

[Cite as *In re Simmons*, 2006-Ohio-7123.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: NATHAN C. SIMMONS	:	Case No. V2006-20399
NATHAN C. SIMMONS	:	Commissioners:
Applicant	:	Thomas H. Bainbridge, Presiding
	:	Tim McCormack
	:	Lloyd Pierre-Louis
	:	
	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking allowable expense and work loss as the result of an assault that occurred on January 16, 2004. On January 23, 2006, the Attorney General denied the applicant's claim pursuant to 2743.52(A), failure to prove by a preponderance of the evidence that his losses were sustained. Applicant filed a request for reconsideration and on April 14, 2006, the Attorney General determined that the previous decision warranted no modification and denied the claim once again. On May 12, 2006, the applicant filed a notice of appeal from the Attorney General's April 14, 2006 Final Decision. On August 17, 2006, a panel of commissioners issued an order continuing the matter until November 1, 2006. On September 29, 2006, the Attorney General filed a supplemental memorandum. The Attorney General's investigation revealed that the applicant incurred unreimbursed allowable expense in the amount of \$785.86 of which \$466.86, should be granted to the

applicant for reimbursement of prescription expenses he incurred and the remainder of \$319.00 should be distributed to various medical providers. Hence, this matter was heard by this panel of three commissioners on November 1, 2006 at 11:20 A.M.

{¶2} The applicant, his attorney, and an Assistant Attorney General attended the hearing. The Assistant Attorney General stated that the parties had reached an agreement in this matter. The parties agreed that the amount contained in the supplemental memorandum, \$785.86, should be awarded to the applicant. The Assistant Attorney General also stated further investigation had revealed the applicant incurred an out-of-pocket expense in the amount of \$155.00 he had paid for treatment received at the Centers for Comprehensive Pain. Accordingly, the Assistant Attorney General recommended the applicant be granted a total award of \$940.86, with \$621.86 being awarded to the applicant and \$319.00 being distributed to the various medical providers listed in the supplemental memorandum.

{¶3} The applicant's attorney expressed his agreement with the Assistant Attorney General's statements and presented documentation of the additional medical expense the applicant had incurred. After a brief discussion, the panel chairman concluded the hearing.

{¶4} From review of the file and with full and careful consideration given to all information presented at the hearing, this panel makes the following determination. We find that the applicant incurred unreimbursed allowable expenses in the amount of \$940.86. Therefore, the April 14, 2006 decision of the Attorney General shall be

reversed to grant the applicant an award in the amount of \$940.86 for unreimbursed allowable expense.

IT IS THEREFORE ORDERED THAT

1) The April 14, 2006 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant in the amount of \$940.86;

2) This claim is remanded to the Attorney General for payment of the award consistent with this order;

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.

THOMAS H. BAINBRIDGE
Presiding Commissioner

TIM MC CORMACK
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

ID #6-DRB-tad-110806

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

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