

[Cite as *In re Wittman*, 2007-Ohio-1400.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: JULIA A. WITTMAN	:	Case No. V2004-60121
CAROL C. WITTMAN	:	Commissioners:
JULIA A. WITTMAN	:	Randi Ostry LeHoty, Presiding
	:	Gregory P. Barwell
Applicants	:	James H. Hewitt III
<hr/>	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} On July 15, 2004, Carol Wittman (“Mrs. Wittman”) filed a supplemental compensation application seeking additional reimbursement of expenses incurred with respect to a November 6, 2002 criminally injurious conduct incident involving her then minor daughter, Julia Wittman. On February 10, 2005, the Attorney General granted Mrs. Wittman an additional award of reparations in the amount of \$15,492.77 for unreimbursed counseling expenses. On March 11, 2005, Mrs. Wittman filed a request for reconsideration contending that she incurred unreimbursed allowable tuition expense for her daughter’s senior year of high school (2004-2005). On May 10, 2005, the Attorney General denied the claim pursuant to the doctrine of *res judicata* contending that the issue of tuition reimbursement had already been adjudicated. On February 28, 2006, a majority of the panel of commissioners affirmed the Attorney

General's May 10, 2005 decision. On March 28, 2006, the applicants filed a notice of appeal from the panel's February 28, 2006 decision. On August 22, 2006, a judge of the court of claims set aside the panel's decision and remanded the claim to the panel of commissioners for a hearing to allow evidence regarding Julia Wittman's rehabilitation, treatment, and care. Hence, this matter came to be heard before this panel of three commissioners on November 15, 2006 at 11:45 A.M.

{¶12} Mrs. Wittman and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General stated that after reviewing the additional medical evidence, she now finds that the Attorney General's May 10, 2005 Final Decision warrants a reversal. The Assistant Attorney General requested the matter be remanded to the Attorney General for economic loss calculations and decision. Applicants' counsel agreed with the Attorney General's recommendation to reimburse Mrs. Wittman for the victim's 2004-2005 school year's tuition.

{¶13} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that Mrs. Wittman incurred additional tuition expense on behalf of her daughter for the 2004-2005 school year. Therefore, the May 10, 2005 decision of the Attorney General shall be reversed and this claim shall be remanded to the Attorney General for economic loss calculations and decision.

{¶14} IT IS THEREFORE ORDERED THAT

{¶15} 1) The May 10, 2005 decision of the Attorney General is REVERSED to render judgment in favor of the applicant;

{¶6} 2) This claim is remanded to the Attorney General for economic loss calculations and decision consistent with the panel's decision;

{¶7} 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;

{¶8} 4) Costs are assumed by the court of claims victims of crime fund.

RANDI OSTRY LE HOTY
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

JAMES H. HEWITT III
Commissioner

ID #\36-dld-tad-111706

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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To S.C. Reporter 3-22-2007

Case No. V2004-60121

-1-

ORDER