

[Cite as *In re James*, 2004-Ohio-3230.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: CLAYTON JAMES	:	Case No. V2003-40461
CLAYTON JAMES	:	<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 in relation to an August 18, 2001 assault. On May 6, 2002, the Attorney General issued a Finding of Fact and Decision granting the applicant an award of reparations in the amount of \$1,063.90 for unreimbursed allowable expense and work loss. On August 29, 2002, the applicant filed a supplemental compensation application. On January 13, 2003, the Attorney General issued a Supplemental Finding of Fact and Decision granting the applicant an additional award in the amount of \$4,833.00 for unreimbursed allowable expense. However, the Attorney General denied certain expenses pursuant to R.C. 2743.60(D) contending that the applicant had health insurance coverage with United Health Care. On February 13, 2003, the applicant filed a request for reconsideration. On April 14, 2003, the Attorney General issued a Final Decision granting the applicant an additional award of reparations in the amount of \$40.00. On May 14, 2003, the applicant appealed the Attorney General's Final Decision. On September 19, 2003, this panel of commissioners stayed the case pending the outcome of the applicant's civil suit

against United Health Care and ordered the Attorney General to file a status memorandum addressing the applicant's economic loss. On February 24, 2004, the Attorney General filed a Status Memorandum recommending the applicant be granted an award in the amount of \$3,040.06 for unreimbursed dental expense. To date, the applicant has yet to file a response to the Attorney General's recommendation.

{¶2} From review of the file and with full consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant incurred unreimbursed allowable expense in the amount of \$3,040.06. Therefore, the April 14, 2003 decision of the Attorney General shall be modified to award \$3,040.06 to the applicant for unreimbursed allowable expense.

{¶3} IT IS THEREFORE ORDERED THAT:

{¶4} 1) The April 14, 2003 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$3,040.06;

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

{¶6} 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;

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

KARL H. SCHNEIDER
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

ID #\6-dld-tad-4329

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

Filed 4-21-2004
Jr. Vol. 2253, Pgs. 82-84
To S.C. Reporter 6-21-2004