

[Cite as *In re Humes*, 2004-Ohio-6198.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: TINA L. HUMES	:	Case No. V2004-60580
TINA L. HUMES	:	<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 November 21, 2002 burglary and rape incident. On November 13, 2003, the Attorney General granted the applicant an award in the amount of \$50.00 for unreimbursed allowable expense. On November 26, 2003, the applicant filed a request for reconsideration and a supplemental compensation application. On January 8, 2004, the Attorney General denied the claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove she incurred additional economic loss. On January 26, 2004, the Attorney General issued a Final Decision denying the claim once again. On February 20, 2004, the applicant filed a notice of appeal to the Attorney General's January 26, 2004 Final Decision. On July 6, 2004, the Attorney General filed a Brief recommending the applicant be granted an additional award in the amount of \$179.76 for unreimbursed counseling expense. Hence, this matter came to be heard before this panel of three commissioners on August 18, 2004 at 12:30 P.M.

{¶ 2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that the applicant incurred \$179.76 for evidence replacement costs (bed), as indicated in the July 6, 2004 Brief. The Assistant

Attorney General failed to recommend an award for moving expense. The Assistant Attorney General contended that the applicant failed to provide medical documentation to establish that it was necessary to move for the applicant's rehabilitation and treatment after the criminally injurious conduct.

{¶ 3} 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 incurred \$179.76 in unreimbursed evidence replacement loss. Therefore, the January 26, 2004 decision of the Attorney General shall be reversed to award \$179.76 to the applicant as unreimbursed evidence replacement loss.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The January 26, 2004 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$179.76;

{¶ 6} 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;

{¶ 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.

JAMES H. HEWITT III
Commissioner

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KARL H. SCHNEIDER
Commissioner

GREGORY BARWELL
Commissioner

ID #\1-dld-tad-081804

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

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