

[Cite as *In re Ben*, 2005-Ohio-6052.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: CHRISTAZISA A. BEN : Case No. V2005-80444
REGINA FOBBS : ORDER OF A THREE-
Applicant : COMMISSIONER PANEL

: : : : :

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred regarding a June 2003 through June 2004 sexual assault incident against her minor daughter, Christazisa Ben. On March 10, 2005, the Attorney General granted the applicant an award of reparations in the amount of \$973.26 of which \$46.00 represented evidence replacement loss and \$927.26 represented wage loss incurred from June 5, 2004 through September 2, 2004. On March 15, 2005, the applicant filed a request for reconsideration asserting that she also incurred wage loss from September 4, 2004 through January 18, 2005. On May 6, 2005, the Attorney General issued a Final Decision indicating that the previous decision warranted no modification. On June 13, 2005, the applicant filed a notice of appeal to the Attorney General's Final Decision seeking additional wage loss. Hence, this panel of three commissioners heard the matter on August 24, 2005 at 11:50 A.M.

{¶ 2} Neither the applicant nor anyone on her 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 stated that the applicant was voluntarily laid off

work from September 4, 2004 through January 18, 2005. The Assistant Attorney General stated that the victim's counselor indicated that it was not medically necessary for the applicant to have remained home with the victim during the time period in question.

{¶ 3} From review of the file, we find that the May 6, 2005 decision of the Attorney General shall be affirmed without prejudice. Should the applicant obtain evidence of additional wage loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

- 1) The May 6, 2005 decision of the Attorney General is AFFIRMED without prejudice;
- 2) This claim is DENIED and judgment is rendered for the state of Ohio;
- 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

ID #\5-dld-tad-083005

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

[Cite as *In re Ben*, 2005-Ohio-6052.]

Case No. V2005-80444

-1-

ORDER

Filed 10-14-2005
Jr. Vol. 2258, Pgs. 160-161
To S.C. Reporter 11-10-2005