

Court of Claims of Ohio

Victims of Crime Division

The Ohio Judicial Center
65 South Front Street, Fourth Floor
Columbus, OH 43215
614.387.9860 or 1.800.824.8263
www.cco.state.oh.us

IN RE: BARRY A. REED

Case No. V2007-90382

BARRY A. REED

Applicant

Commissioners:
Karl C. Kerschner, Presiding
Thomas H. Bainbridge
Tim McCormack

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred as a result of an August 17, 2005 aggravated vehicular assault incident. On July 27, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss had been or may be recouped from a collateral source, namely State Farm Insurance Company. On August 26, 2006, the applicant filed a request for reconsideration. On April 11, 2007, the Attorney General issued a Final Decision granting the applicant an award totaling \$6,454.94 in unreimbursed economic loss, after a 25/75 economic loss apportionment analysis. On May 10, 2007, the applicant filed a notice of appeal to the Attorney General's April 11, 2007 Final Decision. On July 6, 2007, the Attorney General filed a

brief recommending that the applicant be granted a total award totaling \$22,678.08 in unreimbursed economic loss. On July 31, 2007, the applicant filed a response to the Attorney General's brief indicating that he agreed with the Attorney General's recommendation. At 10:50 A.M. on August 8, 2007, this matter was heard by this panel of three commissioners.

{¶2} Applicant's counsel, via telephone, and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General reiterated the recommendation to grant the applicant an additional award, based upon the figures listed in the Attorney General's July 6, 2007 brief. Counsel raised no objection to the Attorney General's recommendation. The panel chair then concluded the hearing.

{¶3} From review of the file and with full and careful consideration given to the information presented at the hearing, we find that the applicant incurred \$22,678.08 in unreimbursed economic loss, of which \$2,106.00 represents allowable expense and \$20,572.08 represents work loss sustained from August 22, 2005 through May 20, 2006, after a 25/75 economic loss apportionment analysis. Therefore, the April 11, 2007 decision of the Attorney General shall be modified to grant the applicant an award in the amount of \$22,678.08 for unreimbursed economic loss.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The April 11, 2007 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$22,678.08;

{¶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.

KARL C. KERSCHNER
Presiding Commissioner

THOMAS H. BAINBRIDGE
Presiding Commissioner

TIM MC CORMACK
Presiding Commissioner

ID #A1-dld-tad-080907

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

Filed 8-20-2007
Jr. Vol. 2266, Pgs. 54-56
To S.C. Reporter 9-13-2007

