



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: JIMMY KEPIRO

Case No. V2008-30791

JIMMY KEPIRO

Applicant

Commissioners:

Gregory P. Barwell, Presiding

Thomas H. Bainbridge

Randi Ostry LeHoty

ORDER OF A
THREE-COMMISSIONER PANEL

{¶ 1} On December 31, 2007, the applicant, Jimmy Kepiro, filed a compensation application as the result of an assault which occurred on August 27, 2007. On June 19, 2008, the Attorney General issued a finding of fact and decision determining the applicant qualified as a victim of criminally injurious conduct. The applicant was granted an award of reparations in the amount of \$4,132.05, of which \$3,796.71 represented allowable expense and \$335.34 represented work loss. On June 27, 2008, the applicant submitted a request for reconsideration seeking additional work loss. On August 26, 2008, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On September 5, 2008, the applicant filed a notice of appeal from the August 26, 2008 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on June 3, 2009 at 10:30 A.M.

{¶ 2} The applicant's attorney Michael Falleur appeared at the hearing, while the state of Ohio was represented by Assistant Attorney General Lyndsay Nash. The Attorney General related that the parties had reached an agreement. The Attorney General, after receipt of the applicant's tax returns for the prior five years, is now able to calculate the

applicant's work loss. The Attorney General's investigation revealed that the applicant had suffered additional work loss for the period from December 6, 2007 through November 14, 2008 in the amount of \$7,376.52. From this amount the applicant received reimbursement of \$2,838.40 from his employer, cash assistance, and food stamps, for a net unreimbursed work loss of \$4,538.12. The applicant was in agreement with the Attorney General's work loss calculations. Whereupon, the hearing was concluded.

{¶ 3} From review of the file and with full and careful consideration given to the agreement of the parties presented at the hearing, we find the applicant has incurred additional work loss for the period December 6, 2007 through November 14, 2008 in the amount of \$4,538.12. Therefore, the August 26, 2008 Final Decision of the Attorney General is reversed.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The August 26, 2008 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant;

{¶ 6} 2) This claim is remanded to the Attorney General for payment of the award in the amount of \$4,538.12;

{¶ 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.

GREGORY P. BARWELL
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

RANDI OSTRY LE HOTY
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 7-22-2009

Jr. Vol. 2272, Pgs. 160-162

To S.C. Reporter 8-14-2009