

[Cite as *In re Applegate*, 2005-Ohio-3317.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: TODD C. APPLGATE	:	Case No. V2004-60881
TODD C. APPLGATE	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
: : : : :		

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a March 22, 2002 assault incident. On July 30, 2004, the Attorney General granted the applicant an award in the amount of \$26.92, but failed to reimburse the applicant the amount since the sum was less than \$50.00. On August 4, 2004, the applicant filed a request for reconsideration. On September 2, 2004, the Attorney General issued a Final Decision indicating the previous decision warranted no modification. On September 8, 2004, the applicant filed a notice of appeal to the Attorney General’s Final Decision. Hence, this matter came to be heard before this panel of three commissioners on April 20, 2005 at 10:40 A.M.

{¶ 2} Applicant’s counsel and an Assistant Attorney General appeared at the hearing and presented brief comments for the panel’s consideration. The Assistant Attorney General reiterated her position that was contained in her April 19, 2005 Supplemental Memorandum, which recommended the applicant be granted an additional award of reparations in the amount of \$1,871.44. Applicant’s counsel raised no objections to the Assistant Attorney General’s

recommendation. After a brief discussion of the claim, 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 that the applicant incurred additional unreimbursed economic loss in the amount of \$1,871.44 based upon the following calculations.

\$ 9,189.75	Bureau of Workers' Compensation benefits
<u>- 4,186.60</u>	<u>Permanent Partial Disability benefits (not a collateral source)</u>
\$ 5,003.15	
<u>- 2,249.92</u>	<u>Bureau of Workers' Compensation attorney fees</u>
\$2,753.23	net Bureau of Workers' Compensation award (collateral source)
\$ 26.92	Mileage expenses (not reimbursed) from the July 30, 2004 Attorney General decision
<u>+ 4,597.75</u>	<u>Work loss incurred from 8/20/02 - 8/31/03</u>
\$ 4,624.67	
\$ 4,624.67	total economic loss
<u>- 2,753.23</u>	<u>Bureau of Workers' Compensation collateral source</u>
\$ 1,871.44	net economic loss to be reimbursed to the applicant

Therefore, the September 2, 2004 decision of the Attorney General shall be reversed to award \$1,871.44 to the applicant as unreimbursed economic loss.

IT IS THEREFORE ORDERED THAT

{¶ 4} 1) The September 2, 2004 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$1,871.44;

{¶ 5} 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the \$1,871.44 award;

{¶ 6} 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;

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

CLARK B. WEAVER, SR.
Commissioner

GREGORY P. BARWELL
Commissioner

RANDI OSTRY LEHOTY
Commissioner

ID #\6-dld-tad-042705

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 5-6-2005
Jr. Vol. 2257, Pgs. 29-31
To S.C. Reporter 6-28-2005

