

[Cite as *In re Glasgow*, 2003-Ohio-7091.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: PAUL H. GLASGOW	:	Case No. V2003-40631
PAUL H. GLASGOW	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} This appeal came to be heard before this panel of three commissioners on September 11, 2003 at 10:50 A.M. upon the applicant's June 25, 2003 appeal from the June 10, 2003 Final Decision of the Attorney General.

{¶2} The applicant filed a reparations application on November 18, 2002 seeking reimbursement of expenses incurred in relation to a November 12, 2000 assault. Originally, the Attorney General denied the claim pursuant to R.C. 2743.60(A) and R.C. 2743.56. The Attorney General asserted that the applicant failed to file a reparations application within two years of the criminally injurious conduct and that the incident was never reported to law enforcement officials. The Attorney General also contended that the applicant was not a victim of criminally injurious conduct because hospital records indicate that the applicant was wrestling with his roommate when he was accidentally struck in the mouth. On reconsideration, the Attorney General denied the claim solely on the basis that the applicant failed to file a timely reparations application. The applicant filed an appeal of the Attorney General's Final Decision.

{¶3} Attorney Cassandra Mayer and an Assistant Attorney General attended the hearing and presented oral argument for this panel's consideration. Attorney Mayer stated that the applicant was assaulted by his roommate on approximately November 12, 2000. Counsel explained that the applicant initially reported the incident as horseplay while in the presence of his roommate, however on November 13, 2000 the applicant filed a police report indicating that he was assaulted. Counsel asserted that since the police report reflects the assault date of November 13, 2000 then that date should be controlling. Attorney Mayer argued that the applicant would have been ineligible to participate in the program had the police not determined the incident to have been an assault. Lastly counsel asserted that the applicant, who is truly a victim of crime, should not be punished for the slight delay since there is only a one day difference.

{¶4} However, the Assistant Attorney General maintained that the claim must be denied pursuant to R.C. 2743.56 since the applicant failed to timely file, a reparations application according to the postmark date of November 13, 2002. The Assistant Attorney General argued that R.C. 2743.56(B)(2) clearly states that an application concerning an adult victim of criminally injurious conduct is to be filed within two years after the "occurrence" of the criminally injurious conduct. Accordingly, the Assistant Attorney General argued that since the incident occurred on November 12, 2000 then the reparations application should have been postmarked by November 12, 2002.

{¶5} R.C. 2743.56(A) states:

{¶6} A claim for an award of reparations shall be commenced by filing an application for an award of reparations with the attorney general. The application may be filed by mail. If the

application is filed by mail, the post-marked date of the application shall be considered the filing date of the application. The application shall be in a form prescribed by the attorney general and shall include a release authorizing the attorney general and the court of claims to obtain any report, document, or information that relates to the determination of the claim for an award of reparations that is requested in the application.

{¶7} R.C. 2743.56(B)(2) states:

{¶8} (B) All applications for an award of reparations shall be filed as follows:

{¶9} (2) If the victim of the criminally injurious conduct was an adult, within two years after the occurrence of the criminally injurious conduct.

{¶10} 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. In light of R.C. 2743.56, we find that the applicant failed to file a timely reparations application. Therefore, the June 10, 2003 decision of the Attorney General shall be affirmed.

{¶11} IT IS THEREFORE ORDERED THAT

{¶12} 1) The June 10, 2003 decision of the Attorney General is AFFIRMED;

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

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

DALE A. THOMPSON
Commissioner

CLARK B. WEAVER, SR.

ASHER W. SWEENEY

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

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