

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: GREG J. PETTWAY

Case No. V2006-21221

GREG J. PETTWAY

Applicant

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

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} The applicant filed a reparations application on June 9, 2005, as the result of an assault which occurred on April 30, 2005. Subsequently, on November 30, 2005, the Attorney General issued a Finding of Fact and Decision granting the applicant an award of reparations in the amount of \$1,441.05, which represented reimbursement for allowable expense incurred. On June 23, 2006, the applicant filed a supplemental compensation application seeking reimbursement of a medical expense incurred at Lutheran Hospital in the amount of \$992.30. On August 21, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(D), failure to utilize a readily available collateral source. The Attorney General's investigation revealed this expense could be covered by Qual Choice Insurance Company, the applicant's wife's insurance carrier which was in effect at the time of the criminally injurious conduct. On September 26, 2006, the applicant filed a request for reconsideration. On October 31, 2006, the Attorney General denied the claim once again, contending the applicant failed to provide Lutheran Hospital with his insurance information. On December 1, 2006, the applicant filed a notice of appeal to the Attorney General's October 31, 2006 Final

Decision. On December 6, 2007 at 10:25 A.M., this matter was heard before this panel of three commissioners.

{¶2} The applicant's attorney and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General summarized the case and stated the applicant had acted reasonably in submitting the insurance information to the hospital, however, the insurance carrier, now out of business, had failed to reimburse the hospital for the expenses. Accordingly, the Assistant Attorney General recommended that this panel pay the outstanding bill to Lutheran Hospital. The attorney for the applicant concurred with the Assistant Attorney General.

{¶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 October 31, 2006 decision of the Attorney General shall be reversed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The October 31, 2006 decision of the Attorney General is REVERSED;

{¶6} 2) This claim is remanded to the Attorney General for payment of the \$992.30 award to Lutheran Hospital;

{¶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.

[Cite as *In re Pettway*, 2008-Ohio-2763.]

KARL C. KERSCHNER
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

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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 1-31-2008

Jr. Vol. 2267, Pgs. 143-145

To S.C. Reporter 6-5-2008