

[Cite as *In re Graham*, 2006-Ohio-7120.]

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

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IN RE: CHRISTOPHER J. GRAHAM	:	Case No. V2006-20291
CHRISTOPHER J. GRAHAM	:	Commissioners:
Applicant	:	Tim McCormack, Presiding
	:	Karl C. Kerschner
	:	Randi Ostry LeHoty
_____	:	
_____	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking an award for work loss sustained with respect to a July 6, 2004 assault incident. On October 13, 2005, the Attorney General denied the applicant's claim for overtime pay, court appearances, work loss, and special duty pay. On November 11, 2005, the applicant filed a request for reconsideration. On March 14, 2006, the Attorney General determined that the previous decision warranted no modification. On April 12, 2006, the applicant filed a notice of appeal to the Attorney General's March 14, 2006 Final Decision. On October 2, 2006, the Attorney General filed a supplemental memorandum. The Attorney General found that the applicant sustained work loss for two court appearances occurring on July 8, and July 13, 2004, in the amount of \$165.77. However, the Attorney General could not verify that the applicant sustained additional work loss consisting of lost overtime wages or of special duty pay with Tenable Security.

Accordingly, the Attorney General asserted those claims should be denied. On October 30, 2006, the Attorney General and the applicant filed a joint motion for remand. The parties requested that the panel remand this matter to the Attorney General for payment of the \$165.77 and agreed that the applicant would be eligible to submit a supplemental compensation application if he obtains the necessary information to support his request for overtime wages. On December 19, 2006, the panel of commissioners reversed the Attorney General's March 14, 2006 Final Decision; granted the applicant an award totaling \$165.77 for unreimbursed work loss; ordered the applicant to file a brief along with supporting documentation concerning the applicant's overtime loss from the Cleveland Police Department; ordered the Attorney General to file a brief along with work loss calculations; and continued the matter. On January 8, 2007, the Attorney General filed a brief indicating that the applicant failed to submit supplemental evidence that he incurred additional economic loss. On January 11, 2007 at 10:45 A.M., this matter was heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented a brief summary of the case and stated her position for denying any further work loss reimbursement. After a brief discussion, the panel chairman concluded the hearing.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the panel's December 19, 2006 decision remains in full force and effect.

IT IS THEREFORE ORDERED THAT

- 1) The December 19, 2006 panel decision remains in full force and effect;
- 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 3) 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;
- 4) Costs are assumed by the court of claims victims of crime fund.

TIM MC CORMACK
Presiding Commissioner

KARL C. KERSCHNER
Commissioner

RANDI OSTRY LE HOTY
Commissioner

ID #10-dld-tad-011807

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

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