

[Cite as *In re Hayes*, 2006-Ohio-1367.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: CHRISTINA A. HAYES : Case No. V2005-80657
JERRY D. HAYES : ORDER OF A THREE-
CHRISTINA A. HAYES : COMMISSIONER PANEL
Applicants :

: : : : :

{¶ 1} On November 30, 2000, Jerry Hayes filed a reparations application seeking reimbursement of expenses incurred as a result of a September 9, 2000 sexual assault incident against his minor daughter, Christina Hayes (“victim”). On January 29, 2002, the Attorney General granted an award in the amount of \$2,036.08, of which \$1,603.15 represented unreimbursed allowable expense and \$432.93 represented unreimbursed work loss incurred from September 11, 2000 through November 7, 2000. On March 15, 2005, a supplemental compensation application was filed seeking additional reimbursement of incurred expenses relating to the criminally injurious conduct. On July 13, 2005, the Attorney General granted an additional award in the amount of \$20.00, however the sum was not paid since the amount of the award did not exceed \$50.00. On July 22, 2005, the applicants filed a request for reconsideration. On September 20, 2005, the Attorney General modified his previous decision and granted an additional award in the amount of \$125.00 for unreimbursed allowable expense.

On September 27, 2005, a notice of appeal was filed to the Attorney General's September 20, 2005 Final Decision contending reimbursement is due in the amount of \$155.00 instead of \$125.00. On November 14, 2005, the Attorney General filed a Brief recommending an award in the amount of \$155.00 instead of \$125.00. Hence, this matter was heard by this panel of three commissioners on December 22, 2005 at 11:15 A.M.

{¶ 2} Neither the applicants nor anyone on their 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 stated that based upon further investigation the applicants should be reimbursed \$155.00 for counseling expenses instead of \$125.00. After a brief discussion of the case, the panel chairman concluded the hearing.

{¶ 3} From review of the file and with full and careful consideration given to the information presented at the hearing, this panel makes the following determination. We find that the applicants incurred additional allowable expense in the amount of \$155.00 as a result of the criminally injurious conduct. Therefore, the September 20, 2005 decision of the Attorney General shall be modified to grant the applicants an award in the amount of \$155.00 for unreimbursed allowable expense.

IT IS THEREFORE ORDERED THAT

- 1) The September 20, 2005 decision of the Attorney General is MODIFIED to render judgment in favor of the applicants in the amount of \$155.00;
- 2) This claim is remanded to the Attorney General for payment of the award;

- 3) This order is entered without prejudice to the applicants' 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.

JAMES H. HEWITT III
Commissioner

GREGORY P. BARWELL
Commissioner

RANDI OSTRY LE HOTY
Commissioner

ID #\1-dld-tad-122805

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

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