

[Cite as *In re Heading*, 2007-Ohio-1402.]

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

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|                              |   |                           |
|------------------------------|---|---------------------------|
| IN RE: JACQUELINE K. HEADING | : | Case No. V2006-20704      |
| JACQUELINE K. HEADING        | : | Commissioners:            |
| Applicant                    | : | Tim McCormack, Presiding  |
|                              | : | Thomas H. Bainbridge      |
|                              | : | Karl C. Kerschner         |
|                              | : |                           |
|                              | : | <u>ORDER OF A THREE-</u>  |
|                              | : | <u>COMMISSIONER PANEL</u> |
|                              | : |                           |
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|                              | : |                           |

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred regarding a September 24, 2005 assault incident. On April 19, 2006, the Attorney General granted the applicant an award in the amount of \$42.53 for unreimbursed work loss incurred from September 26, 2005 through October 9, 2005. However, the award was not paid pursuant to R.C. 2743.191(B) since the sum does not exceed \$50.00. On April 27, 2006, the applicant filed a request for reconsideration contending that she incurred towing expenses when the police had her automobile towed from the expressway after the assault. On June 26, 2006, the Attorney General issued a Final Decision indicating that the previous decision warranted no modification. On July 17, 2006, the applicant filed a notice of appeal to the Attorney General's June 26, 2006 Final Decision. On December 6, 2006 at 10:20 A.M., this matter came to be heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General summarized the case and reiterated her position for denying the claim. The Assistant Attorney General explained that the applicant's automobile was not towed for evidentiary purposes as required by R.C. 2743.51(U) and hence the towing expense cannot be reimbursed to the victim through the compensation program.

{¶3} Revised Code 2743.51(U) states:

(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the June 26, 2006 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The June 26, 2006 decision of the Attorney General is AFFIRMED;

{¶7} 2) This claim is DENIED and judgment is rendered for the state of Ohio;

{¶8} 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;

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

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TIM MC CORMACK  
Presiding Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

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KARL C. KERSCHNER  
Commissioner

ID #A5-dld-tad-121806

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 2-2-2007  
Jr. Vol. 2263, Pgs. 82-84  
To S.C. Reporter 3-22-2007

