

[Cite as *In re Brewer*, 2004-Ohio-6197.]

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

IN RE: CHARLES J. BREWER	:	Case No. V2004-60571
CHARLES J. BREWER	:	<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 a June 25, 2002 shooting incident. On September 5, 2003, the applicant filed a supplemental compensation application. On January 2, 2004, the Attorney General denied the applicant's claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss had been or may be recouped from a collateral source, namely disability benefits. On January 20, 2004, the applicant filed a request for reconsideration seeking work loss. On May 20, 2004, the Attorney General denied the claim once again contending that the applicant failed to prove he incurred overtime work loss. On May 24, 2004, the applicant filed a notice of appeal to the Attorney General's May 20, 2004 Final Decision. On July 8, 2004, the Attorney General filed a Brief recommending the Final Decision be affirmed since there is no proof that the applicant sustained overtime work loss or a promotion. The Attorney General also asserted that the applicant's retirement and disability benefits exceed any incurred work loss. Hence, this matter came to be heard before this panel of three commissioners on August 18, 2004 at 11:00 A.M.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that she rests on her July 8, 2004 Brief. After a brief discussion of the case, 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 hearing, we find that the May 20, 2004 Final Decision of the Attorney General shall be affirmed without prejudice. Should the applicant obtain evidence of incurred economic loss that would be an appropriate basis for filing a supplemental compensation application.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The May 20, 2004 decision of the Attorney General is AFFIRMED without prejudice;

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

{¶ 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.

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JAMES H. HEWITT III  
Commissioner

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KARL H. SCHNEIDER  
Commissioner

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GREGORY BARWELL  
Commissioner

ID #\1-dld-tad-090304

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

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To S.C. Reporter 11-19-2004