

[Cite as *In re Jones*, 2004-Ohio-5497.]

**IN THE COURT OF CLAIMS OF OHIO**  
**VICTIMS OF CRIME DIVISION**

IN RE: THEODORE W. JONES	:	Case No. V2004-60105
THEODORE W. JONES	:	<u>DECISION</u>
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Applicant	:	Judge Joseph T. Clark

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{¶ 1} This matter came on to be considered upon applicant’s appeal from the June 16, 2004, order issued by the panel of commissioners. The panel’s determination affirmed the final decision of the Attorney General, which denied applicant’s claim for an award of reparations based upon the finding that applicant failed to prove that he incurred economic loss.

{¶ 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 applicant failed to present sufficient evidence to meet his 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} Applicant participated by telephone at the hearing and informed the court that he has been able to obtain counseling through the use of a welfare medical card. The court was also informed that applicant has filed a supplemental reparations application and that the Attorney

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General is currently considering his claim for work loss.

{¶ 5} Upon review of the file in this matter, the court finds that the panel of commissioners was not arbitrary in finding that applicant did not show by a preponderance of the evidence that he was entitled to an award of reparations.

{¶ 6} 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.

JOSEPH T. CLARK  
Judge

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THEODORE W. JONES : ORDER

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Applicant : Judge Joseph T. Clark

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Upon review of the evidence, the court finds the order of the panel of commissioners must be affirmed and applicant's appeal must be denied.

IT IS HEREBY ORDERED THAT:

- 1) The order of June 16, 2004, (Jr. Vol. 2253, Pages 207-208) is approved, affirmed and adopted;
- 2) This claim is DENIED and judgment entered for the State of Ohio;
- 3) This order is entered without prejudice to applicant's right to file a supplemental

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compensation application, within five years of this order pursuant to R.C. 2743.68;

- 4) Costs assumed by the reparations fund.

CLARK

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JOSEPH T.

Judge

AMR/cmd

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

Filed 9-28-2004  
Jr. Vol. 2255, Pg. 9  
To S.C. Reporter 10-14-2004