

[Cite as *In re Reese*, 2004-Ohio-5085.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: GWENDOLEN S. REESE	:	Case No. V2004-60091
GWENDOLEN S. REESE	:	<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 a 1977 through 1987 sexual assault incident. On May 6, 2003, the applicant filed a supplemental compensation application seeking additional reimbursement. On August 26, 2003, the Attorney General granted the applicant an award of reparations in the amount of \$1,290.00 for unreimbursed allowable expense. On September 11, 2003, the applicant filed a request for reconsideration seeking additional work loss and counseling reimbursement. On January 8, 2004, the Attorney General granted the applicant an additional award in the amount of \$100.00 for allowable expense. However, the Attorney General denied the claim for work loss reimbursement. On January 30, 2004, the applicant filed a notice of appeal to the Attorney General’s January 8, 2004 Final Decision. On May 7, 2004, a panel of commissioners held a final determination in abeyance, ordered the Attorney General to file a supplemental memorandum addressing the applicant’s work loss from July 2002 through January 2003 and from February 2003 through April 2003, and continued the hearing. On June 4, 2004, the Attorney General filed a Supplemental Memorandum that included multiple exhibits and

calculations indicating that \$3,431.11 in work loss was incurred from July 2002 through April 2003. However, the Attorney General's calculations failed to include a breakdown figure for work loss incurred from July 2002 through January 2003 and from February 2003 through April 2003, as directed by the panel. On June 10, 2004, the applicant filed a Reply Memorandum concurring with the Attorney General's June 4, 2004 calculations. On June 21, 2004, a panel of commissioners modified the Attorney General's Final Decision to grant the applicant an award in the amount of \$736.62 for work loss incurred from February 2003 through April 2003 and continued the matter to allow witnesses Betty Hughes and Dorothy Evans the opportunity to testify concerning the applicant's purported work loss from July 2002 through January 2003.

{¶ 2} The applicant's attorney and an Assistant Attorney General attended the hearing and presented testimony and brief comments for this panel's consideration. The Assistant Attorney General informed the panel that she spoke to Betty Hughes, the applicant's former therapist on August 17, 2004 and indicated that if Ms. Hughes testifies that the applicant was unable to work from July 2002 through January 2003 as a result of the criminally injurious conduct then the applicant should be reimbursed such work loss (which was previously calculated). Applicant's counsel agreed with the Assistant Attorney General.

{¶ 3} Betty Hughes, M.S., P.C.C., briefly testified by telephone that she had the opportunity to counsel Ms. Reese from July 26, 2002 through February 21, 2003. Ms. Hughes testified, within a reasonable degree of medical certainty, that the applicant was unable to maintain employment during the period of time she treated Ms. Reese. Ms. Hughes indicated that the applicant suffered emotion issues and anxiety which stemmed from the criminally injurious conduct.

i. <u>DATES</u>	<u>AMOUNT</u>
July 2002 - Jan. 2003	\$2,694.50
<u>Feb. 2003 - April 2003</u>	<u>\$ 736.62</u>
July 2002 - April 2003	\$3,431.12

{¶ 4} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant incurred work loss in the amount of \$2,694.50 from July 2002 through January 2003. Therefore, the panel's June 21, 2004 decision shall be modified to grant the applicant a total award in the amount of \$3,431.12 (\$2,694.50 + \$736.62) for unreimbursed work loss incurred from July 2002 through April 2003.

IT IS THEREFORE ORDERED THAT

- 1) The applicant's August 17, 2004 motion for telephone testimony is hereby GRANTED;
- 2) The June 21, 2004 order of the panel of commissioners (Jr. Vol. 2254, Pgs. 29-32) is MODIFIED to render judgment in favor of the applicant in the amount of \$3,431.12;
- 3) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;
- 4) 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;
- 5) Costs are assumed by the court of claims victims of crime fund.

JAMES H. HEWITT III
Commissioner

KARL H. SCHNEIDER
Commissioner

GREGORY BARWELL
Commissioner

ID #15-dld-tad-081804

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

Filed 8-30-2004
Jr. Vol. 2254, Pgs. 158-161
To S.C. Reporter 9-23-2004