

[Cite as *In re Buchanan-Hogue*, 2005-Ohio-5667.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: ELIZABETH BUCHANAN-HOGUE : Case No. V2005-80070

ELIZABETH BUCHANAN-HOGUE : ORDER OF A THREE-
COMMISSIONER PANEL

Applicant :

: : : : :

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an April 25, 2003 shooting incident. On October 5, 2004, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss had been or may be recouped from collateral sources. On November 4, 2004, the applicant filed a request for reconsideration. On January 4, 2005, the Attorney General granted the applicant an award of reparations in the amount of \$2,226.24 of which \$1,301.88 represented allowable expense and \$924.36 represented work loss incurred from April 26, 2003 through August 18, 2003. On February 2, 2005, the applicant filed a notice of appeal to the Attorney General's January 4, 2005 Final Decision. On June 30, 2005, a panel of commissioners ordered the Attorney General to file a supplemental memorandum addressing the applicant's total economic loss incurred from August 18, 2003 through December 31, 2003 and continued the matter. On August 19, 2005, the Attorney General filed a Supplemental Memorandum indicating that the applicant incurred additional economic loss in the amount of \$4,304.25 of which \$1,301.88 represents allowable expense and \$3,002.37 represents work loss incurred from

April 26, 2003 through December 31, 2003. Hence, this matter was heard by this panel of three commissioners on September 7, 2005 at 10:40 A.M.

{¶ 2} Applicant's counsel and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General stated, as noted in the August 19, 2005 Supplemental Memorandum, that the applicant incurred additional economic loss that has yet to be reimbursed. The Assistant Attorney General recommended remanding the claim for payment of the award. Counsel raised no objection to the Assistant Attorney General's recommendation.

{¶ 3} From review of the file and with full consideration given to the information presented at the hearing, this panel makes the following determination. We find that the applicant incurred economic loss in the amount of \$4,304.25 of which \$1,301.88 represents allowable expense and \$3,002.37 represents work loss incurred from April 26, 2003 through December 31, 2003. Therefore, the January 4, 2005 decision of the Attorney General shall be modified to grant the applicant a total award in the amount of \$4,304.25 for unreimbursed economic loss.

IT IS THEREFORE ORDERED THAT

- 1) The January 4, 2005 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$4,304.25;
- 2) This claim is remanded 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;

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- 4) Costs are assumed by the court of claims victims of crime fund.

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

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

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To S.C. Reporter 10-25-2005

