

[Cite as *In re Ricks*, 2007-Ohio-2944.]

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

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IN RE: JAVID E. RICKS	:	Case No. V2006-21085
JAVID E. RICKS	:	Commissioners:
Applicant	:	Tim Mc Cormack, Presiding
_____	:	Thomas H. Bainbridge
_____	:	Karl C. Kerschner
	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>

: : : : :

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a July 31, 2006 aggravated robbery incident. On September 14, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that all of the applicant's economic loss had been or may be recouped from a collateral source, namely the Bureau of Workers' Compensation. On September 22, 2006, the applicant filed a request for reconsideration. On October 27, 2006, the Attorney General denied the claim once again. On November 22, 2006, the applicant filed a notice of appeal to the Attorney General's October 27, 2006 Final Decision. On February 8, 2007 at 11:35 A.M., this matter was heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for

the panel's consideration. The Assistant Attorney General summarized the case and reiterated her position for denying the claim pursuant to R.C. 2743.60(D).

**{¶3}** Revised Code 2743.60(D) states in pertinent part:

“The attorney general, a panel of commissioners, or a judge of the court of claims shall reduce an award of reparations or deny a claim for an award of reparations that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is recouped from other persons, including collateral sources. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source. If the award or denial is conditioned upon the recoupment of the claimants economic loss from a collateral source and it is determined that the claimant did not unreasonably fail to present a timely claim to the collateral source and will not receive all or part of the expected recoupment, the claim may be reopened and an award may be made in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source.”

**{¶4}** From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the October 27, 2006 decision of the Attorney General shall be affirmed.

**{¶5}** IT IS THEREFORE ORDERED THAT

- {¶6} 1) The October 27, 2006 decision of the Attorney General is affirmed;
- {¶7} 2) This claim is DENIED and judgment is rendered for the state;
- {¶8} 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;
- {¶9} 4) Costs are assumed by the court of claims victims of crime fund.

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TIM MC CORMACK  
Presiding Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

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KARL C. KERSCHNER  
Commissioner

ID #X-dld-laa-020907

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

Case No. V2006-21085

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ORDER

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To S.C. Reporter 6-8-2007