

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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Columbus, OH 43215
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www.cco.state.oh.us

IN RE: BRIAN K. CLIPSE

Case No. V2007-90412

BRIAN K. CLIPSE

Applicant

Commissioners:
Thomas H. Bainbridge, Presiding
Tim McCormack
Clarence E. Mingo II

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a June 17, 2006 assault incident. On November 22, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(F) contending that the applicant was engaging in substantial contributory misconduct, fighting, when he was assaulted. On December 19, 2006, the applicant filed a request for reconsideration indicating that he had not voluntarily participated in a fight on June 17, 2006. On May 21, 2007, the Attorney General granted the applicant an award totaling \$11,439.90 in unreimbursed allowable expense. On June 4, 2007, the applicant filed a notice of appeal to the Attorney General's May 21, 2007 Final Decision. The applicant contends that he lost unemployment benefits as a result of the criminally injurious conduct. On September 5, 2007 at 10:55 A.M., this matter was heard before this panel of three commissioners.

{¶2} 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, which was stated in the August 1, 2007 brief, for denying the applicant an award for unemployment benefits.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the May 21, 2007 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The May 21, 2007 decision of the Attorney General is AFFIRMED;

{¶6} 2) This claim is remanded to the Attorney General for payment of the \$11,439.90 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.

THOMAS H. BAINBRIDGE
Presiding Commissioner

TIM MC CORMACK

[Cite as *In re Eclipse*, 2007-Ohio-6288.]

Commissioner

CLARENCE E. MINGO II
Commissioner

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

Filed 10-26-07
Jr. Vol. 2267, Pages 14-16
To S.C. Reporter 11-21-07