

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

IN RE: KELLY Y. SIMPSON	:	Case No. V2003-40844
KELLY Y. SIMPSON	:	<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 an alleged November 15, 2002 assault. On July 3, 2003, 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, specifically Bureau of Workers' Compensation. On August 4, 2003, the applicant filed a request for reconsideration. On September 2, 2003, the Attorney General issued a Final Decision denying the claim again. On September 8, 2003, the applicant filed an appeal of the Attorney General's September 2, 2003 decision asserting that Worker's Compensation denied her claim. Hence, this matter came to be heard before this panel of three commissioners on December 3, 2003 at 10:35 A.M.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and offered brief comments for this panel's consideration. The Assistant Attorney General stated that currently the applicant's Bureau of

Workers' Compensation claim is pending, but once that matter is resolved the applicant may file a supplemental compensation application to recover any economic loss not reimbursed by the Bureau of Workers' Compensation.

{¶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 September 2, 2003 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The September 2, 2003 decision of the Attorney General is AFFIRMED;

{¶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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CLARK B. WEAVER, SR.  
Commissioner

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DALE A. THOMPSON  
Commissioner

Case No. V2003-40844

-1-

ORDER

Filed 1-29-2004

Jr. Vol. 2252, Pgs. 113-114

To S.C. Reporter 3-2-2004

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KARL H. SCHNEIDER

Commissioner

ID #\1-dld-tad-121003

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