

[Cite as *In re Chavers*, 2004-Ohio-7346.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: JELANI K. CHAVERS	:	Case No. V2004-60784
JELANI K. CHAVERS	:	<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 October 18, 2003 assault incident. On June 17, 2004, the Attorney General denied the applicant's claim pursuant to R.C. 2743.60(A) contending that the applicant failed to report the assault to law enforcement officials within seventy-two hours of the incident or show good cause for the delay. According to information in the file, the applicant filed a police report on November 6, 2003. On July 14, 2004, the applicant filed a request for reconsideration asserting that he made a verbal report to a police officer the night of the incident. On August 4, 2004, the Attorney General issued a Final Decision denying the claim once again. On August 17, 2004, the applicant filed a notice of appeal to the Attorney General's Final Decision. On September 17, 2004, the Attorney General filed a Brief recommending the Final Decision be reversed since new information is available, which proves that the applicant made a timely report to police concerning the assault. Hence, this matter came to be heard before this panel of three commissioners on November 4, 2004 at 9:50 A.M.

{¶ 2} Neither the applicant nor anyone on the applicant's behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General reiterated her position, which is contained in the September 17, 2004 Brief.

{¶ 3} From review of the file and with full and careful consideration given to all the evidence presented at the hearing, this panel makes the following determination. We find that the applicant has satisfied the R.C. 2743.60(A) reporting requirement. Therefore, the August 4, 2004 decision of the Attorney General shall be reversed and this claim shall be remanded to the Attorney General for economic loss calculations and decision.

IT IS THEREFORE ORDERED THAT

- 1) The August 4, 2004 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant;
- 2) The claim is remanded to the Attorney General for economic loss calculations and decision;
- 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

KARL H. SCHNEIDER
Commissioner

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THOMAS H. BAINBRIDGE
Commissioner

ID #\1-dld-tad-112204

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

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