

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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IN RE: SHALIA GOODE

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Applicant

Case No. V2008-30197

Commissioners:

Thomas Bainbridge, Presiding

Tim McCormack

Lloyd Pierre-Louis

ORDER OF A THREE COMMISSIONER PANEL

{¶ 1} On June 29, 2007, the applicant, Shalia Goode, filed a compensation application as the result of a drive-by shooting which occurred on June 2, 2007. On October 25, 2007, the Attorney General issued a finding of fact and decision finding the applicant was a victim of criminally injurious conduct and granting her an award in the amount of \$123.08, which represented work loss incurred for the period June 2, 2007 through June 11, 2007. The Attorney General also determined that the applicant incurred medical expenses as the result of the incident; however, the expenses were reimbursable from Medicaid/Care source, a readily available collateral source. Finally, the applicant's claim for crime scene cleanup was denied based upon the applicant's failure to submit documentation. On November 26, 2007, the applicant submitted a request for reconsideration asserting she had incurred additional work loss.

{¶ 2} On January 14, 2008, the Attorney General rendered a Final Decision finding no reason to modify the initial decision. On February 12, 2008, the applicant

filed a notice of appeal from the January 14, 2008 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on August 13, 2008 at 11:50 a.m.

{¶ 3} Assistant Attorney General David Lockshaw appeared on behalf of the Attorney General's office. Although the applicant had requested to attend the hearing via telephone, telephone contact with the applicant on the day of the hearing was unsuccessful. Therefore, Assistant Attorney General Lockshaw made a brief statement for this panel's consideration. Mr. Lockshaw related this case concerns the applicant's return to work date. The Attorney General used the date, June 12, 2007, of which was provided by the applicant's treating physician, Dr. Babitha Nalluri. Based upon this date the applicant incurred an additional day of work loss from her employer, Arby's, in the amount of \$20.51. (It should be noted in the initial finding of fact and decision the Attorney General granted work loss from Arby's from June 2, 2007 through June 11, 2007 in the amount of \$123.08). Also, the applicant incurred work loss at her employer, Subway, in the amount of \$177.37 for the same disability period. Accordingly, the Attorney General asserted that the applicant should be granted additional work loss reimbursement in the amount of \$197.88; however, without further documentation, the disability period should not extend beyond June 12, 2007. Whereupon the hearing was concluded.

{¶ 4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the applicant has incurred additional work loss for the period from June 2, 2007 through June 12, 2007 from her employers, Arby's and Subway, in the amount of \$197.88. Therefore, the January 14, 2008

decision of the Attorney General should be modified and the applicant should be granted an award of reparations in the amount of \$197.88.

{¶ 5} IT IS THEREFORE ORDERED THAT

{¶ 6} 1) The January 14, 2008 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$197.88;

{¶ 7} 2) This claim is remanded to the Attorney General for payment of the award in accordance with this order;

{¶ 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.

THOMAS BAINBRIDGE
Presiding Commissioner

TIM MCCORMACK
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

Case No. V2008-30197

- 4 -

ORDER

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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 12-11-2008

Jr. Vol. 2270, Pgs. 133-135

To S.C. Reporter 12-11-2008