

[Cite as *In re Dagher*, 2006-Ohio-3303.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: JAY C. DAGHER : Case No. V2004-60903

JAY C. DAGHER : ORDER

Applicant :

_____ : : : : :

{¶ 1} The applicant filed a reparations application seeking reimbursement of economic loss incurred as the result of an aggravated robbery that occurred on October 5, 2002. On February 17, 2004, the Attorney General denied the applicant's claim asserting that he did not incur unreimbursed work loss. On March 17, 2004, the applicant filed a request for reconsideration. On July 20, 2004, the Attorney General rendered a Final Decision indicating the applicant incurred unreimbursed work loss in the amount of \$974.52 from March 15, 2003 through September 16, 2003. However, the Attorney General denied the applicant's claim for medical expenses, incurred after the criminally injurious conduct, since they were unrelated to the injuries sustained at the time of the incident. The Attorney General asserted that those unrelated expenses were incurred as a result of the loss of the applicant's health insurance. On August 23, 2004, the applicant filed a notice of appeal to the Attorney General's July 20, 2004 Final Decision. On March 17, 2006, the panel of commissioners modified the Attorney General's Final Decision, granted the applicant an

award in the amount of \$5,762.80 for unreimbursed work loss incurred from March 14, 2003 through September 19, 2004, ordered the Attorney General to file a supplemental memorandum addressing the applicant's total work loss, insurance benefits, COBRA benefits, and medical expenses, ordered the applicant to file a response to the Attorney General's supplemental memorandum, and continued the matter. On April 28, 2006, the Attorney General filed a Supplemental Memorandum and Request for Continuance. The Attorney General recommended that the applicant be granted an additional award of reparations in the amount of \$2,549.18 for unreimbursed economic loss. The Attorney General also requested a continuance of the hearing because information from Rite Aid had yet to be received by the Attorney General's office. Hence, this matter came to be heard before this panel of three commissioners on May 3, 2006 at 1:10 P.M.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General briefly reiterated her recommendation that is contained in the April 28, 2006 Supplemental Memorandum and Request for Continuance. The Assistant Attorney General stated that she had subpoenaed all the applicant's payroll records from Rite Aid, however she has yet to receive such records. Nevertheless, the Assistant Attorney General stated that based upon the applicant's previously submitted pay stubs, new work loss calculations were performed. The Assistant Attorney General stated that the applicant should be granted an additional award of reparations

in the amount of \$2,549.18. The Assistant Attorney General indicated that she has yet to speak to the applicant's counsel about the new calculations.

{¶ 3} 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 the applicant incurred additional economic loss as a result of the criminally injurious conduct in the amount of \$2,549.18. The applicant has not had the opportunity to review the Attorney General's April 28, 2006 Supplemental Memorandum, therefore this matter will be continued to allow the applicant an opportunity to respond to the Attorney General's recommendation.

IT IS THEREFORE ORDERED THAT

1) The March 17, 2006 order of the panel of commissioners (Jr. Vol. 2259 Pg. 205-208) is MODIFIED to render a judgment in favor of the applicant in the amount of \$8,311.98 (\$5,762.80 + \$2,549.18);

2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;

3) The Attorney General's motion for continuance of the hearing is hereby GRANTED;

4) The oral hearing on the applicant's notice of appeal from the decision of the Attorney General shall now be heard on **July 12, 2006 at 10:30 A.M.** at the **Court of Claims of Ohio, The Ohio Judicial Center, 65 South Front Street, Fourth Floor, Columbus, Ohio 43215**, by a panel of three commissioners;

5) On or before **June 5, 2006**, the applicant shall file a response to the Attorney General's supplemental memorandum;

6) The parties to this action shall be prepared to proceed on the merits of this case on **July 12, 2006**;

7) The clerk shall send applicant a copy of this order and a VC-21 (Confirmation of Attendance) postcard.

LLOYD PIERRE-LOUIS
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

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

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