

[Cite as *In re Zimcosky*, 2006-Ohio-5137.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION
www.cco.state.oh.us

IN RE: MICHELE M. ZIMCOSKY	:	Case No. V2005-80851
MICHELE M. ZIMCOSKY	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
<hr style="width: 50%; margin-left: 0;"/>		
:	:	:

{¶ 1} The applicant, a police officer, filed a reparations application seeking reimbursement of expenses incurred with respect to an October 12, 2004 assault incident. On August 26, 2005, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss has been or may be recouped from a collateral source, namely the Bureau of Workers' Compensation. On September 8, 2005, the applicant filed a request for reconsideration. On November 7, 2005, the Attorney General denied the claim once again. On December 2, 2005, the applicant filed a notice of appeal. The applicant contends she is owed reimbursement for private duty work loss. On June 7, 2006, the Attorney General filed a supplemental memorandum. The Attorney General indicated that the applicant incurred \$1,709.78 in unreimbursed private duty work loss from Haunted Houses, Inc. Hence, this matter came to be heard before this panel of three commissioners on June 7, 2006 at 10:10 A.M.

{¶ 2} Neither the applicant nor anyone on her 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 reiterated her

position that the applicant should be granted an award of reparations, as set forth in the June 7, 2006 supplemental memorandum. The Assistant Attorney General stated that she spoke to the applicant's attorney, via telephone, and he agreed with the Attorney General's recommendation.

{¶ 3} From review of the file and with full consideration given to all information presented at the hearing, we find that the applicant incurred private duty work loss in the amount of \$1,709.78 from Haunted Houses, Inc. Therefore, the November 7, 2005 decision of the Attorney General shall be reversed to award \$1,709.78 to the applicant as unreimbursed private duty work loss.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} The applicant's June 7, 2006 request to withdraw the December 2, 2005 notice of appeal is hereby DENIED;

{¶ 6} The November 7, 2005 decision of the Attorney General is REVERSED, and judgment is rendered in favor of the applicant in the amount of \$1,709.78;

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

{¶ 8} 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;

{¶ 9} Costs are assumed by the court of claims victims of crime fund.

TIM MC CORMACK

[Cite as *In re Zimcosky*, 2006-Ohio-5137.]

Commissioner

THOMAS H. BAINBRIDGE
Commissioner

KARL C. KERSCHNER
Commissioner

ID #\6-dld-tad-060806

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

Filed 8-4-2006, Jr. Vol. 2261, Pgs. 30-32

Jr. vol. 2261, Pgs. 30-32

To S.C. Reporter 9-29-2006

