

[Cite as *In re Lemieux*, 2005-Ohio-7130.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: DAVID S. LEMIEUX	:	Case No. V2004-60920
DAVID S. LEMIEUX	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
<hr/>		
	: : : : :	

{¶ 1} On March 18, 2005, the applicant filed a supplemental reparations application seeking additional work loss reimbursement incurred as a result of an August 24, 2003 assault incident. On May 2, 2005, the Attorney General granted the applicant an emergency award in the amount of \$1,826.43. On June 24, 2005, the Attorney General granted the applicant an additional award in the amount of \$5,520.12, of which \$55.00 represented allowable expense and \$5,465.12 represented work loss incurred from August 24, 2003 through December 31, 2004. On July 11, 2005, the applicant filed a request for reconsideration asserting the Attorney General's work loss calculations were incorrect. On September 8, 2005, the Attorney General granted the applicant an additional award in the amount of \$1,697.92 for unreimbursed work loss incurred from January 1, 2004 through December 31, 2004. On September 15, 2005, the applicant filed a notice of appeal to the Attorney General's September 8, 2005 Final Decision. On October 31, 2005, the Attorney General filed a Brief indicating that the applicant incurred an additional \$11,147.56 in unreimbursed work loss from August 24, 2003 through December 31, 2004. On November 7, 2005, the applicant filed a Reply Memorandum indicating that he agrees

with the Attorney General's October 31, 2005 Brief. Hence, this matter was heard by this panel of three commissioners on December 7, 2005 at 9:50 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 indicated that she received new information from the Social Security Administration concerning the applicant's earnings. The Assistant Attorney General stated that new work loss calculations were performed, which now indicate the applicant incurred an additional \$11,147.56 in unreimbursed work loss from August 24, 2003 through December 31, 2004. Counsel raised no objection to the Assistant Attorney General's recommendation.

{¶ 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. We find that the applicant incurred additional work loss in the amount of \$11,147.56 from August 24, 2003 through December 31, 2004. Therefore, the September 8, 2005 decision of the Attorney General shall be modified to grant the applicant a total award in the amount of \$12,845.48 (\$1,697.92 + \$11,147.56) for unreimbursed work loss incurred from August 24, 2003 through December 31, 2004.

IT IS THEREFORE ORDERED THAT

- 1) The September 8, 2005 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$12,845.48;
- 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;

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

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

ID #\10-dld-tad-120705

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

Filed 12-9-2005
Jr. Vol. 2259, Pgs. 28-30
To S.C. Reporter 1-20-2006