



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

IN RE: EVERETT D. KERR

EVERETT D. KERR

Applicant

Case No. V2010-50159

Commissioners:

Lloyd Pierre-Louis, Presiding

Karl C. Kerschner

Randi M. Ostry

ORDER OF A THREE COMMISSIONER PANEL

{¶1} On January 22, 2008, the applicant, Everett Kerr, filed a compensation application as the result of being seriously injured in a hit-skip motor vehicle incident which occurred on July 20, 2007. On May 19, 2008, the Attorney General issued a finding of fact and decision determining all the jurisdictional requirements had been met to qualify the applicant as a victim of criminally injurious conduct. However, all medical expenses incurred were reimbursed by Medicaid, a readily available collateral source and the applicant had failed to supply adequate documentation that he incurred replacement services loss.

{¶2} On September 30, 2008, the applicant filed a supplemental compensation application. On March 6, 2009, the Attorney General issued a finding of fact and decision based upon the supplemental compensation application, denying the applicant's claim based upon lack of documentation.

{¶3} On August 5, 2009, the applicant filed a second supplemental compensation application. On September 18, 2009, the Attorney General again issued a finding of fact and decision granting an award of reparations in the amount of \$249.00,

for services rendered by United Ambulance Services. On October 7, 2009, the applicant submitted a request for reconsideration. On February 3, 2010, the Attorney General rendered a Final Decision finding a modification of the decision rendered on September 18, 2009 was not required. On February 11, 2010, the applicant filed a notice of appeal from the February 3, 2010 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on May 5, 2010.

{¶4}The parties related that an agreement had been reached in this case. The Attorney General recounted that this case involved the failure to use a readily available collateral source. However, upon further investigation, review, and the significance of the applicant's injuries the Attorney General now agrees to pay the outstanding ambulance bills in question in the amount of \$4,008.56. Accordingly, the Attorney General requests the claim be remanded for payment. The applicant expressed no objection to the agreement and the hearing was concluded.

{¶5}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 allowable expense in the amount of \$4,008.56. Therefore, the February 3, 2010 Final Decision of the Attorney General is modified.

IT IS THEREFORE ORDERED THAT

{¶6}1) The February 3, 2010 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$4,008.56;

{¶7}2) This claim is remanded to the Attorney General for payment of the award in accordance with this order;

{¶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.

LLOYD PIERRE-LOUIS
Presiding Commissioner

KARL C. KERSCHNER
Commissioner

RANDI M. OSTRY
Commissioner

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

Filed 7-2-10
Jr. Vol. 2275, Pgs. 201-203
Sent to S.C. Reporter 8-5-11