

[Cite as *In re Bowers*, 2004-Ohio-1104.]

**IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION**

IN RE: MEGAN L. BOWERS	:	Case No. V2003-41051
YVETTE B. BOWERS	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement for expenses incurred in relation to an October 5, 2002 sexual assault incident. On April 8, 2003, the Attorney General issued a Finding of Fact and Decision granting the applicant an award in the amount of \$271.94 of which \$46.32 represented mileage expense and \$225.62 represented wage loss. The Attorney General denied certain expenses pursuant to R.C. 2743.60(D) contending that the applicant had Medicaid coverage. On April 28, 2003, the applicant filed a request for reconsideration. On August 26, 2003, the Attorney General issued a Final Decision stating that the previous decision warranted no modification. On October 6, 2003, the applicant filed a notice of appeal of the Attorney General's Final Decision asserting that she incurred wage loss from October 22, 2002 through November 16, 2002 that was not reimbursed to her. On November 24, 2003, the Attorney General filed a Brief recommending that the August 26, 2003 Final Decision be affirmed since the applicant failed to provide additional proof of her purported loss. Hence, this matter came to be heard before this panel of three commissioners on December 17, 2003 at 10:50 A.M.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that she rests pending any questions from the panel of commissioners. The panel chairman concluded the hearing.

{¶3} From review of the file, this panel finds the August 26, 2003 decision of the Attorney General shall be affirmed. Should the applicant obtain verifiable proof of additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The August 26, 2003 decision of the Attorney General is AFFIRMED;

{¶6} 2) This claim is remanded to the Attorney General for payment of the April 8, 2003 award pursuant to R.C. 2743.191;

{¶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.

JAMES H. HEWITT III
Commissioner

LEO P. MORLEY
Commissioner

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KARL H. SCHNEIDER
Commissioner