
Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

65 South Front Street, Fourth Floor
Columbus, OH 43215
614.387.9860 or 1.800.824.8263
www.cco.state.oh.us

IN RE: KENNETH POWERS

JACQUELINE C. POWERS

Case No. V2006-21107

JANE POWERS

Case No. V2006-21115

Applicants

DECISION

Judge Clark B. Weaver Sr.

{¶1} This matter came on to be considered upon applicant's, Jane Powers, appeal from the April 16, 2007 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 pursuant to the doctrine of res judicata since the single commissioner had denied the claim on January 15, 1997. The Attorney General also denied the claim pursuant to R.C. 2743.68 based upon the finding that applicants failed to file a supplemental compensation application within five years of the single commissioner's decision.

{¶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 applicants failed to

present sufficient evidence to meet their 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 applicants did not show by a preponderance of the evidence that they were 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 applicants’ claim.

CLARK B. WEAVER SR.

Judge



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ORDER

Judge Clark B. Weaver Sr.

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 16, 2007, (Jr. Vol. 2264, Pages 100-102) 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.

CLARK B. WEAVER SR.

Judge

AMR/cmd

A copy of the foregoing was personally served upon the Attorney General

Filed 8-21-2007
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