

[Cite as *In re Cox*, 2005-Ohio-4237.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: CORTNEY L. COX : Case No. V2005-80266
PENNY A. COX : ORDER OF A THREE-
COLLIN COX : COMMISSIONER PANEL

Applicants :
: : : : :

{¶ 1} The applicants filed a reparations application seeking reimbursement of expenses incurred when their minor daughter, Cortney Cox, witnessed the assault against her boyfriend, Sean Bowsher on May 11, 2004. On November 22, 2004, the Attorney General granted the applicants an award in the amount of \$187.89, of which \$118.64 represented crime scene clean-up and \$69.25 represented work loss incurred by Cortney Cox between May 12, 2004 - May 15, 2004. However, the Attorney General denied the applicants' claim for reimbursement of counseling expenses pursuant to R.C. 2743.60(D) since the applicants had insurance coverage with Anthem and Setex. On December 29, 2004, the applicants filed a request for reconsideration. On February 22, 2005, the Attorney General determined that the previous decision

warranted no modification. On April 15, 2005, Penny Cox filed a notice of appeal to the Attorney General's February 22, 2005 Final Decision. On June 23, 2005, the Attorney General filed a Brief recommending that the applicants be granted an additional award in the amount of \$2,006.05 for unreimbursed counseling expenses. Hence, this matter came to be heard before this panel of three commissioners on July 13, 2005 at 10:25 A.M.

{¶ 2} The *pro se* applicant, Penny A. Cox, via telephone, and an Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General stated that after further investigation and recalculation of the applicants' economic loss, she now recommends, as noted in her June 23, 2005 Brief, that the applicant be granted an additional award in the amount of \$2,006.05 for unreimbursed allowable expense. Penny Cox raised no objection to the Attorney General's recommendation. The panel chairman concluded the hearing. From review of the file and with full and careful consideration given to all the evidence presented at the hearing, this panel makes the following determination. We find that the applicants incurred an additional \$2,006.05 in unreimbursed allowable expense. Therefore, the February 22, 2005 decision of the Attorney

General shall be reversed and the claim shall be remanded to the Attorney General for payment of the \$2,006.05 award for unreimbursed allowable expense.

IT IS THEREFORE ORDERED THAT

{¶ 3}1) The July 8, 2005 motion for telephone testimony is hereby GRANTED;

{¶ 4}2) The February 22, 2005 decision of the Attorney General is REVERSED and judgment is rendered for the applicants in the amount of \$2,006.05;

{¶ 5}3) This claim is referred to the Attorney General for payment of the award;

{¶ 6}4) This order is entered without prejudice to the applicants' right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

{¶ 7}5) Costs are assumed by the court of claims victims of crime fund.

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE

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Commissioner

TIM MC CORMACK
Commissioner

ID #\10-dld-tad-071305

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

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