

[Cite as *In re Moore*, 2005-Ohio-5663.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: JESSIE L. MOORE	:	Case No. V2005-80258
JESSIE L. MOORE	:	<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 an April 21, 2004 assault incident. On October 26, 2004, the Attorney General granted the applicant an award in the amount of \$289.63 for unreimbursed work loss incurred between April 22, 2004 and April 23, 2004. However, the Attorney General denied the claim for allowable expense pursuant to R.C. 2743.60(D) contending that the applicant had insurance coverage with Blue Cross. On November 19, 2004, the applicant filed a request for reconsideration. On March 28, 2005, the Attorney General determined that the previous Finding of Fact and Decision warranted no modification. The Attorney General stated that the applicant's counselor, Dr. Holmes, is not a licensed counselor and therefore cannot be reimbursed for his services. On April 20, 2005, the applicant filed a notice of appeal to the Attorney General's Final Decision. On June 30, 2005, the Attorney General filed a Supplemental Memorandum recommending the applicant be granted an award in the amount of \$960.00 for unreimbursed counseling sessions with Dr. Holmes. On July 8, 2005, the applicant filed a Response Memorandum indicating that she agreed with the Attorney General's

recommendation. Hence, this matter came to be heard before this panel of three commissioners on July 14, 2005 at 11:10 A.M.

{¶ 2} Applicant's counsel and an Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General stated that she has reconsidered the applicant's claim and now recommends the applicant be granted an award in the amount of \$960.00, as noted in her June 30, 2005 Brief. The applicant's attorney raised no objection to the Attorney General's recommendation.

{¶ 3} From review of the file and with full and careful consideration given to all the evidence presented at the hearing, this panel makes the following determination. We find that the applicant incurred an additional \$960.00 in unreimbursed counseling expense. Therefore, the March 28, 2005 decision of the Attorney General shall be reversed and the claim shall be referred to the Attorney General for payment of the \$960.00 award for allowable expense.

IT IS THEREFORE ORDERED THAT

- 1) The March 28, 2005 decision of the Attorney General is REVERSED and judgment is rendered for the applicant in the amount of \$960.00;
- 2) This claim is referred to the Attorney General for payment of the award;
- 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;
- 4) Costs are assumed by the court of claims victims of crime fund.

CLARK B. WEAVER, SR.

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Commissioner

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

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

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To S.C. Reporter 10-25-2005

