

[Cite as *In re Pollard*, 2006-Ohio-2166.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: TIMOTHY A. POLLARD	:	Case No. V2005-80614
JEANETTE L. FITZGERALD	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
	: : : : :	

{¶ 1} On November 23, 2004, the applicant, Jeanette Fitzgerald, filed a reparations application on behalf of Timothy Pollard seeking reimbursement for expenses incurred with respect to an assault that occurred on March 1, 2003. On May 23, 2005, the Attorney General issued a Finding of Fact and Decision in the amount of \$96.88 which represented mileage expenses. On June 15, 2005, the applicant requested reconsideration of the May 23, 2005 decision. On August 16, 2005, the Attorney General issued a Final Decision denying the claim for additional economic loss pursuant to R.C. 2743.60(D), contending all economic loss had been or may be recouped from Medicaid, a readily available collateral source. On September 6, 2005, the applicant filed an appeal to the Final Decision of the Attorney General. Hence, this matter was heard by this panel of three commissioners on January 11, 2006 at 10:55 A.M.

{¶ 2} The applicant's counsel and an Assistant Attorney General attended the hearing. Applicant's counsel stated that the matter would be best resolved by filing a supplemental compensation application. The Assistant Attorney General concurred with the applicant's counsel's assessment of the situation. From review of the file and with full and careful

consideration given to all the information presented at the hearing, we find the May 23, 2005 decision of the Attorney General shall be affirmed, without prejudice.

IT IS THEREFORE ORDERED THAT

- 1) The applicant's January 11, 2006 motion to withdraw the appeal is DENIED;
- 2) The May 23, 2005 decision of the Attorney General is AFFIRMED without prejudice;
- 3) This claim is remanded to the Attorney General for payment of the \$96.88 award;
- 4) 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;
- 6) Costs are assumed by the court of claims victims of crime fund.

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

ID #\7-drb-tad-011806

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

Filed 3-9-2006
Jr. Vol. 2259, Pgs. 175-176
To S.C. Reporter 4-14-2006

