

[Cite as *In re Zaborowski*, 2004-Ohio-4619.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: DEBORAH J. ZABOROWSKI	:	Case No. V2003-41191
DEBORAH J. ZABOROWSKI	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a February 7, 2003 felonious assault and kidnaping incident. On September 15, 2003, the Attorney General denied the applicant’s claim pursuant to R.C. 2743.60(D) contending that all the applicant’s medical expense had been or may be recouped from a collateral source, namely Medicaid. The Attorney General also denied the applicant’s claim for work loss and evidence replacement loss. On September 24, 2003, the applicant filed a request for reconsideration asserting that she was rehired at a different Pizza Hut location. On November 24, 2003, the Attorney General determined that no modification of the previous decision was warranted and denied the claim once again. On December 1, 2003, the applicant filed a notice of appeal to the Attorney General’s Final Decision. On January 15, 2004, the Attorney General filed a Brief recommending the Final Decision be affirmed, since the applicant

was terminated from Pizza Hut and is now ineligible for rehire at any Pizza Hut location. Hence, this matter came to be heard before this panel of three commissioners on May 20, 2004 at 11:00 A.M.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that she rests on her January 15, 2004 Brief and the documents contained in the claim file.

{¶3} 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. We find that the applicant has failed to prove, by a preponderance of the evidence, that she incurred work loss as a result of the criminally injurious conduct. Therefore, the November 24, 2003 Final Decision of the Attorney General shall be affirmed without prejudice. Should the applicant obtain evidence of incurred economic loss that would be an appropriate basis for filing a supplemental compensation application.

{¶4} IT IS THEREFORE ORDERED THAT

- 1) The November 24, 2003 decision of the Attorney General is AFFIRMED without prejudice;
- 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 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;
- 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

ID #\4-dld-tad-060804

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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To S.C. Reporter 8-26-2004