

[Cite as *In re Hupp*, 2006-Ohio-5140.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: DOUGLAS E. HUPP, SR. : Case No. V2005-80681

DOUGLAS E. HUPP, SR. : ORDER OF A THREE-
COMMISSIONER PANEL

Applicant :

: : : : :

{¶ 1} The applicant filed a reparations application seeking allowable expense, work loss, replacement services loss, and clothing reimbursement as a result of a February 28, 2004 aggravated vehicular assault incident. On February 28, 2005, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss had been or may be recovered by collateral sources, namely Anthem health insurance and an insurance settlement. On March 29, 2005, the applicant filed a request for reconsideration. On September 27, 2005, the Attorney General granted the applicant an award in the amount of \$31,895.69 for unreimbursed economic loss, after an economic loss apportionment analysis. On October 18, 2005, the applicant filed a notice of appeal from the Attorney General's September 27, 2005 Final Decision. The applicant maintained that he had sustained severe injuries, that

he could no longer work, and that he had lost his health insurance coverage. On February 24, 2006, the parties filed a "Joint Motion to Dismiss and Remand" and indicated that they had reached an agreement as to the amount of the applicant's unreimbursed economic loss. A panel of commissioners denied the joint motion and requested a written detailed explanation as to how the parties arrived at the settlement figure. On May 18, 2006, the Attorney General filed a supplemental memorandum recommending a new award amount of \$22,825.13. Hence, this matter was heard by this panel of three commissioners on June 21, 2006 at 10:30 A.M.

{¶ 2} The pro se applicant and an Assistant Attorney General attended the hearing. The Assistant Attorney General presented a detailed review of the calculations and answered questions from the panel of commissioners. The applicant informed the panel that he had incurred an additional \$2,500.00 in attorney's fees during the settlement process that was not included in the Attorney General's calculations. The Assistant Attorney General raised no objection to the applicant's statement of incurred attorney's fees.

{¶ 3} From review of the file and with full and careful consideration given to all of the information presented at the

hearing, this panel makes the following determination. We find that the applicant incurred unreimbursed economic loss in the amount of \$25,325.13 (\$22,825.13 + \$2,500.00). Therefore, the September 27, 2005 decision of the Attorney General shall be modified to grant the applicant an award in the amount of \$25,325.13 for unreimbursed economic loss.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} The September 27, 2005 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$25,325.13;

{¶ 6} This claim is remanded to the Attorney General for payment of the award;

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

LLOYD PIERRE-LOUIS
Commissioner

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JAMES H. HEWITT III
Commissioner

GREGORY P. BARWELL
Commissioner

ID #\12-kb-tad-062706

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

Filed 8-17-2006

Jr. vol. 2261, Pgs. 72-74

To S.C. Reporter 9-29-2006