

[Cite as *In re Britton*, 2006-Ohio-5141.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: THOMAS BRITTON	:	Case No. V2006-20178
THOMAS BRITTON	:	<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 a March 12, 2005 assault incident. On November 23, 2005, the Attorney General granted the applicant an award in the amount of \$1,124.00 for dental expenses. However, the Attorney General denied the applicant's claim for work loss reimbursement. On December 14, 2005, the applicant filed a request for reconsideration asserting that he incurred unreimbursed work loss as a result of the criminally injurious conduct. On February 28, 2006, the Attorney General denied the applicant's claim for work loss. On March 6, 2006, the applicant filed a notice of appeal to the Attorney General's February 28, 2006 Final Decision. On March 31, 2006, the applicant filed a brief contending that he incurred unreimbursed work loss from April

through June 2005 in the amount of \$325.00. On April 27, 2006, the Attorney General filed a brief indicating that the applicant failed to sufficiently prove that he incurred \$325.00 in work loss. Hence, this matter was heard before this panel of three commissioners on June 8, 2006 at 10:20 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 reiterated her position for denying the applicant's claim for work loss, as set forth in the Attorney General's April 27, 2006 brief. After a brief discussion of the case, the panel chairman concluded the hearing.

{¶ 3} From review of the file and with full and careful consideration given to the all information presented at the hearing, we find the February 28, 2006 decision of the Attorney General shall be affirmed without prejudice. Should the applicant obtain evidence that he incurred additional economic loss, such would provide an appropriate basis for filing a supplemental compensation application.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} The February 28, 2006 decision of the Attorney General is AFFIRMED without prejudice;

{¶ 6} This claim is DENIED and judgment is rendered for the state of Ohio;

{¶ 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.

TIM MC CORMACK
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

KARL C. KERSCHNER
Commissioner

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

Filed 8-17-2006
Jr. Vol. 2261, Pgs. 78-80
To S.C. Reporter 9-29-2006

