



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: M. E. K.

Case No. V2009-40161

CARIN B. KROLL

Applicant

Commissioners:
Gregory P. Barwell, Presiding
Clarence E. Mingo II
Randi Ostry LeHoty

ORDER OF A THREE-COMMISSIONER PANEL

{¶ 1} On August 26, 2008, the applicant, Carin Kroll, filed a reparations application on behalf of her daughter, M.E.K., as the result of a series of sexual assault incidents which occurred between November 1, 2007 and August 5, 2008. On December 22, 2008, the Attorney General issued a finding of fact and decision determining that M.E.K. qualified as a victim of criminally injurious conduct. However, the Attorney General denied an award of reparations to the applicant since all counseling expenses may be recouped from Aetna, a readily available collateral source. On January 15, 2009, the applicant submitted a request for reconsideration. The applicant asserts the counseling expenses were not reimbursable from Aetna. On February 3, 2009, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On February 23, 2009 the applicant filed a notice of appeal from the February 3, 2009 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on May 20, 2009 at 9:45 A.M.

{¶ 2} The applicant's attorney, Mark Poole appeared via telephone, while Assistant Attorney General Tara Paciorek appeared in person on behalf of the state of Ohio.

{¶ 3} At the hearing, the parties stated that they had reached an agreement. The Attorney General recommended that the applicant be awarded \$210.00, a deductible for out-of-network service providers, and the applicant agreed to file a supplemental compensation application for any future economic loss. Whereupon, the hearing was concluded.

{¶ 4} From review of the file and with full and careful consideration given to all information presented at the hearing, we find the applicant has incurred economic loss in the amount of \$210.00. Therefore, the February 3, 2009 decision of the Attorney General shall be reversed.

{¶ 5} IT IS THEREFORE ORDERED THAT

{¶ 6} 1) The February 3, 2009 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant;

{¶ 7} 2) This claim is remanded to the Attorney General for payment of the award of reparations in the amount of \$210.00;

{¶ 8} 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;

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

GREGORY P. BARWELL
Presiding Commissioner

CLARENCE E. MINGO II
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 Licking County Prosecuting Attorney and to:

Filed 7-22-2009

Jr. Vol. 2272, Pgs. 163-165

To S.C. Reporter 8-14-2009