

[Cite as *In re De Franco*, 2007-Ohio-1401.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: JASON E. DE FRANCO	:	Case No. V2006-20755
JASON E. DE FRANCO	:	Commissioners:
Applicant	:	Tim McCormack, Presiding
	:	Thomas H. Bainbridge
	:	Karl C. Kerschner
_____	:	
_____	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} Jason DeFranco, a police officer, filed a reparations application seeking reimbursement of expenses incurred after having sustained injury while attempting to arrest a drug possession suspect on September 16, 2005. On May 12, 2006, the Attorney General granted the applicant an award of reparations in the amount of \$2,552.55 for unreimbursed work loss incurred between September 16, 2005 and January 8, 2006. On June 1, 2006, the applicant filed a request for reconsideration. On July 19, 2006, the Attorney General determined that no modification of the previous decision was warranted. On August 2, 2006, the applicant filed a notice of appeal from the Attorney General's July 19, 2006 Final Decision. On November 15, 2006, the Attorney General filed a brief recommending the applicant be granted an additional award totaling \$4,017.47 for unreimbursed work loss incurred from September 16, 2005

through January 15, 2006. On December 6, 2006 at 11:05 A.M., this matter was heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented comments for the panel's consideration. The Assistant Attorney General stated that after additional investigation and review of the claim, she now believes the applicant incurred an additional \$4,017.47 in unreimbursed work loss from September 16, 2005 through January 15, 2006. 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 work loss from September 16, 2005 through January 15, 2006 in the amount of \$4,017.47. Therefore, the July 19, 2006 decision of the Attorney General shall be reversed to award \$4,017.47 to the applicant as unreimbursed work loss.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The July 19, 2006 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$4,017.47;

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

{¶7} 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;

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

TIM MC CORMACK
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

KARL C. KERSCHNER
Commissioner

ID #\1-dld-tad-121106

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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