

[Cite as *In re Greene*, 2006-Ohio-2801.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: DENNA K. GREENE	:	Case No. V2003-40879
DENNA K. GREENE	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
<hr/>		
	: : : : :	

{¶ 1} On February 14, 2003, the applicant filed a supplemental compensation application seeking reimbursement of expenses incurred with respect to a series of domestic violent assaults concluding on August 31, 2002. On May 28, 2003, the Attorney General denied the applicant's claim for work loss stating the applicant was not working at the time of the incident, but in fact had stopped working four weeks prior to the crime being committed against her on August 31, 2002. On June 6, 2003, the applicant filed a request for reconsideration. On September 2, 2003, the Attorney General issued a Final Decision indicating the previous decision warranted no modification. On September 10, 2003, the applicant filed a notice of appeal to the Attorney General's Final Decision. After numerous hearings and supplemental filings, on January 26, 2006, the Attorney General filed a fourth Supplemental Brief that recommended that the applicant be granted an award of reparations in the amount of \$5,018.14, which represents \$767.33 for prescription expenses, \$145.40 for medical expenses, and \$4,105.41 for work loss. Hence, this matter came to be heard before this panel of commissioners on February 8, 2006 at 10:25 A.M.

{¶ 2} The applicant, the applicant's attorney, and an Assistant Attorney General attended the hearing and presented testimony, exhibits, and brief comments for the panel's consideration. In her opening statement, the applicant's attorney expressed her agreement with the work loss amount contained in the Attorney General's January 26, 2006 Supplemental Brief. Counsel also stated additional work loss would be sought through the use of a supplemental compensation application. The Assistant Attorney General agreed that the amount contained in the January 26, 2006 Supplemental Brief, \$5,018.14, should be awarded by the panel.

{¶ 3} However, Dr. Howard Shertzinger, the applicant's physician, testified that he treated the applicant from April 4, 2004 through October 26, 2004 and that sixty percent of the applicant's treatment was related to the criminally injurious conduct. Dr. Shertzinger explained that during the course of his treatment, the applicant had also suffered a job related injury and unrelated liver issues. Dr. Shertzinger testified that he signed a work release slip for the applicant, which related to her liver surgery, which covered the time period from August 20, 2004 through September 2, 2004.

{¶ 4} The applicant's counsel rested her case on the condition that she be able to file an additional supplemental compensation application. The Assistant Attorney General then recommended the applicant's claim for work loss be reduced by \$752.13, in light of the applicant's unrelated medical issues. The applicant's attorney expressed no objection to a reduction in the applicant's work loss award based on Dr. Shertzinger's testimony.

{¶ 5} From review of the file and with careful consideration given all the information presented at the hearing, we find the Attorney General's September 2, 2003 decision should be reversed. The applicant is granted an award of reparations in the amount of \$4,266.01, which

represents \$767.33 for unreimbursed prescription expenses, \$145.40 for unreimbursed medical expenses, and \$3,353.28 for unreimbursed work loss. Should the applicant obtain evidence that she incurred additional unreimbursed economic loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

- 1) The September 2, 2003 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant in the amount of \$4,266.01;
- 2) This claim is remanded to the Attorney General for payment of the award pursuant to R.C. 2743.191;
- 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.

TIM MC CORMACK
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

ID #\28-drb-tad-021606

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

Filed 4-4-2006
Jr. Vol. 2260, Pgs. 8-11
To S.C. Reporter 6-5-2006