



the Attorney General denied Shirley Moss' claim pursuant to R.C. 2743.52(A) contending that she does not qualify as a victim in her own right nor does she qualify for wage loss reimbursement. On October 5, 2004, Shirley Moss filed a request for reconsideration. On October 28, 2004, the Attorney General denied the claim once again. On December 16, 2004, the applicants filed a notice of appeal to the Attorney General's October 28, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on March 9, 2005 at 10:40 A.M.

{¶ 2} Bernard Jeffcut and an Assistant Attorney General attended the hearing and presented testimony, exhibits, and brief comments for the panel's consideration. Bernard Jeffcut testified that he incurred additional medical expenses as a result of the criminally injurious conduct and that Shirley Moss sent him a demand letter for the other half of the partnership loss (\$33,215.75). Mr. Jeffcut stated that Shirley Moss cared for him during his period of recovery and hence he believes that she also incurred wage loss as his partner in the Bridal Nook.

{¶ 3} The Assistant Attorney General argued that Shirley Moss is not entitled to receive an award of reparations because: 1) she does not qualify as a victim in her own right since she did not suffer a debilitating psychological injury which impeded her from performing daily tasks and because 2) she did not incur wage loss as a result of having to care for the victim. The Assistant Attorney General asserted that Shirley Moss is seeking the other half of the partnership losses, which is purely a monetary loss instead of wage loss for having to care for her ill husband. The Assistant Attorney General argued that during Mr. Jeffcut's recovery period, the Bridal

Nook was still open for business under Mrs. Moss' leadership, albeit at a loss due to Mr. Jeffcut's injury.

{¶ 4} R.C. 2743.51(F)(1) states:

(F)(1) "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care and including replacement costs for eyeglasses and other corrective lenses. It does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services in excess of a reasonable and customary charge for semiprivate accommodations, unless accommodations other than semiprivate accommodations are medically required.

{¶ 5} 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. First, we find that Shirley Moss has failed to prove, by a preponderance of the evidence, that she incurred economic loss as a result of the criminally injurious conduct. Even though we believe Mrs. Moss cared for her husband in some form during his period of recovery, Mrs. Moss has failed to provide employment or medical documentation detailing her support of the victim. We find Mrs. Moss' letter alleging that she suffered wage loss due to her husband's October 8, 2001 injury and the March 4, 2005 demand letter sent to Mr. Jeffcut from Shirley Moss' attorney, Lori A. Curtis, seeking \$33,215.75 for Mrs. Moss' alleged services she provided to Mr. Jeffcut between October 2001 through March 2002 to be insufficient evidence of Mrs. Moss' actual economic loss while caring for the victim.

{¶ 6} Second, we note that Mrs. Moss filed a supplemental compensation application under her husband's claim, however has not filed her own claim. We find that Shirley Moss fails to qualify as a victim in her own right because (1) her application will not have been filed within two years of the criminally injurious conduct and (2) nor has she demonstrated that she sustained a debilitating psychological injury which impeded her from performing daily functions.

{¶ 7} Third, we find, in light of the evidence presented, that Mr. Jeffcut may be entitled to additional reimbursement of his medical expenses. Therefore, the October 28, 2004 Final Decision of the Attorney General shall be affirmed and the claim shall be remanded to the Attorney General for further investigation, calculation of Bernard Jeffcut's medical expenses, and decision.

IT IS THEREFORE ORDERED THAT

{¶ 8} 1) The October 28, 2004 decision of the Attorney General is AFFIRMED;

{¶ 9} 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;

{¶ 10} 3) This claim shall be remanded to the Attorney General for further investigation, calculation of Bernard Jeffcut's medical expenses, and decision;

{¶ 11} 4) This order is entered without prejudice to Bernard Jeffcut's right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

{¶ 12} 5) 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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TIM MC CORMACK  
Commissioner

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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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