

[Cite as *In re Ni*, 2004-Ohio-4181.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: LINGLING NI	:	Case No. V2003-41085
EDDI NI	:	<u>ORDER OF A THREE-</u>
LINGLING NI	:	<u>COMMISSIONER PANEL</u>
Applicants	:	
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{¶1} The applicants filed a reparations application seeking reimbursement of expenses incurred in relation to an October 6, 2001 aggravated burglary incident. On April 11, 2003, the applicants filed a supplemental compensation application. On August 4, 2003, the Attorney General granted the applicants an award of reparations in the amount of \$2,503.88 for unreimbursed allowable expense. However, the Attorney General denied reimbursement of certain items pursuant to R.C. 2743.60(D) asserting that the applicants had Trustmark Insurance Company as a collateral source. On August 15, 2003, the applicants filed a request for reconsideration. On October 14, 2003, the Attorney General granted the applicants an additional award of reparations in the amount of \$721.37 for unreimbursed allowable expense. However, the Attorney General denied reimbursement of the Akron General Hospital bill (\$64.00) and the Akron Surgical Associates bill (\$1,200.00) pursuant to R.C. 2743.60(D) since the applicants have insurance coverage with Trustmark. On October 23, 2003, the applicants appealed the

Attorney General's Final Decision contending that they are entitled to additional allowable expense reimbursement. On February 25, 2004, a panel of commissioners held a Final Decision in abeyance, ordered the Attorney General to file a supplemental memorandum addressing the applicants' total economic loss and continued the hearing. On March 25, 2004, the Attorney General filed a Supplemental Brief indicating that the applicants are entitled to receive a total award in the amount of \$1,521.37 for unreimbursed allowable expense. On April 1, 2004, the applicants filed a Reply Brief agreeing with the Attorney General's latest recommendation and clarifying what is to be paid and to whom, with respect to the Akron General Medical Center bill. Hence, this matter came to be reheard before this panel of three commissioners on April 7, 2004 at 10:20 A.M.

{¶2} The applicants' attorney and an Assistant Attorney General attended the hearing and presented an exhibit and brief comments for this panel's consideration. Applicants' counsel and the Assistant Attorney General updated the panel with respect to the status of all the applicants' submitted medical expenses. After a brief discussion of the case, the panel chairman adjourned the hearing.

{¶3} From review of the file and with full consideration given to the comments presented at the hearing, we make the following determination. We find that the applicants incurred additional unreimbursed allowable expense in the amount of \$1,521.37, as noted in Exhibit A. Therefore, the October 14, 2003 Final Decision of the Attorney General shall be modified to grant the applicants

{¶4} an award in the amount of \$1,521.37. This claim shall be referred to the Attorney General for payment of the award.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} The October 14, 2003 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$1,521.37;

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

{¶8} This order is entered without prejudice to the applicants' right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

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

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

STEVEN A. LARSON
Commissioner

ID #\4-dld-tad-040804

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

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To S.C. Reporter 8-10-2004