

[Cite as *In re Dagher*, 2006-Ohio-6831.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: JAY C. DAGHER	:	Case No. V2004-60903
JAY C. DAGHER	:	<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 economic loss incurred as the result of an aggravated robbery that occurred on October 5, 2002. On February 17, 2004, the Attorney General denied the applicant's claim asserting that he did not incur any unreimbursed work loss. On March 17, 2004, the applicant filed a request for reconsideration. On July 20, 2004, the Attorney General rendered a Final Decision indicating the applicant incurred unreimbursed work loss in the amount of \$974.52 from March 15, 2003 through September 16, 2003. However, the Attorney General denied the applicant's claim for medical expenses incurred after the criminally injurious conduct, since they were unrelated to the injuries sustained at the time of the incident. The Attorney General asserted that those unrelated expenses were incurred as a result in the loss of the applicant's health insurance. On August 23, 2004, the applicant filed a notice of appeal to the Attorney General's July 20, 2004 Final Decision. On March 17, 2006, the panel of commissioners modified the Attorney General's Final Decision; granted the applicant an award in the amount of \$5,762.80 for

unreimbursed work loss incurred from March 14, 2003 through September 19, 2004; ordered the Attorney General to file a supplemental memorandum addressing the applicant's total work loss, insurance benefits, COBRA benefits, and medical expenses; ordered the applicant to file a response to the Attorney General's supplemental memorandum; and continued the matter. On April 28, 2006, the Attorney General filed a supplemental memorandum and request for continuance. The Attorney General recommended that the applicant be granted an additional award of reparations in the amount of \$2,549.18 for unreimbursed economic loss. On May 3, 2006, an oral motion hearing was commenced. On May 5, 2006, the panel issued an order modifying the March 17, 2006 panel order to grant the applicant an award in the amount of \$8,311.98 for unreimbursed economic loss. The panel also ordered the applicant to file a response to the Attorney General's supplemental memorandum and continued the matter. On September 5, 2006, the Attorney General filed a supplemental memorandum recommending the applicant be granted an additional award for unreimbursed work loss in the amount of \$521.25. On September 15, 2006, the applicant filed a reply to the Attorney General's September 5, 2006 supplemental memorandum. The applicant indicated his agreement with the Attorney General's recommendation. On October 4, 2006 at 11:25 A.M., this matter came to be heard before this panel of three commissioners.

{¶12} The applicant's attorney and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General reiterated her recommendation that is contained in the September 5,

2006 supplemental memorandum. The Assistant Attorney General related that she had subpoenaed all the applicant's payroll records from Rite Aid, however she has yet to receive such records that contain the applicant's W-4 IRS form. Nevertheless, the Assistant Attorney General stated that based upon the applicant's previously submitted pay stubs, new work loss calculations were performed. The Assistant Attorney General maintained that the applicant should be granted an additional award for work loss in the amount of \$521.25. Counsel indicated that he agrees with the Attorney General's figures and noted that if he obtains the needed information from Rite Aid then he will file a supplemental compensation application on behalf of the applicant.

{¶13} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the applicant incurred additional work loss in the amount of \$521.25. Therefore, the May 5, 2006 panel order shall be modified to grant the applicant a total award in the amount of \$8,833.23 (\$8,311.98 + \$521.25) in unreimbursed economic loss.

IT IS THEREFORE ORDERED THAT

- 1) The applicant's September 28, 2006 motion for continuance of the hearing is hereby DENIED;
- 2) The May 5, 2006 order of the panel of commissioners (Jr. Vol. 2260, Pg. 95) is MODIFIED to render a judgment in favor of the applicant in the amount of \$8,833.23;
- 3) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;

4) 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;

5) Costs are assumed by the court of claims victims of crime fund.

TIM MC CORMACK
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

RANDI OSTRY LE HOTY
Commissioner

ID #29-dld-tad-100406

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

Filed 11-9-2006
Jr. vol. 2262, Pgs.96-99
To S.C. 12-22-2006

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ORDER