

[Cite as *In re Crabtree*, 2005-Ohio-5012.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: SCOTT A. CRABTREE : Case No. V2003-40941

SCOTT A. CRABTREE : DECISION

Applicant : Judge J. Craig Wright

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{¶ 1} This matter came on to be considered upon applicant’s appeal from the April 21, 2005, 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 engaged in substantial contributory misconduct pursuant to R.C. 2743.60(F). The Attorney General’s decision was based upon a hospital toxicology report that showed applicant tested positive for opiates and cocaine.

{¶ 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} 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.

{¶ 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 applicant's claim.

J. CRAIG WRIGHT
Judge

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SCOTT A. CRABTREE : ORDER

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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 April 21, 2005, (Jr. Vol. 2256, Pages 203-205) is approved, affirmed and adopted;
- 2) This claim is DENIED and judgment entered for the State of Ohio;
- 3) Costs assumed by the reparations fund.

WRIGHT

J. CRAIG

Judge

AMR/cmd

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

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Jr. Vol. 2257, Pg. 204
To S.C. Reporter 9-23-2005