

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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www.cco.state.oh.us

IN RE: STEPHANIE BOLDEN

Case No. V2006-20941

STEPHANIE BOLDEN

Applicant

Commissioners:
Thomas H. Bainbridge, Presiding
Tim McCormack
Karl C. Kerschner

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a November 15, 2005 hit and skip incident. On July 13, 2006, the Attorney General denied the claim pursuant to R.C. 2743.52(A) contending that the applicant failed to qualify as a victim of criminally injurious conduct under any of the motor vehicle exceptions listed under former R.C. 2743.51(C)(1). On August 14, 2006, the applicant filed a request for reconsideration. On September 15, 2006, the Attorney General denied the claim once again. On October 13, 2006, the applicant filed a notice of appeal to the Attorney General's September 15, 2006 Final Decision. On September 12, 2007, the Attorney General filed a brief recommending the Final Decision be reversed and the claim be remanded to the Attorney General for economic loss calculations. The Attorney General stated that the applicant now

qualifies as a victim of criminally injurious conduct pursuant to H.B. 461, which amended the statute to allow persons injured in hit and skip incidents to participate in the program. The Attorney General further conceded that the applicant incurred economic loss totaling \$546.55, of which \$43.00 represents allowable expense and \$503.55 represents unreimbursed work loss from November 15, 2005 through February 15, 2006. On September 26, 2007, the applicant filed a brief indicating her agreement with the Attorney General's recommendation. On October 4, 2007 at 10:00 A.M., this matter was heard before this panel of three commissioners.

{¶2} The applicant's attorney (via telephone) and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General stated that the applicant incurred economic loss totaling \$546.55. The Assistant Attorney General requested the claim be remanded for payment. Applicant's counsel agreed with the Attorney General's recommendation.

{¶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 that the applicant qualifies as a victim of criminally injurious conduct. We further find that the applicant incurred economic loss totaling \$546.55, of which \$43.00 represents allowable expense and \$503.55 represents unreimbursed work loss from

November 15, 2005 through February 15, 2006. Therefore, the September 15, 2006 decision of the

{¶4} Attorney General shall be reversed, the applicant shall be granted an award totaling \$546.55, and the claim shall be remanded to the Attorney General for payment of the award.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The September 15, 2006 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$546.55;

{¶7} 2) This claim is remanded to the Attorney General for payment of the award;

{¶8} 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;

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

[Cite as *In re Bolden*, 2007-Ohio-6282.]

THOMAS H. BAINBRIDGE
Presiding Commissioner

TIM MC CORMACK
Commissioner

KARL C. KERSCHNER
Commissioner

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

Filed 10-12-2007
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To S.C. Reporter 11-21-07