

[Cite as *In re Moncrief*, 2007-Ohio-5694.]

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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Columbus, OH 43215
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IN RE: TIMOTHY D. MONCRIEF

Case No. V2007-90269

TIMOTHY D. MONCRIEF

Commissioners:

Applicant

Karl C. Kerschner, Presiding
Tim McCormack
Clarence E. Mingo II

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a December 25, 2005 felonious assault incident, during which he sustained multiple gunshot wounds. On January 4, 2007, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that all of the applicant's economic loss had been or may be recouped from collateral sources. On January 23, 2007, the applicant filed a request for reconsideration. On March 26, 2007, the Attorney General granted the applicant an award totaling \$326.59 in unreimbursed allowable expense. On April 9, 2007, the applicant filed a notice of appeal to the Attorney General's March 26, 2007 Final Decision. At 10:15 A.M. on August 9, 2007, this matter was heard before this panel of three commissioners.

{¶2} Applicant's counsel, 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 she received additional information from the

applicant's physician indicating that the applicant was disabled as a result of the criminally injurious conduct. Exhibit 1, an August 8, 2007 work loss exhibit, was introduced demonstrating that the applicant incurred work loss totaling \$17,833.03 from December 25, 2005 through February 6, 2007. Applicant's counsel stated he agreed with the Attorney General's recommendation for work loss. 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, and based upon the agreement between the parties, we find that the applicant incurred \$17,833.03 in unreimbursed work loss from December 25, 2005 through February 6, 2007. Therefore, the March 26, 2007 decision of the Attorney General shall be modified to grant the applicant a total award in the amount of \$18,159.62, of which \$17,833.03 represents unreimbursed work loss and \$326.59 represents unreimbursed allowable expense.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The March 26, 2007 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$18,159.62;

{¶6} 2) This claim is remanded to the Attorney General 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.

KARL C. KERSCHNER
Presiding Commissioner

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TIM MC CORMACK
Commissioner

CLARENCE E. MINGO II
Commissioner

ID #:\Victim Decisions to SC Reporter\Panel September 2007\2007-90269.wpd\4-dld-tad-080907

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

Filed 9-13-2007
Jr. Vol. 2266, Pgs. 152-154
To S.C. Reporter 10-23-2007

