

[Cite as *In re Gueye*, 2006-Ohio-3942.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: AMAR C. GUEYE	:	Case No. V2006-20071
AMAR C. GUEYE	:	<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 October 14, 2005 assault incident at work. On December 13, 2005, the Attorney General granted the applicant an award in the amount of \$308.35, of which \$170.00 represented allowable expense and \$138.35 represented work loss sustained from October 17, 2005 through October 19, 2005. On December 19, 2005, the applicant filed a request for reconsideration. On January 19, 2006, the Attorney General granted the applicant an award in the amount of \$147.20 for unreimbursed work loss incurred from October 17, 2005 through October 19, 2005. On January 26, 2006, the applicant filed a notice of appeal to the Attorney General's January 19, 2006 Final Decision contending he is owed additional reimbursement. On March 6, 2006, the Attorney General filed a brief recommending the Final Decision be affirmed. In the brief, the Assistant Attorney General stated that: 1) the applicant failed to provide documentation verifying his alleged disability period; 2) the applicant's work loss was correctly calculated based upon his net wages; and 3) the applicant needs to submit new releases to the Attorney General's office in order

to conduct further investigation of the claim. Hence, this matter came to be heard before this panel of three commissioners on April 19, 2006 at 11:15 A.M.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General stated that she needs a disability statement from the applicant's physician that verifies the applicant's alleged 14 weeks of disability incurred as a result of the criminally injurious conduct. The Assistant Attorney General also stated that she needs new releases from the applicant to further investigate the claim. The Assistant Attorney General suggested that the applicant file a supplemental compensation application.

{¶ 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 has failed to prove, at this time, that he incurred additional economic loss. The applicant needs to submit new releases and verification of his medical disability to the Attorney General's office for investigation and review. Should the applicant obtain such, that would be an appropriate basis for filing a supplemental compensation application. Therefore, the January 19, 2006 decision of the Attorney General shall be affirmed.

IT IS THEREFORE ORDERED THAT

1) The January 19, 2006 decision of the Attorney General is AFFIRMED;

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.

LLOYD PIERRE-LOUIS
Commissioner

GREGORY P. BARWELL
Commissioner

JAMES H. HEWITT III
Commissioner

ID #\1-dld-tad-042606

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

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To S.C. Reporter 8-2-2006