

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: D. J.

Case No. V2007-90625

BRIDGETT JACKSON

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 for counseling expenses and lost wages incurred as the result of injuries received by her minor daughter D. J. on February 5, 2007. On June 18, 2007, the Attorney General granted the applicant an award of reparations in the amount of \$206.44 for lost wages incurred but denied her claim for counseling expenses because these expenses were paid by Aetna Insurance Company, a readily available collateral source. On June 26, 2007, the applicant filed a request for reconsideration seeking additional reimbursement for lost wages and counseling expenses for her daughter. On August 27, 2007, the Attorney General issued a Final Decision which modified the prior decision. The applicant was granted an additional award of reparations in the amount of \$133.63 for additional work loss, however, counseling expenses were again denied because Aetna Insurance Company remained a readily available collateral source. On September 10, 2007, the applicant filed a notice of appeal to the Attorney General's August 27, 2007 Final Decision. On December 5, 2007 at 10:10 A.M., this matter was heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on her 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 related that all incurred counseling expenses had been reimbursed by Aetna Insurance Company, a readily available collateral source. Any future counseling expenses should be addressed via a supplemental compensation application. The Assistant Attorney General assured the panel that she would contact the applicant in the near future to insure that the applicant understood the supplemental filing process with respect to future counseling expenses.

{¶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 August 27, 2007 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The August 27, 2007 decision of the Attorney General is AFFIRMED;

{¶6} 2) The applicant shall be granted an award of reparations in the amount of \$133.63 and this case is remanded to the Attorney General's office for payment;

{¶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

[Cite as *In re D.J.*, 2008-Ohio-2768.]

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. 158-160
To S.C. Reporter 6-5-2008