

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: KRISTY HOOPER	:	Case No. V2003-40828
MARILYN MILNER	:	<u>ORDER OF A THREE-</u>
KRISTY HOOPER	:	<u>COMMISSIONER PANEL</u>
Applicants	:	
<hr/>		
	: : : : :	

{¶1} The applicants filed a reparations application seeking reimbursement of expenses incurred in relation to the September 16, 2002 shooting of Kristy Hooper. On October 18, 2002, the Attorney General granted the applicants an award in the amount of \$1,230.44 for unreimbursed work loss incurred from September 19, 2002 through October 31, 2002. On May 29, 2003, the Attorney General granted the applicants an additional award in the amount of \$1,094.10. However, the Attorney General denied certain expenses pursuant to R.C. 2743.60(D) since the applicants had insurance coverage with Basic Benefits and Medicaid. On June 16, 2003, the applicants filed a request for reconsideration. On August 15, 2003, the Attorney General issued a Final Decision granting the applicants an additional award in the amount of \$3,129.44 for allowable expense. On August 29, 2003, the applicants appealed the Attorney General's Final Decision contending that she is entitled to additional allowable expense. On October 21, 2003, the Attorney General filed a Brief recommending modification of the Final

Decision. The Attorney General stated that the applicants are entitled to an additional award in the amount of \$325.66 for medical expenses. The Attorney General also noted that a supplemental compensation application has been filed. Hence, this matter came to be heard before this panel of three commissioners on November 20, 2003 at 11:15 A.M.

{¶2} The applicants' attorney and an Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration.

{¶3} Applicants' counsel stated that two of the issues raised in the appeal have been resolved, as noted in the applicants' November 19, 2003 Hearing Memorandum. Counsel and the Assistant Attorney General stated the issue of AFLAC taxability benefits may be resolved on a supplemental claim. The Assistant Attorney General stated that the applicants' are entitled to receive \$325.66 in unreimbursed economic loss, as indicated in the Attorney General's October 21, 2003 Brief. The Assistant Attorney General informed the panel that previously granted awards have already been paid to the applicants. Counsel raised no objection to the Attorney General's recommendation.

{¶4} From review of the file and with full and careful consideration given to the information presented at the hearing, this panel makes the following determination. We find that the applicants incurred an additional \$325.66 in unreimbursed economic loss. Therefore, the August 15, 2003 decision of the Attorney General shall be modified to award the applicants an additional \$325.66 in unreimbursed economic loss, since previous awards have already been paid.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The August 15, 2003 decision of the Attorney General is MODIFIED to render judgment in favor of the applicants in the amount of \$325.66;

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

{¶8} 3) This order is entered without prejudice to the applicants' right to file a supplemental compensation application pursuant to R.C. 2743.68;

{¶9} 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 #\1-dld-tad-31119

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

Filed 1-14-2004
Jr. Vol. 2252, Pgs. 86-88
To S.C. Reporter 3-2-2004