

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: MARIO A. DEAL	:	Case No. V2003-40160
MARIO A. DEAL	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} On January 8, 2003, the Attorney General issued a Finding of Fact and Decision denying the applicant's claim for allowable expense pursuant to R.C. 2743.60(D) contending that all the applicant's allowable expense had been or may be recouped from a collateral source. On February 6, 2003, the Attorney General issued a Final Decision indicating that no modification of the previous decision was warranted since the applicant is only requesting reimbursement for pain and suffering. On March 3, 2003, the applicant appealed the Attorney General's Final Decision. On April 17, 2003, the Assistant Attorney General filed a Brief recommending the Final Decision be affirmed since the only bill the applicant submitted was from Mount Carmel West Hospital and that expense has been paid in full. Hence, this appeal came to be heard before this panel of three commissioners on May 21, 2003 at 11:15 A.M.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that she rests on her Brief. The panel chairman concluded the hearing.

{¶3} From review of the file and with full consideration given to all the information presented at the hearing, this panel finds the February 6, 2003 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The February 6, 2003 decision of the Attorney General is AFFIRMED;

{¶6} 2) This claim is DENIED and judgment is rendered for the state of Ohio;

{¶7} 3) This order is entered without prejudice to the applicant's right to file a supplemental compensation application pursuant to R.C. 2743.68;

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

JAMES H. HEWITT III
Commissioner

LEO P. MORLEY
Commissioner

KARL H. SCHNEIDER
Commissioner