

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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Columbus, OH 43215

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IN RE: C. L. H.

Case No. V2007-90811

LA SHANDRA LOGAN

Applicant

Commissioners:

Thomas H. Bainbridge, Presiding

Gregory P. Barwell

Randi Ostry LeHoty

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} On June 18, 2007, the applicant, LaShandra Logan filed a reparations application on behalf of minor child C. L. H. as the result of the murder of the minor child's mother, Crystal Logan. The applicant sought an award of reparations for medical, counseling, work loss and funeral expenses as well as an award for dependent's economic loss and dependent's replacement services loss as the result of the death of C.L.H.'s mother. On September 14, 2007, the Attorney General issued a Finding of Fact and Decision denying an award for medical, counseling, work loss and funeral expenses since the applicant did not have legal custody of C.L.H. The Attorney General also stated in its Finding of Fact and Decision that the claims for dependent's economic loss and dependent's replacement services loss on behalf of C.L.H. were better addressed in companion claim no. V2007-50350, the case filed as the result of the death of Crystal Logan. On September 21, 2007, the applicant submitted a request for reconsideration wherein she stated that she had become the legal guardian of C.L.H. on September 12, 2007. On November 20, 2007, the Attorney General rendered a Final Decision. The Attorney General found all medical and counseling expenses could have been reimbursed by Medicaid, a readily available collateral source. The Attorney General also found that C.L.H.'s claim for dependent's economic loss was

addressed in claim no. V2007-52745, where she was granted an award of reparations in the amount of \$28,515.53. Accordingly, the Attorney General saw no reason to modify the prior decision. On December 12, 2007, the applicant filed a notice of appeal from the Attorney General's November 20, 2007 Final Decision. The applicant asserts she lost two weeks of wages as the result of making funeral arrangements for her sister and moving her sister's two young daughters into her home. The applicant also asserts that she incurred a funeral bill in the amount of \$3,977.52.

{¶ 2} On April 18, 2008, the Attorney General filed a brief stating that the parties were in agreement that the applicant suffered one day's work loss and should be granted an award in the amount of \$88.69. With respect to the claim for funeral expense reimbursement, the Attorney General stated that funeral expense was reimbursed in claim no. V2007-52745. Hence a hearing was held before this panel of three commissioners on May 7, 2008 at 11:10 A.M.

{¶ 3} The applicant's attorney, Carl McMahon, via telephone and Assistant Attorney General Stacy Hannan attended the hearing and offered brief comments for the panel's consideration. Ms. Hannan indicated that after discussions with applicant's counsel it was determined that the applicant had incurred unreimbursed work loss for June 15, 2007, in the amount of \$88.69. The hearing was then concluded.

{¶ 4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the applicant incurred work loss on June 15, 2007. Therefore, the November 20, 2007 decision of the Attorney General shall be reversed and the claim remanded to the Attorney General for payment.

{¶ 5} IT IS THEREFORE ORDERED THAT

{¶ 6} 1) The November 20, 2007 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant in the amount of \$88.69;

{¶ 7} 2) This claim is remanded to the Attorney General for payment in accordance with this order;

{¶ 8} 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;

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

THOMAS H. BAINBRIDGE
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

RANDI OSTRY LE HOTY
Commissioner

ID #:\VICTIMS\2007\2007-90811\6-4-08 panel decision.wpd\DRB-tad

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

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Jr. Vol. 2269, Pg. 19
To S.C. Reporter 8-20-2008

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ORDER