

[Cite as *In re Simmons*, 2005-Ohio-4234.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: TABETHA D. SIMMONS	:	Case No. V2005-80100
TABETHA D. SIMMONS	:	<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 1994 - 1999 sexual abuse incidents. On October 1, 2004, the Attorney General denied the applicant's claim contending that the incident did not occur in Ohio and nor was the applicant a resident of Ohio when the incident happened. On November 8, 2004, the applicant filed a request for reconsideration. On February 8, 2005, the Attorney General modified his previous decision and granted the applicant an award in the amount of \$1,950.00 for unreimbursed allowable expense incurred between December 16, 2003 through June 24, 2004. However, the Attorney General denied reimbursement for certain allowable expenses pursuant to R.C. 2743.60(D) contending that the applicant had insurance coverage with Magellan. On March 10, 2005, the applicant filed a notice of appeal contending that she incurred

additional allowable expense, since her health insurance coverage terminated in January 2004. Hence, this matter came to be heard before this panel of three commissioners on May 18, 2005 at 11:15 A.M.

{¶ 2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General indicated that she recently spoke to the *pro se* applicant about her claim and has re-evaluated her position concerning the matter. The Assistant Attorney General indicated that after further review of the applicant's potential collateral sources, she now recommends that the applicant be granted a total award in the amount of \$4,235.00 for unreimbursed allowable expense incurred between December 16, 2003 through December 13, 2004.

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. In light of the Attorney General's Detailed Expense Exhibit A, we find that the applicant incurred additional allowable expense between December 16, 2003 through December 13, 2004 in the amount of \$4,235.00. Therefore, the February 8, 2005 decision of the

Attorney General shall be modified to grant the applicant a total award in the amount of \$4,235.00.

IT IS THEREFORE ORDERED THAT

{¶ 4} 1) The February 8, 2005 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$4,235.00;

{¶ 5} 2) This claim is remanded to the Attorney General for payment of the award;

{¶ 6} 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;

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

GREGORY P. BARWELL
Commissioner

JAMES H. HEWITT III
Commissioner

TIM MC CORMACK

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Commissioner

ID #\3-dld-tad-051905

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

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To S.C. Reporter 8-12-2005

