

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

65 South Front Street, Fourth Floor
Columbus, OH 43215

614.587.3500 or 1.800.624.0265
www.cco.state.oh.us

IN RE: BARBARA SIVKO

Case No. V2007-90650

BARBARA SIVKO

Commissioners:
Lloyd Pierre-Louis, Presiding
Gregory P. Barwell
Clarence E. Mingo II

Applicant

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a domestic violence incident which occurred on January 19, 2007. On June 11, 2007, the Attorney General found the applicant was a victim of criminally injurious conduct and granted her an award of reparations in the amount of \$324.83, which represented \$62.43 for work loss incurred from January 19 through February 9, 2007, \$51.58 for reimbursement of medical expenses already paid by the applicant and \$210.82 for medical expense incurred by the applicant and paid directly to medical providers. Applicant's claim for reimbursement incurred pursuant to R.C. 2743.51(F)(4) was denied because the applicant did not successfully obtain a civil protection order. On June 26, 2007, the applicant filed a request for reconsideration seeking reimbursement for the attorney fees incurred in conjunction with the civil protection order. On August 27, 2007, the Attorney General denied the claim for reimbursement of the attorney fees pursuant to R.C. 2743.51(F)(4). On September 25, 2007, the applicant filed a notice of appeal to the Attorney General's August 27, 2007 Final Decision. On December 19, 2007 at 11:10 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 summarized the case and reiterated her position for denying the attorney fees.

{¶ 3} R.C. 2743.51(F)(4) in pertinent part states:

“(4) ‘Allowable expense’ includes attorney’s fees not exceeding two thousand five hundred dollars, at a rate not exceeding one hundred fifty dollars per hour, incurred to successfully obtain a restraining order, custody order, or other order to physically separate a victim from an offender . . .”

{¶ 4} 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.

{¶ 5} IT IS THEREFORE ORDERED THAT

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

{¶ 7} 2) This claim is DENIED and judgment is rendered for the state of Ohio;

{¶ 8} 3) Costs are assumed by the court of claims victims of crime fund.

LLOYD PIERRE-LOUIS
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

[Cite as *In re Sivko*, 2008-Ohio-5683.]

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 Cuyahoga County Prosecuting Attorney and to:

Filed 2-14-2008

Jr. Vol. 2267, Pgs. 191-193

To S.C. Reporter 10-31-2008