

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: JEFFERY W. GARRETT	:	Case No. V2004-60474
JEFFERY W. GARRETT	:	<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 October 26, 2003 assault incident. On March 1, 2004, the Attorney General denied the applicant's claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove he incurred work loss or replacement services loss. The Attorney General also denied the claim pursuant to R.C. 2743.60(D) asserting that all the applicant's medical expense had been or may be recouped from a collateral source, namely Medical Mutual. On March 10, 2004, the applicant filed a request for reconsideration. On May 6, 2004, the Attorney General denied the claim once again. On May 12, 2004, the applicant filed a notice of appeal to the Attorney General's May 6, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on August 4, 2004 at 11:00 A.M.

{¶ 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 stated that the applicant failed to submit any expenses to her or to Medical Mutual. The

Assistant Attorney General also stated that she has been unable to reach Mr. Garrett's former employer concerning to the applicant's work loss claim.

{¶ 3} Jeffery Garrett testified that he is now legally blind in one eye and has a limp as a result of the criminally injurious conduct. Mr. Garrett stated that he is only seeking work loss reimbursement, however he is also having difficulty contacting his former employer in order to retrieve documentation of his work loss.

{¶ 4} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant has failed to prove, by a preponderance of the evidence, that he incurred economic loss as a result of the criminally injurious conduct. Therefore, the May 6, 2004 Final Decision of the Attorney General shall be affirmed without prejudice. However, should the applicant obtain evidence of incurred economic loss that would be an appropriate basis for filing a supplemental compensation application.

{¶ 5} IT IS THEREFORE ORDERED THAT

{¶ 6} 1) The May 6, 2004 decision of the Attorney General is AFFIRMED without prejudice;

{¶ 7} 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;

{¶ 8} 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;

{¶ 9} 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-080504

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

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To S.C. Reporter 11-19-2004

