

[Cite as *In re Haas*, 2007-Ohio-1406.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: PAUL N. HAAS	:	Case No. V2006-20887
PAUL N. HAAS	:	Commissioners:
Applicant	:	James H. Hewitt III, Presiding
	:	Thomas H. Bainbridge
	:	Gregory P. Barwell
	:	
	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a supplemental compensation application seeking additional work loss reimbursement incurred as a result of a February 19, 2005 assault incident. On May 12, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that the applicant had insurance coverage via State Farm Insurance Company and Medicaid. On June 12, 2006, the applicant filed a request for reconsideration. On August 18, 2006, the Attorney General granted the applicant an award in the amount of \$1,017.64 for work loss incurred from February 19, 2005 through April 15, 2005. On September 19, 2006, the applicant filed a notice of appeal to the Attorney General's August 18, 2006 Final Decision. On October 31, 2006, the applicant filed a brief indicating he incurred work loss totaling \$11,421.52 for eight weeks of missed work. On November 14, 2006, the Attorney General filed a brief recommending the applicant be granted an award totaling only \$4,063.40 for eight

weeks of work loss. On December 21, 2006 at 11:00 A.M., this matter was heard by this panel of three commissioners.

{¶2} The applicant, applicant's counsel, and an Assistant Attorney General attended the hearing and presented oral argument for the panel's consideration. Counsel stated that the applicant incurred more work loss than what was awarded by the Attorney General in the Final Decision. Counsel urged the panel to consider and utilize the applicant's proposal for calculating work loss, which is described in the applicant's October 31, 2006 brief. Counsel argued that, using the applicant's formula for calculating work loss, the applicant is entitled to receive \$11,421.52 in unreimbursed work loss. However, the Assistant Attorney General maintained that the applicant should be reimbursed only \$4,063.40 for eight weeks of net work loss, as noted in the Attorney General's November 14, 2006 brief.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant incurred total net work loss in the amount of \$4,540.00 after utilizing the applicant's net daily salary of \$113.51 for eight weeks or 40 days of work loss (see the Attorney General's December 20, 2006 Work Loss Exhibit). Therefore, the August 18, 2006 decision of the Attorney General shall be modified to grant the applicant a total award in the amount of \$4,540.00 for work loss incurred from February 19, 2005 through April 15, 2005.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The August 18, 2006 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$4,540.00;

{¶6} 2) This claim is remanded to the Attorney General for payment of the award;

{¶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.

JAMES H. HEWITT III
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

GREGORY P. BARWELL
Commissioner

ID #A3-dld-tad-010507

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

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