

Court of Claims of OhioVictims of Crime Division

The Ohio Judicial Center

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Columbus, OH 43215

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IN RE: GREGORY FUSSELMAN

Case No. V2007-90706

GREGORY FUSSELMAN

Applicant

Commissioners:
Tim McCormack, Presiding
Clarence E. Mingo II
Lloyd Pierre-Louis

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} On April 12, 2007, the applicant, Gregory Fusselman, filed a reparations application seeking reimbursement for economic loss incurred as the result of a hit and run offense that occurred on January 7, 2006. On May 2, 2007, the Attorney General rendered a decision finding the applicant qualified as a victim of criminally injurious conduct, however, all economic loss incurred could have been reimbursed by the Bureau of Workers' Compensation, a readily available collateral source. On May 8, 2007, the applicant filed a request for reconsideration. On November 5, 2007, the Attorney General again denied the applicant's claim due to collateral source reimbursement. On November 7, 2007, the applicant filed a notice of appeal to the Attorney General's November 5, 2007 Final Decision. On December 27, 2007, the Attorney General filed a supplemental brief. The brief recommends that the applicant be granted an award of reparations in the amount of \$4,973.35, which represented \$525.20 for mileage expenses and \$4,448.15 for work loss. On January 9, 2008 at 10:10 A.M., this matter was heard before this panel of three commissioners.

{¶ 2} The applicant's counsel and an Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General related an error had been made calculating the amount of the

applicant's work loss and subsequent benefits received from the Bureau of Workers' Compensation, consequently, the calculations contained in the supplemental brief were an accurate reflection of the loss sustained by the applicant. The Assistant Attorney General also stated that other economic loss issues could be presented via a supplemental compensation application. Applicant's counsel concurred with the Assistant Attorney General's recommendations. The Assistant Attorney General and applicant's counsel asked that the claim be remanded for payment.

{¶ 3} From review of the file and with full consideration given to all the information presented at the hearing, we find the applicant incurred work loss in the amount of \$4,448.15 and allowable expense in the amount of \$525.20 for a total award of \$4,973.35. Therefore, the decision of the Attorney General shall be reversed and the applicant shall be granted an award in the amount of \$4,973.35.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The November 5, 2007 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant in the amount of \$4,973.35;

{¶ 6} 2) This claim is remanded to the Attorney General pursuant to R.C. 2743.191 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.

[Cite as *In re Fusselman*, 2008-Ohio-5718.]

TIM MC CORMACK
Presiding Commissioner

CLARENCE E. MINGO II
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

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

Filed 3-7-2008

Jr. Vol. 2268, Pgs. 33-35

To S.C. Reporter 11-3-2008