

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

IN RE: SYLVIA R. GILLIAM	:	Case No. V2003-40143
SYLVIA R. GILLIAM	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} On March 31, 2004, the applicant filed a supplemental compensation application seeking additional economic loss incurred as a result of a July 2, 2002 assault incident. On June 24, 2004, the Attorney General denied the applicant’s claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove, by a preponderance of the evidence, that she incurred additional work loss as a result of the criminally injurious conduct, since she was released to return to work on August 18, 2002. The Attorney General noted that the applicant could have attended at least two training classes (September 2, 2002 and October 7, 2002) to have begun work sooner than October 28, 2002. However, on October 22, 2004, the Attorney General granted the applicant an additional award in the amount of \$484.63 for work loss incurred between August 19, 2002 through September 1, 2002. On October 26, 2004, the applicant filed a notice of appeal to the Attorney General’s October 22, 2004 Final Decision contending that she is owed reimbursement for work loss incurred between September 1, 2002

through October 28, 2002. Hence, this matter came to be heard before this panel of three commissioners on January 13, 2005 at 10:30 A.M.

{¶2} The *pro se* applicant, via telephone, and an Assistant Attorney General attended the hearing and presented testimony and brief comments for the panel's consideration. The Assistant Attorney General maintained that the applicant has been fully reimbursed for all work loss sustained as a result of the criminally injurious conduct, since she has failed to demonstrate an inability to have worked during the claimed time period. However, Sylvia Gilliam briefly testified that prior to the criminally injurious conduct she was employed as a nurses' aid, however she lost her certification during her period of disability resulting from the assault. Ms. Gilliam explained that in order to become re-certified she had to attend training classes, which were not offered by Riverview Community until the end of October 2002. Ms. Gilliam stated that, therefore, she seeks additional work loss from September 1, 2002 through October 28, 2002 for the lost time she incurred awaiting training classes to begin at Riverview Community.

{¶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 has proven, by a preponderance of the evidence, that she incurred additional work loss between September 1, 2002 through October 28, 2002 as a result of the criminally injurious conduct. We note that the Assistant Attorney General indicated that the applicant has already received payment of the October 22, 2004 award. Therefore, the October 22, 2004 Final Decision of the Attorney General shall be modified. The claim shall be remanded to the Attorney General for economic loss calculations and decision consistent with the panel's findings.

IT IS THEREFORE ORDERED THAT

{¶4} “1) The October 22, 2004 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant;

{¶5} 2) This claim is remanded to the Attorney General for economic loss calculations and decision consistent with the panel’s findings;

{¶6} 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;

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

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CLARK B. WEAVER, SR.  
Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

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JAMES H. HEWITT III  
Commissioner

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