

[Cite as *In re Gay*, 2005-Ohio-6051.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: THOMAS W. GAY, SR.	:	Case No. V2005-80380
THOMAS W. GAY, SR.	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a June 12, 2004 assault incident. On February 25, 2005, the Attorney General granted the applicant an award of reparations in the amount of \$205.77 of which \$125.00 represented allowable expense and \$80.77 represented work loss incurred from June 14, 2004 through June 16, 2004. On March 3, 2005, the applicant filed a request for reconsideration. On April 27, 2005, the Attorney General issued a Final Decision indicating that no modification to the previous decision was warranted. On May 24, 2005, the applicant filed a notice of appeal to the Attorney General's Final Decision. Hence, this panel of three commissioners heard this matter on August 24, 2005 at 11:45 A.M.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General explained that the applicant seeks additional work loss. However, the Assistant Attorney General stated that the applicant failed to present supplemental medical evidence to substantiate granting him an additional work loss award. The

Assistant Attorney General stated that she attempted to contact the applicant prior to the hearing to no avail.

{¶ 3} From review of the evidence, we find that the April 27, 2005 decision of the Attorney General shall be affirmed without prejudice. Should the applicant incur additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

- 1) The April 27, 2005 decision of the Attorney General is AFFIRMED without prejudice;
- 2) This claim is remanded to the Attorney General for payment of the February 25, 2005 award;
- 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;
- 4) Costs are assumed by the court of claims victims of crime fund.

JAMES H. HEWITT III
Commissioner

GREGORY P. BARWELL
Commissioner

TIM MC CORMACK
Commissioner

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

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To S.C. Reporter 11-10-2005

