

[Cite as *In re Smith*, 2007-Ohio-1403.]

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

www.cco.state.oh.us

IN RE: SEAN E. SMITH	:	Case No. V2006-20852
SEAN E. SMITH	:	Commissioners:
	:	Tim McCormack, Presiding
Applicant	:	Thomas H. Bainbridge
	:	Karl C. Kerschner
_____	:	
_____	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
	:	

{11} The applicant, a police officer, filed a reparations application seeking reimbursement of expenses incurred after he sustained injury while attempting to make an arrest on March 10, 2005. On June 30, 2006, the Attorney General granted the applicant an award in the amount of \$72.95 for unreimbursed work loss incurred from March 28, 2005 through July 3, 2005. On July 11, 2006, the applicant filed a request for reconsideration. On August 28, 2006, the Attorney General issued a Final Decision indicating that the previous decision warranted no modification. On September 8, 2006, the applicant filed a notice of appeal to the Attorney General's August 28, 2006 Final Decision. On December 6, 2006 at 10:50 A.M., this matter came to be heard before this panel of three commissioners.

{12} Neither the applicant nor anyone on his 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. However, the Assistant Attorney General noted that if the applicant submitted additional evidence (such as official subpoenas or an affidavit from court personnel) to document work loss, a supplemental compensation application may be proper. After a brief discussion of the matter, the panel chairperson 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 August 28, 2006 decision of the Attorney General shall be affirmed without prejudice.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The August 28, 2006 decision of the Attorney General is AFFIRMED;

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

{¶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.

TIM MC CORMACK
Presiding Commissioner

[Cite as *In re Smith*, 2007-Ohio-1403.]

THOMAS H. BAINBRIDGE
Commissioner

KARL C. KERSCHNER
Commissioner

ID #A1-dld-tad-121906

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

Filed 2-2-2007
Jr. Vol. 2263, Pgs. 79-81
To S.C. Reporter 3-22-2007