

[Cite as *In re Jones*, 2005-Ohio-7131.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: TYYONNA K. JONES	:	Case No. V2005-80053
LAKEITHA T. 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 a December 27, 2003 incident, whereby her minor daughter witnessed the stabbing of her 13 year old friend Janique Moore. On October 25, 2004, the Attorney General denied the applicant's claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss had been or may be recouped from a collateral source, namely Medicaid. On November 2, 2004, the applicant filed a request for reconsideration. On December 29, 2004, the Attorney General issued a Final Decision indicating that the previous decision warranted no modification. On January 27, 2005, the applicant filed a notice of appeal to the Attorney General's Final Decision. On August 19, 2005, a panel of commissioners ordered the Attorney General to file a supplemental memorandum addressing the applicant's total economic loss incurred from December 27, 2003 through August 31, 2005 and continued the matter. On September 30, 2005, the Attorney General filed a Supplemental Memorandum indicating the Final Decision should be affirmed since the applicant was eligible for Medicaid. Hence, this matter came to be heard before this panel of three commissioners on October 19, 2005 at 11:20 A.M.

{¶ 2} The applicant, her attorney, and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. Applicant's counsel indicated that the applicant was only seeking counseling reimbursement for the victim when she filed the original application. However, the applicant now seeks additional allowable expense in the form of wage loss, mileage reimbursement, and personal counseling expenses. Counsel indicated that the new claims may be submitted and resolved, in the interest of judicial economy, via a supplemental filing. The Assistant Attorney General raised no objection to counsel's suggestion.

{¶ 3} From review of the file and with careful consideration given to all the information presented at the hearing, we find the offender's conduct posed a substantial threat of personal injury or death to Tyionna Jones. Therefore, the December 29, 2004 decision of the Attorney General shall be affirmed without prejudice. Should the applicant obtain evidence that she incurred unreimbursed economic loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

- 1) The December 29, 2004 decision of the Attorney General is AFFIRMED without prejudice;
- 2) This claim is DENIED and judgment is rendered for the state of Ohio;
- 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.

JAMES H. HEWITT III
Commissioner

GREGORY P. BARWELL
Commissioner

RANDI OSTRY LE HOTY
Commissioner

ID #\13-dld-tad-102005

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

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To S.C. Reporter 1-20-2006

