

[Cite as *In re Shorter*, 2006-Ohio-7121.]

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

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IN RE: JAMES W. SHORTER	:	Case No. V2003-40623
JAMES W. SHORTER	:	Commissioners:
	:	Thomas H. Bainbridge, Presiding
Applicant	:	Tim McCormack
	:	Lloyd Pierre-Louis
	:	
	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>

: : : : :

{¶1} The applicant filed a supplemental compensation application seeking reimbursement for prescription expenses on March 28, 2006. Previously, the applicant had been granted awards of reparations which totaled \$17,301.61. On June 6, 2006, the Attorney General denied the applicant's claim because the applicant failed to present documentation to support his claim for prescription expense reimbursement. On June 16, 2006, the applicant filed a request for reconsideration. On July 26, 2006, the Attorney General denied the claim once again. The Attorney General noted the applicant incurred prescription expenses in the amount of \$16.00, however, the statute does not permit payment of an award less than \$50.00. On August 9, 2006, the applicant filed a notice of appeal. On September 29, 2006, the Attorney General filed a brief stating that after conducting an investigation concerning the applicant's prescription expenses, the Attorney General found that the applicant incurred unreimbursed expense in the amount of \$432.00. On October 20, 2006, the applicant filed a reply memorandum agreeing with the Attorney General's brief. Hence, this

matter came to be heard before this panel of three commissioners on November 1, 2006 at 11:34 A.M.

{¶2} The applicant's attorney and an Assistant Attorney General attended the hearing. The Assistant Attorney General presented brief comments for the panel's consideration. The Assistant Attorney General reiterated her position that the applicant should be granted a supplemental compensation award, as set forth in her brief. The applicant's attorney concurred with the Assistant Attorney General's proposal.

{¶3} From a review of the file and with full consideration given to all information presented at the hearing, we find that the applicant incurred additional allowable expense in the amount of \$432.00. Therefore, the July 26, 2006 decision of the Attorney General shall be reversed to award \$432.00 to the applicant as unreimbursed allowable expense.

IT IS THEREFORE ORDERED THAT

- 1) The July 26, 2006 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant in the amount of \$432.00;
  - 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the supplemental award;
  - 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.
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THOMAS H. BAINBRIDGE  
Presiding Commissioner

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TIM MC CORMACK  
Commissioner

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LLOYD PIERRE-LOUIS  
Commissioner

ID #\13-DRB-tad-110806

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

Filed 12-28-2006  
Jr. Vol. 2262, Pgs. 192-194  
To S.C. Reporter 1-31-2007

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ORDER