

[Cite as *In re Ruffin*, 2006-Ohio-1870.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: LUTHER C. RUFFIN : Case No. V2005-80479

LUTHER C. RUFFIN : DECISION

Applicant : Judge Joseph T. Clark

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{¶ 1} This matter came on to be considered upon applicant's appeal from the November 10, 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 additional award of reparations based upon the finding that any additional economic loss either was or could have been recouped from a collateral source, and that the medical expense was unrelated to the criminally injurious conduct.

{¶ 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} Neither applicant nor anyone on his behalf appeared at the judicial hearing.

{¶ 4} 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."

{¶ 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 additional 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, and hereby denies applicant's claim.

JOSEPH T. CLARK
Judge

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LUTHER C. RUFFIN : ORDER

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 November 10, 2005, (Jr. Vol. 2258, Pages 193-194) 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 compensation application, within five years of this order, pursuant to R.C. 2743.68;
- 4) Costs assumed by the reparations fund.

JOSEPH T. CLARK
Judge

AMR/cmd

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