

[Cite as *In re Sims*, 2006-Ohio-2165.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: ERIC T. SIMS : Case No. V2005-80649
ERIC T. SIMS : ORDER OF A THREE-
Applicant : COMMISSIONER PANEL

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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a January 8, 2005 assault. On May 26, 2005, the Attorney General denied the applicant's claim pursuant to R.C. 2743.60(A), failure to report the criminal incident within seventy-two hours of its occurrence to law enforcement. The Attorney General found the incident was never reported to law enforcement. On June 21, 2005, the applicant filed a request for reconsideration. On August 22, 2005, the Attorney General determined that no modification of the previous decision was warranted. On September 16, 2005, the applicant filed a notice of appeal to the Attorney General's August 22, 2005 Final Decision. On October 25, 2005, an Assistant Attorney General issued a new Finding of Fact and Decision indicating she had changed her position concerning the applicant's claim. A review of the medical records revealed that the Columbus Police Department was called to the hospital. Applicant related to medical personnel that he wished to press charges against the offender. Accordingly, an Assistant Attorney General contended it was reasonable to infer that the applicant relied on hospital staff's

representatives that a police report was timely made on his behalf. On November 15, 2005, the applicant filed a notice of voluntary dismissal. On December 16, 2005, this panel of commissioners issued an order scheduling an oral hearing for January 11, 2006 at which time a ruling on the applicant's motion would be rendered. Also, the Attorney General was directed to file economic loss calculations on or before January 6, 2006. Hence, this matter came to be heard before this panel of three commissioners on January 11, 2006 at 11:05 A.M.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and related concurrence with her position that the applicant had complied with the requirements of R.C. 2743.60(A) and that the police were timely notified of the crime. Therefore, the Final Decision of the Attorney General should be reversed. The Assistant Attorney General also provided the members of the panel with a detailed expense exhibit. She related she was in contact with the applicant's attorney and he was in agreement with the economic loss calculations made by the Office of the Attorney General. The exhibit revealed the applicant incurred unreimbursed allowable expense in the amount of \$25.00 for services rendered by Robert G. Houser, M.D., Inc. on January 12, 2005, and unreimbursed work loss for the period of January 10, 2005 through February 6, 2005, in the amount of \$1,336.64. Mt. Carmel Health (East Hospital), pursuant to R.C. 2743.191(B)(1), should be granted an award in the amount of \$75.00 for services rendered to the applicant on January 8, 2005.

{¶ 3} From review of the file and with full and careful consideration given to all information presented at the hearing, this panel makes the following determination. We find the applicant reported the criminally injurious conduct to police in a timely manner and in

compliance with R.C. 2743.60(A). We find the applicant incurred unreimbursed economic loss in the amount of \$1,361.64 and that Mt. Carmel Health (East Hospital) should be granted an award in the amount of \$75.00. Therefore, the June 21, 2005 Final Decision of the Attorney General is reversed.

IT IS THEREFORE ORDERED THAT

- 1) Applicant's November 15, 2005 motion for voluntary dismissal is DENIED;
- 2) The August 22, 2005 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$1,361.64 and Mt. Carmel Health (East Hospital) in the amount of \$75.00;
- 3) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the awards;
- 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.

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

ID #\9-drb-tad-011806

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

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