

[Cite as *In re Wright*, 2007-Ohio-3484.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: JOHN R. WRIGHT, SR.	:	Case No. V2007-90048
JOHN R. WRIGHT, SR.	:	Commissioners:
Applicant	:	Gregory P. Barwell, Presiding
	:	Thomas H. Bainbridge
	:	Karl C. Kerschner
	:	
	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a June 22, 2006 assault incident. On October 30, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending applicant's economic loss had been or may be recouped in its entirety, namely from Medicare, Kaiser Permanente, and Delta Dental. On December 1, 2006, the applicant filed a request for reconsideration. On December 12, 2006, the Attorney General determined that the previous decision warranted no modification. On January 8, 2007, the applicant filed a notice of appeal to the Attorney General's December 12, 2006 Final Decision. On April 5, 2007 at 10:25 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 and

argument for the panel's consideration, including argument that the claim should be denied under the authority of R.C. 2743.60(D). The Assistant Attorney General briefly summarized the case and reiterated her position for denying the claim pursuant to R.C. 2743.60(D).

{¶13} Revised Code 2743.60(D) states:

“(D) 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 claimant's 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.”

“If the claimant recoups all or part of the economic loss upon which the claim is based from any other person or entity, including a collateral source, the attorney general may recover pursuant to section 2743.72 of the Revised Code the part of the award that represents the economic loss for which the claimant received the recoupment from the other person or entity.”

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the December 12, 2006 decision of the Attorney General shall be affirmed. Should the applicant obtain evidence that he incurred additional economic loss, he may file a supplemental compensation application.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The December 12, 2006 decision of the Attorney General is AFFIRMED;

{¶7} 2) This claim is DENIED and judgment is rendered for the state of Ohio;

{¶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.

GREGORY P. BARWELL
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

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KARL C. KERSCHNER
Commissioner

ID #\1-dld-tad-041107

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

Filed 6-1-2007

Jr. Vol. 2265, Pgs. 34-36

To S.C. Reporter 7-6-2007

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ORDER