER
Commissioner

GREGORY BARWELL
Commissioner

ID #\15-dld-tad-081804

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

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To S.C. Reporter 9-23-2004