

[Cite as *In re Lemieux*, 2005-Ohio-821.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: DAVID S. LEMIEUX	:	Case No. V2004-60920
DAVID S. LEMIEUX	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} On April 7, 2004, the applicant filed a supplemental reparations application seeking reimbursement of expenses incurred with respect to an August 24, 2003 assault. On July 26, 2004, the Attorney General granted the applicant an additional award of reparations in the amount of \$3,089.50 for unreimbursed allowable expense. However, the Attorney General denied the applicant's claim for work loss pursuant to R.C. 2743.52(A). On August 4, 2004, the applicant filed a request for reconsideration asserting that he incurred work loss from August 24, 2003 through November 30, 2003. On September 2, 2004, the Attorney General issued a Final Decision that determined that no modification of the previous decision was warranted. On September 16, 2004, the applicant filed a notice of appeal to the Attorney General's September 2, 2004 Final Decision.

{¶ 2} On December 3, 2004, a panel of commissioners reversed the Attorney General's September 2, 2004 Final Decision, granted the applicant an emergency award in the amount of \$2,000.00, ordered the Attorney General to file a supplemental memorandum addressing the applicant's total economic loss, and continued the matter. Hence, this matter came to be reheard before this panel of commissioners on January 12, 2005 at 11:05 A.M.

{¶ 3} Applicant's counsel and an Assistant Attorney General appeared at the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General stated that the applicant incurred \$3,826.43 in total unreimbursed work loss between August 24, 2003 through November 20, 2003, which is noted in her January 3, 2005 Brief. Counsel raised no objection to the Attorney General's recommendation.

{¶ 4} 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 work loss in the amount of \$1,826.43 from August 24, 2003 through November 20, 2003. Therefore, the December 3, 2004 decision of the panel of commissioners shall be modified to grant the applicant a total award in the amount of \$3,826.43 (\$2,000.00 + \$1,826.43) in unreimbursed work loss.

IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The December 3, 2004 decision of the panel of commissioners (Jr. Vol. 2255, Pgs. 158-160) is MODIFIED to render judgment in favor of the applicant in the amount of \$3,826.43;

{¶ 6} 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;

{¶ 7} 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;

{¶ 8} 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 #\4-dld-tad-011305

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 1-28-2005
Jr. Vol. 2256, Pgs. 55-57
To S.C. Reporter 2-25-2005