

[Cite as *In re Sanders*, 2004-Ohio-6168.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: LYNNYOTTA F. SANDERS	:	Case No. V2004-60466
DAVIDA F. PATTERSON	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} 1)The applicant filed a reparations application seeking reimbursement of expenses incurred in relation to a July 13, 2003 sexual assault incident involving her minor daughter, Lynnyotta Sanders. On December 2, 2003, the Attorney General granted the applicant an award of reparations in the amount of \$45.00 for unreimbursed evidence replacement loss, but the amount was not refunded because the sum is less than \$50.00. The Attorney General also denied reimbursement for certain expenses pursuant to R.C. 2743.60(D) contending that most of the applicant's economic loss had been or may be recouped from a collateral source, namely United Healthcare. On December 29, 2003, the applicant filed a request for reconsideration. On April 26, 2004, the Attorney General granted the applicant an additional award in the amount of \$78.98 for wage loss incurred from July 15, 2003 through July 16, 2003. On May 10, 2004, the applicant filed a notice of appeal to the Attorney General's April 26, 2004 Final Decision contending that she is owed additional reimbursement for wage loss and replacement bedding (\$53.00). On June 21, 2004, the Attorney General filed a Brief indicating the applicant's total reimbursement amount should be \$123.98. Hence, this matter came to be heard before this panel of three commissioners on August 4, 2004 at 10:40 A.M.

{¶ 2} 2) Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and reiterated that the applicant is owed \$123.98 in unreimbursed economic loss. The Assistant Attorney General stated that after further review of the file she also believes the applicant is entitled to additional wage loss, due to shift differential pay, and hence requested a remand of the claim in order to perform the necessary calculations.

{¶ 3} 3) From review of the file and with full and careful consideration given to all the evidence presented at the hearing, this panel makes the following determination. We find that the applicant has incurred \$123.98 in unreimbursed economic loss. Therefore, the April 26, 2004 decision of the Attorney General shall be modified to award \$123.98 (\$45.00 + \$78.98) to the applicant for unreimbursed economic loss. This claim is also remanded to the Attorney General for further investigation and decision with respect to the applicant's claim for additional wage loss.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The April 26, 2004 decision of the Attorney General is MODIFIED to render judgment in the amount of \$123.98 in favor of the applicant;

{¶ 6} 2) This claim is remanded to the Attorney General pursuant to R.C. 2743.191 for payment of the award and to investigate and decide the applicant's claim for additional wage loss;

{¶ 7} 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;

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

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

KARL H. SCHNEIDER
Commissioner

ID #\1-dld-tad-080404

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 10-1-2004
Jr. Vol. 2255, Pgs. 19-21
To S.C. Reporter 11-19-2004