

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: SHUKRI MASSRI	:	Case No. V2004-60334
SHUKRI MASSRI	:	<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 an August 24, 2001 assault and robbery incident. On June 25, 2003, the Attorney General granted the applicant an award of reparations in the amount of \$2,972.27 as unreimbursed work loss incurred from August 25, 2001 through August 30, 2003 (minus food stamps). On September 11, 2003, the applicant filed a supplemental compensation application seeking additional economic loss. On November 26, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(E)(4) contending that the applicant was convicted of domestic violence on July 18, 2003, which is during the pendency of the claim. On December 18, 2003, the applicant filed a request for reconsideration asserting that he was convicted of persistent disorderly conduct and not domestic violence. On March 16, 2004, the Attorney General modified his previous decision and granted the applicant an award in the amount of \$9,440.02 for unreimbursed work loss incurred from August 25, 2001 through August 31, 2003. On April 5, 2004, the applicant filed a notice of appeal to the Attorney General's March 16, 2004 Final

Decision. On May 17, 2004, the Attorney General filed a Brief indicating that the applicant incurred additional work loss in the amount of \$2,666.64 from August 25, 2001 through August 31, 2003. On June 16, 2004, a panel of commissioners granted the applicant an award of reparations in the amount of \$2,666.64 for unreimbursed work loss, ordered the Attorney General to file a supplemental memorandum calculating the applicant's work loss from August 26, 2002 through August 31, 2004, and continued the matter. On July 26, 2004, the Attorney General filed a Supplemental Memorandum recommending the applicant be granted an additional award in the amount of \$12,367.13 for work loss incurred from August 26, 2002 through March 9, 2004. On August 11, 2004, a panel of commissioners modified the panel's June 16, 2004 decision, granted the applicant an award in the amount of \$15,033.77, ordered the Attorney General to file a supplemental memorandum addressing the applicant's total economic loss, and continued the matter. On November 22, 2004, a judge affirmed the panel's August 11, 2004 decision. Hence, this matter came to be reheard before this panel of three commissioners on January 12, 2005 at 11:10 A.M.

{¶ 2} The *pro se* applicant and an Assistant Attorney General appeared at the hearing and presented brief comments for this panel's consideration. The Attorney General indicated that the applicant is owed an award in the amount of \$43,198.34 for total unreimbursed work loss incurred between August 24, 2001 through December 31, 2004. Mr. Massri agreed with the Attorney General's recommendation, but noted that a portion of his Bureau of Workers' Compensation payments contained attorney fees in which the Attorney General's Office may have inappropriately included as a collateral source against his work loss award. On January 12,

2005, the Assistant Attorney General filed a Post Hearing Brief indicating that Mr. Massri's recommended work loss award was in fact correctly calculated.

\$2,972.27	6/25/03 award granted and paid
\$9,440.02	3/16/04 award granted and paid
+ \$2,666.64	<u>6/16/04 award granted and paid</u>
\$15,078.93	total awards paid to date
\$43,198.34	total work loss incurred between 8/24/01-12/31/04
- \$15,078.93	<u>total awards paid to date</u>
\$28,119.41	remainder of work loss owed to the applicant between 8/24/01-

12/31/04

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we make the following determination. We find that the applicant incurred additional economic loss in the amount of \$28,119.41. Therefore, the August 11, 2004 decision of the panel of commissioners shall be modified to grant the applicant a total award in the amount of \$28,119.41 for unreimbursed work loss incurred between August 24, 2001 through December 31, 2004. Should the applicant incur additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

{¶ 4} 1) The August 11, 2004 decision of the panel of commissioners (Jr. Vol. 2254, Pgs. 124-127) is MODIFIED to render judgment in favor of the applicant in the amount of \$28,119.41;

{¶ 5} 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 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.

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

JAMES H. HEWITT III
Commissioner

ID #\19-dld-tad-5113

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

Filed 1-28-2005
Jr. Vol. 2256, Pgs. 39-42
To S.C. Reporter 2-25-2005