

[Cite as *In re Hanley*, 2005-Ohio-7136.]

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

www.cco.state.oh.us

IN RE: DAMON D. HANLEY : Case No. V2002-51362  
DAMON D. HANLEY : ORDER OF A THREE-  
Applicant : COMMISSIONER PANEL  
\_\_\_\_\_  
: : : : :

{¶ 1} On October 27, 2004, the applicant filed a supplemental compensation application seeking additional reimbursement of expenses incurred with respect to a September 15, 2001 aggravated vehicular assault incident. On February 23, 2005, the Attorney General denied the applicant's claim pursuant to R.C. 2743.52(A) contending that the applicant failed to incur any additional economic loss as a result of the criminally injurious conduct. On April 1, 2005, the applicant filed a request for reconsideration. On September 26, 2005, the Attorney General determined that no modification of the previous decision was warranted. On October 6, 2005, the applicant filed a notice of appeal to the Attorney General's September 26, 2005 Final Decision. On November 18, 2005, the applicant filed a Brief indicating that he incurred \$3,100.00 in dental expenses. On November 22, 2005, the Attorney General filed a Statement in Lieu of Brief recommending the claim be remanded to the Attorney General for payment of the \$3,100.00 dental expense. On November 28, 2005, the applicant filed a Concurring Memorandum indicating that he agrees with the Attorney General's recommendation to pay the dental claim. Hence, this matter was heard by this panel of three commissioners on December 21, 2005 at 10:05 A.M.

{¶ 2} The applicant's counsel and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. Counsel and the Assistant Attorney General informed the panel that an additional investigation was conducted and that the applicant is owed an additional \$3,100.00 in unreimbursed dental expense.

{¶ 3} From review of the file and with full consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant incurred \$3,100.00 in additional dental expenses. Therefore, the September 26, 2005 decision of the Attorney General shall be reversed to award \$3,100.00 to the applicant as unreimbursed allowable dental expense.

IT IS THEREFORE ORDERED THAT

- 1) The September 26, 2005 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$3,100.00;
- 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;
- 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;
- 4) Costs are assumed by the court of claims victims of crime fund.

---

JAMES H. HEWITT III  
Commissioner

---

GREGORY P. BARWELL  
Commissioner

[Cite as *In re Hanley*, 2005-Ohio-7136.]

---

RANDI OSTRY LE HOTY  
Commissioner

ID #\15-dld-tad-51221

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

Filed 12-30-2005  
Jr. Vol. 2259, Pgs. 73-75  
To S.C. Reporter 1-20-2006

