

[Cite as *In re Starcher*, 2004-Ohio-1101.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: CARROL A. STARCHER	:	Case No. V2003-41018
CARROL A. STARCHER	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
: : : : :		

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred in relation to a March 14, 2002 assault. On November 5, 2002, the Attorney General issued a Finding of Fact and Decision denying the claim pursuant to R.C. 2743.60(F) contending that the applicant engaged in substantial contributory misconduct. On August 27, 2003, the Attorney General issued a Final Decision denying the applicant’s claim once again asserting that the applicant had Medicaid coverage and that the applicant failed to prove she incurred evidence replacement loss or replacement services loss. On October 6, 2003, the applicant filed a notice of appeal of the Attorney General’s Final Decision. Hence, this matter came to be heard before this panel of three commissioners on December 18, 2003 at 10:35 A.M.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented an exhibit and brief comments for the panel’s consideration. The Assistant Attorney General stated that the applicant failed to submit any additional information to support her assertion that she incurred the purported

expenses. Nevertheless, the Assistant Attorney General stated that the applicant's mileage expense had been recalculated and hence recommended that Ms. Starcher be granted an award for mileage expense, which is noted in Exhibit A. After a brief discussion of the claim, the panel chairman concluded the hearing.

{¶3} 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 mileage expense in the amount of \$21.21. Therefore, the August 27, 2003 decision of the Attorney General shall be reversed to award \$21.21 to the applicant for unreimbursed mileage expense.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The August 27, 2003 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$21.21;

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

{¶7} 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;

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

JAMES H. HEWITT III
Commissioner

LEO P. MORLEY
Commissioner

KARL H. SCHNEIDER
Commissioner

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