

[Cite as *In re Blake*, 2005-Ohio-6050.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: THEODORA M. BLAKE	:	Case No. V2003-40429
THEODORA M. BLAKE	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred regarding a July 31, 2002 rape incident. On July 13, 2004, a panel of commissioners reversed the Attorney General’s April 28, 2003 Final Decision, which denied the claim pursuant to R.C. 2743.60(C). Instead, the panel determined that 10 percent is to be deducted from all future awards of reparations, pursuant to R.C. 2743.60(C), since the applicant refused to disclose the rapist’s identity. On November 8, 2004, the Attorney General issued another Final Decision denying the claim pursuant to R.C. 2743.60(D) contending that all the applicant’s economic loss had been or may be recouped from a collateral source, namely the Bureau of Workers’ Compensation. On November 19, 2004, the applicant filed a notice of appeal to the Attorney General’s November 8, 2004 Final Decision. Hence, a panel of three commissioners heard this matter on August 10, 2005 at 12:00 P.M.

{¶ 2} Applicant's counsel and an Assistant Attorney General appeared at the hearing and presented oral argument for the panel's consideration. From review of the evidence and based upon the following calculations, we find that the applicant incurred \$2,560.73 in unreimbursed work loss from January 1, 2003 through March 30, 2003.

\$7,984.57 - gross Bureau of Workers' Compensation Temporary Total Disability award

- \$2,731.61 - legal fees and expenses

\$5,252.96 - net Bureau of Workers' Compensation Temporary Total Disability award

\$11,000.00 - gross Bureau of Workers' Compensation settlement amount

- \$ 3,891.67 - legal fees and expenses

\$ 7,108.33 - net Bureau of Workers' Compensation settlement amount

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x 67% - Permanent Partial Disability award percentage (not a collateral source)

\$4,762.58 - Permanent Partial Disability award (not a collateral source)

\$7,108.33 - net Bureau of Workers' Compensation settlement amount

- \$4,762.58 - Permanent Partial Disability award (not a collateral source)

\$2,345.75 - net Bureau of Workers' Compensation settlement collateral source amount

\$5,252.96 - net Bureau of Workers' Compensation Temporary Total Disability award

+ \$2,345.75 - net Bureau of Workers' Compensation settlement collateral source amount

\$7,598.71 - total collateral source amount from Bureau of Workers' Compensation

\$10,443.97 - work loss sustained between 1/1/03 - 3/30/03

- \$ 7,598.71 - total collateral source from Bureau of Workers' Compensation

\$ 2,845.26 - work loss sustained between 1/1/03 - 3/30/03

\$2,845.26 - work loss sustained between 1/1/03 - 3/30/03

x 10% - percentage of R.C. 2743.60(C) deduction

\$ 284.53 - 10% R.C. 2743.60(C) deduction

\$2,845.26 - work loss sustained between 1/1/03 - 3/30/03

- \$ 284.53 - 10% R.C. 2743.60(C) deduction

\$ 2,560.73 - unreimbursed work loss sustained between 1/1/03 - 3/30/03

{¶ 3} Therefore, we find that the November 8, 2004 decision of the Attorney General shall be reversed to award \$2,560.73 to the applicant as unreimbursed work loss.

IT IS THEREFORE ORDERED THAT

- 1) The November 8, 2004 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$2,560.73;
- 3) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;
- 4) 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;
- 5) Costs are assumed by the court of claims victims of crime fund.

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

RANDI OSTRY LE HOTY
Commissioner

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

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