

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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IN RE: PRISCILLA TUROCY

PRISCILLA TUROCY

Applicant

Case No. V2008-30481

Commissioners:

Karl C. Kerschner, Presiding

Tim McCormack

Gregory P. Barwell

ORDER OF A THREE COMMISSIONER PANEL

{¶ 1} On September 6, 2007, the applicant, Priscilla Turocy, filed a compensation application as the result of a sexual assault and robbery which occurred on September 6, 2005. On January 2, 2008, the Attorney General issued a finding of fact and decision finding the applicant qualified as a victim of criminally injurious conduct and granted her an award in the amount of \$479.97, of which \$50.00 was paid to St. Vincent Charity Hospital for treatment received and \$429.97 was paid to the applicant for reimbursement of medical expenses and crime scene cleanup. The applicant submitted a request for reconsideration. The applicant asserts she should be paid for her work loss and replacement of the remote control to her vehicle.

{¶ 2} On April 1, 2008, the Attorney General rendered a Final Decision. The Attorney General held that no award for work loss would be made since the applicant was a salaried employee and was provided personal days which cannot be carried over

to be used in a following year. As such, these personal days are collateral sources which would offset any work loss the applicant sustained. With respect to a killswitch and a remote key fob the Attorney General denied reimbursement of these expenses. The Attorney General reasoned the killswitch was not for personal security but to prevent future theft of her vehicle. Furthermore, there was insufficient documentation to establish the remote key fob was for personal security as opposed to a mere property loss. On April 24, 2008, the applicant filed a notice of appeal from the April 1, 2008 Final Decision of the Attorney General based on the sole issue of the reprogramming of her remote key fob to replace the one stolen by the offender at the time of the incident. Hence, this case was heard before this panel of commissioners on August 27, 2008 at 11:35 A.M.

{¶ 3} Assistant Attorney General Heidi James appeared on behalf of the Attorney General. The applicant did not appear at the hearing. Assistant Attorney General James made a brief statement for the panel's consideration. Ms. James stated based upon reinvestigation of this case the reprogrammed remote key fob should be reimbursed as an expense under crime scene cleanup. Because the offender stole the applicant's key fob at the time of the criminal conduct, reprogramming the key fob was necessary to prevent the offender from gaining access to the applicant's vehicle and potentially placing her in danger. Accordingly, Ms. James requested that the panel modify the award in the amount of \$130.50. Whereupon, the hearing was concluded.

{¶ 4} R.C. 2743.51(T) states:

“(T) ‘Cost of crime scene cleanup’ means reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property

damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.”

{¶ 5} Upon full and careful consideration of all information presented at the hearing, we make the following determination. We find the reprogramming expense for applicant’s remote key fob in the amount of \$130.50 was for her personal security and, accordingly, represents a reimbursable expense pursuant to R.C. 2743.51(T).

{¶ 6} IT IS THEREFORE ORDERED THAT:

{¶ 7} 1) The April 1, 2008 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$130.50;

{¶ 8} 2) This claim is remanded to the Attorney General for payment of the award in accordance with this order;

{¶ 9} 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;

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

Karl C. Kerschner
Presiding Commissioner

Tim McCormack
Commissioner

Gregory Barwell
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:

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