

[Cite as *In re West*, 2006-Ohio-6316.]

**IN THE COURT OF CLAIMS OF OHIO  
VICTIMS OF CRIME DIVISION**

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IN RE: KURTIS WEST	:	Case No. V2003-40216
DEBRA D. WEST	:	<u>ORDER OF A THREE-</u>
KURTIS WEST	:	<u>COMMISSIONER PANEL</u>
Applicants	:	
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{¶ 1} On June 17, 2005, Debra West (“Ms. West”) filed a supplemental compensation application seeking additional reimbursement of expenses incurred with respect to the 1996-2000 sexual abuse of her then minor son Kurtis West (“Mr. West” or “victim”). On November 9, 2005, the Attorney General granted Ms. West an award of reparations in the amount of \$51.15 for unreimbursed mileage and parking expense. On November 16, 2005, Ms. West filed a request for reconsideration. On January 13, 2006, the Attorney General issued a Final Decision denying the claim pursuant to R.C. 2743.52(A) contending that Ms. West failed to prove that she and the victim incurred additional economic loss. On February 8, 2006, Ms. West filed a notice of appeal to the Attorney General’s January 13, 2006 Final Decision. On June 21, 2006, an oral hearing was held. On June 29, 2006, the panel of commissioners issued an order requiring the applicants and Attorney General to file a supplemental memorandum and continued the matter. On August 4, 2006, the Attorney General filed a brief recommending the applicants be granted an award of reparations in the amount of \$26.16 for unreimbursed

mileage expense. On September 20, 2006 at 11:00 A.M., this matter came to be heard before this panel of three commissioners.

{¶ 2} Mr. West (via telephone), the applicants' attorney, and an Assistant Attorney General attended the hearing and presented testimony and oral argument for the panel's consideration. Mr. West testified that during the summer of 2001 he worked approximately 40 hours per week at Arby's. Mr. West stated that he sustained work loss during the summer of 2001 to attend Larry Randlett's, the offender, criminal proceedings.

{¶ 3} After hearing Mr. West's testimony, the parties agreed upon the amounts to be paid in work loss (\$96.86) to Mr. West and mileage reimbursement (\$26.16). However, the parties continued to disagree concerning the \$100.00 issue of wage loss that Ms. West seeks and its reasonableness as a potential form of allowable expense in this case.

{¶ 4} Revised Code 2743.51(F) states:

(F) "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care and including replacement costs for eyeglasses and other corrective lenses. It does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services in excess of a reasonable and customary charge for semi-private accommodations, unless accommodations other than semi-private accommodations are medically required.

{¶ 5} From review of the file and with full consideration given to all the information presented at the hearing, we make the following determination. We find that the applicants incurred additional economic loss in the amount of \$203.02, of which \$26.16

represents mileage, \$96.86 represents work loss (16 hours from June 21, 2001 through June 23, 2001) sustained by Mr. West, and \$80.00 for wage loss sustained by Ms. West. Based upon the totality of the circumstances surrounding this particular case, we find that Ms. West reasonably incurred \$80.00 (\$100.00 less the \$20.00 child care reimbursement) in unreimbursed allowable expense (wage loss) for one day of service.

{¶ 6} Therefore, the January 13, 2006 decision of the Attorney General shall be reversed to grant the applicants an award of reparations in the amount of \$203.02 for unreimbursed economic loss.

IT IS THEREFORE ORDERED THAT

- 1) The January 13, 2006 decision of the Attorney General is REVERSED to render judgment in favor of the applicants in the amount of \$203.02;
- 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;
- 3) This order is entered without prejudice to the applicants' 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.

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GREGORY P. BARWELL  
Commissioner

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JAMES H. HEWITT III  
Commissioner

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KARL C. KERSCHNER  
Commissioner

ID #17-dld-tad-062006

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

Filed 10-2-2006  
Jr. Vol. 2261, Pgs. 194-197  
To S.C. Reporter 11-29-2006

Case No. V2003-40216

-1-

ORDER