

[Cite as *In re Thornsley*, 2003-Ohio-7087.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: JANET K. THORNSLEY	:	Case No. V2003-40305
JANET K. THORNSLEY	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
: : : : :		

{¶1} This appeal came to be heard before this panel of three commissioners on September 10, 2003 at 10:30 A.M. upon the applicant’s April 15, 2003 appeal from the April 14, 2003 Final Decision of the Attorney General.

{¶2} The applicant filed a reparations application seeking reimbursement for expenses incurred in relation to a January 28, 2001 DUI incident. The Attorney General denied the applicant’s claim pursuant to R.C. 2743.60(D) contending that all the applicant’s economic loss had been or may be recouped from collateral sources, primarily State Farm, Medical Mutual, and Geico. The applicant filed an appeal of the Attorney General’s Final Decision contending that none of the above mentioned service providers qualify as “readily available” collateral sources, in light of her pending civil suit.

{¶3} The applicant’s counsel and an Assistant Attorney General attended the hearing and presented brief comments for the panel’s consideration. The Assistant Attorney General conceded that it would be unfair to make the applicant wait for an award since her collateral sources are not “readily available.” Therefore, the Assistant Attorney General stated that he

recommends at this time, as noted in the August 28, 2003 Supplemental Brief, the applicant be granted an award in the amount of \$11,981.17 in economic loss. The Assistant Attorney General stated that after resolution of the applicant's civil suit further investigation and economic loss calculations will be conducted as contemplated in In re Fout-Craig, V93-27851tc (2-5-99). In the event the applicant is not entitled to the \$11,981.17, the Assistant Attorney General stated that the fund could seek repayment via subrogation.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we make the following determination. We find that the applicant incurred \$11,981.17 of which \$1,919.09 represents unreimbursed allowable expense and \$10,062.08 represents unreimbursed work loss. Therefore, the April 14, 2003 decision of the Attorney General shall be reversed to award \$11,981.17 to the applicant.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The April 14, 2003 decision of the Attorney General is REVERSED to render judgment in the amount of \$11,981.17 in favor of the applicant;

{¶7} 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;

{¶8} 3) This order is entered without prejudice to the applicant's right to file a supplemental compensation application pursuant to R.C. 2743.68;

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

DALE A. THOMPSON
Commissioner

CLARK B. WEAVER, SR.
Commissioner

ASHER W. SWEENEY
Commissioner

ID #\5-dld-tad-100103

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

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To S.C. Reporter 12-24-2003

