

[Cite as *In re Gonzalez*, 2003-Ohio-4516.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: SHELBY N. GONZALEZ : Case No. V2002-51699

DAWN M. POWELL : DECISION

JAMES P. GONZALEZ : Judge J. Warren Bettis

Applicants :

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{¶1} This matter came on to be considered upon applicants' appeal from the February 27, 2003, order issued by the panel of commissioners. The panel's determination affirmed the final decision of the Attorney General, which denied applicants' claim for an award of reparations based on the finding that applicants' wage loss claim had been addressed in a supplemental reparations application.

{¶2} R.C. 2743.52(A) places the burden of proof on an applicant to satisfy the Court of Claims Commissioners that the requirements for an award have been met by a preponderance of the evidence. *In re Rios* (1983), 8 Ohio Misc.2d 4, 8 OBR 63, 455 N.E.2d 1374. The panel found, upon review of the evidence, that applicants failed to present sufficient evidence to meet their burden.

{¶3} The standard for reviewing claims that are appealed to the court is established by R.C. 2743.61(C), which provides in pertinent part: "If upon hearing and consideration of the

record and evidence, the judge decides that the decision of the panel of commissioners is unreasonable or unlawful, the judge shall reverse and vacate the decision or modify it and enter judgment on the claim. The decision of the judge of the court of claims is final."

{¶4} The court notes that the Attorney General's brief in this matter reports that on April 14, 2003, applicants were granted a supplemental award of reparations representing wage loss. Upon review of the file in this matter, the court finds that the panel of commissioners was not arbitrary in finding that applicants' supplemental wage loss claim would be addressed in the Attorney General's final decision.

{¶5} Based on the evidence and R.C. 2743.61, it is the court's opinion that the decision of the panel of commissioners was reasonable and lawful. Therefore, this court affirms the decision of the three-commissioner panel, and hereby denies applicants' claim.

{¶6} Upon review of the evidence, the court finds the order of the panel of commissioners must be affirmed and applicants' appeal must be denied.

{¶7} IT IS HEREBY ORDERED THAT:

{¶8} 1) The order of February 27, 2003, (Jr. Vol. 2249, Pages 75-77) is approved, affirmed and adopted;

{¶9} 2) This claim is DENIED and judgment entered for the State of Ohio;

{¶10} 3) Costs assumed by the reparations fund.

J. WARREN BETTIS
Judge

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DECISION

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