

[Cite as *In re Brown*, 2004-Ohio-5087.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

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|---------------------|-----------|---------------------------|
| IN RE: DENNIS BROWN | : | Case No. V2004-60407 |
| DENNIS BROWN | : | <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 with respect to a May 1, 2003 assault incident. On June 11, 2003, the Attorney General issued a Finding of Fact and Decision for an Emergency Award that granted the applicant an award of reparations in the amount of \$489.51 for unreimbursed work loss incurred from May 5, 2003 through May 9, 2003. On November 3, 2003, the Attorney General issued a Finding of Fact and Decision denying the applicant any additional award pursuant to R.C. 2743.60(D) contending that the applicant had Medicaid. On November 25, 2003, the applicant filed a request for reconsideration. On March 24, 2004, the Attorney General filed a Final Decision indicating that no modification to the previous decision was warranted. On April 13, 2004, the applicant filed a notice of appeal to the Attorney General's March 24, 2004 Final Decision asserting that his work loss was incorrectly calculated. On May 26, 2004, the Attorney General filed a Brief recommending the Final Decision be affirmed since the applicant failed to prove he incurred additional economic loss. Hence, this matter came to be heard before this panel of three commissioners on July 7, 2004 at 11:10 A.M.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that she rests on her May 26, 2004 Brief and documents contained in the file. The panel chairman concluded the hearing.

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the March 24, 2004 Final Decision of the Attorney General shall be affirmed without prejudice. Should the applicant obtain evidence of additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

- 1) The March 24, 2004 decision of the Attorney General is AFFIRMED without prejudice;
- 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 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;
- 4) Costs are assumed by the court of claims victims of crime fund.

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

JAMES H. HEWITT III
Commissioner

ID #1-dld-tad-071204

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

Filed 8-30-2004
Jr. Vol. 2254, Pgs. 169-171
To S.C. Reporter 9-23-2004