

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: WILLIAM C. EARNEST	:	Case No. V2002-52024
WILLIAM C. EARNEST	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement for expenses incurred with respect to a March 14, 2002 assault. On September 13, 2002, the Attorney General denied the applicant's claim contending that he failed to qualify as a victim of criminally injurious conduct. On September 30, 2002, the applicant filed a request for reconsideration. On December 2, 2002, the Attorney General denied the claim again. On May 19, 2003, a panel of commissioners reversed the Attorney General's December 2, 2002 decision and remanded the claim to the Attorney General for economic loss calculations and decision. On July 9, 2003, the Attorney General granted the applicant an award in the amount of \$37.60. On September 2, 2003, the Attorney General granted the applicant an additional award in the amount of \$551.60. On September 29, 2003, the applicant appealed the Attorney General's September 21, 2003 decision contending that he is owed additional allowable expense and work loss. Hence, this matter came to be heard before this panel of three commissioners on December 4, 2003 at 10:45 A.M.

{¶2} Neither the applicant nor any anyone on his behalf appeared at the hearing. An Assistant Attorney General attend the hearing and stated that after additional investigation the applicant should be granted \$297.00 for reimbursement of the Physician's Emergency Service expense and \$283.52 for additional work loss incurred from March 15, 2002 to March 22, 2002.

{¶3} From review of this file and with full consideration given to the information presented at the hearing, this panel makes the following determination. The applicant incurred an unreimbursed medical expense in the amount of \$297.00 for services provided by Physician's Emergency Service. The applicant also incurred work loss from March 15, 2002 to March 22, 2002, in the amount of \$283.52 which was related to the injuries received from the criminally injurious conduct. If the applicant can provide medical evidence which indicates that his work loss exceeded the above amount, that would be the proper subject for a supplemental compensation application. Therefore, the September 2, 2003 decision of the Attorney General shall be modified to award \$580.52 to the applicant for unreimbursed economic loss.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The September 2, 2003 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$580.52;

{¶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.

CLARK B. WEAVER, SR.
Commissioner

DALE A. THOMPSON
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

ID #\6-DRB-tad-120803

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

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