

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: CHRISTOPHER P. SHUMAKER	:	Case No. V2003-40372
CHRISTOPHER P. SHUMAKER	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
<hr/>		
	:	:
	:	:
	:	:
	:	:

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred in relation to a May 25, 2002 assault. On January 9, 2003, the Attorney General denied the applicant's work loss claim as unverifiable, the Union Hospital expense as Ohio Hospital Care Assurance Program (HCAP) eligible, and Dr. Shah's bill as unrelated to the criminally injurious conduct. On February 4, 2003, the applicant filed a request for reconsideration. On April 2, 2003, the Attorney General issued a Final Decision denying the claim once again. On April 29, 2003, the applicant filed an appeal of the Attorney General's Final Decision asserting that he is owed reimbursement for Dr. Shah's bill (\$120.00) and for the Union Hospital bill (\$2,213.47). On August 28, 2003, this panel of commissioners held a final determination in abeyance, ordered the Attorney General to file a supplemental memorandum addressing the applicant's total economic loss in light of the testimony presented at the hearing, and continued the matter for rehearing. Accordingly, this matter came to be reheard before this panel of three commissioners on November 19, 2003 10:15 A.M.

{¶2} Applicant's counsel and an Assistant Attorney General appeared at the hearing and presented brief comments for the panel's consideration. Applicant's counsel introduced, Exhibit 1, an explanation of the applicant's Union Hospital expenses. Counsel stated that the applicant was denied HCAP for the \$2,213.47 Union Hospital expense. However, counsel explained that Union Hospital has a sliding-scale program which allows a percentage of the applicant's cost to be adjusted off his bill. Therefore, the Assistant Attorney General elaborated that the applicant is only responsible for 20 percent (\$442.69) of the total Union Hospital bill. The Assistant Attorney General also stated that the applicant should be reimbursed the \$120.00 expense incurred with Dr. Shah since the file now contains a letter from Dr. Shah indicating that his services were related to the criminally injurious conduct. Accordingly, the Attorney General recommended the applicant be granted a total award in the amount of \$562.69 (\$442.69 + \$120.00). Applicant's counsel raised no objection to the Attorney General's recommended award.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearings, this panel finds that the applicant incurred unreimbursed allowable expense in the amount of \$562.69. Therefore, the April 2, 2003 decision of the Attorney General shall be reversed to grant the applicant an award in the amount of \$562.69 for unreimbursed allowable expense.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The April 2, 2003 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$562.69;

{¶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 pursuant to R.C. 2743.68;

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

KARL H. SCHNEIDER
Commissioner

LEO P. MORLEY
Commissioner

JAMES H. HEWITT III
Commissioner

ID #\7-dld-tad-111903

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

Filed 1-14-2004
Jr. Vol. 2252, Pgs. 68-70
To S.C. Reporter 3-2-2004