

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: MICHAEL J. DRISCOLL	:	Case No. V2003-40968
MICHAEL J. DRISCOLL	:	<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 October 4, 2002 assault. The Attorney General granted the applicant an award of reparations in the amount of \$593.67 of which \$55.00 represented allowable expense and \$538.67 represented work loss. However, the Attorney General denied the Upper Valley Medical Center bill as Ohio Hospital Care Assurance Program (HCAP) eligible. On May 6, 2003, the applicant filed a request for reconsideration. On July 7, 2003, the Attorney General granted the applicant an additional allowable expense award in the amount of \$477.82, which included \$55.00 from the previously granted award. On September 26, 2003, the applicant filed an appeal of the July 7, 2003 Attorney General's Final Decision. Hence, this matter came to be heard before this panel of three commissioners on December 3, 2003 at 11:35 A.M.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented a brief summary of the case. The Assistant Attorney General stated that the applicant has failed to prove that he incurred

additional economic loss. The Assistant Attorney General asserted that the applicant now seeks pain and suffering reimbursement, which is not recoverable under this program.

{¶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 July 7, 2003 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The July 7, 2003 decision of the Attorney General is AFFIRMED;

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

{¶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

KARL H. SCHNEIDER
Commissioner

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

Filed 1-29-2004

Jr. Vol. 2252, Pgs. 123-124

To S.C. Reporter 3-2-2004