

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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IN RE: TANYA M. ZELENAK

Case No. V2007-90544

TANYA M. ZELENAK

Applicant

Commissioners:

Randi Ostry LeHoty, Presiding
Gregory P. Barwell
Clarence E. Mingo II

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a November 19, 2006 aggravated burglary and felonious assault incident. On March 9, 2007, the Attorney General denied the claim pursuant to R.C. 2743.60(E) and (C). The Attorney General stated that the applicant was arrested and charged with obstructing justice in relation to the criminally injurious conduct. On March 28, 2007, the applicant filed a request for reconsideration. On July 26, 2007, the Attorney General issued a Final Decision indicating the previous decision warranted no modification. The Attorney General contends that the applicant misled the police concerning the offender's whereabouts. On July 31, 2007, the applicant filed a notice of appeal to the Attorney General's July 26, 2007 Final Decision. On September 10, 2007, the applicant filed a brief recommending that the Final Decision be reversed since the offender was captured, prosecuted, and convicted with the applicant's assistance. On September 21, 2007, the Attorney General filed a brief recommending that the Final Decision be reversed and remanded to the Attorney General for economic loss calculations. On October 5, 2007, the Attorney General submitted economic loss

calculations, which indicated that the applicant incurred \$1,208.03 in work loss from November 20, 2006 through December 20, 2006. On October 15, 2007, the applicant filed a statement indicating her agreement with the Attorney General's recommendation. On October 17, 2007 at 10:05 A.M., this matter was heard before this panel of three commissioners.

{¶2} The applicant's attorney and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General stated that after further investigation, she believes the applicant is entitled to an award of reparations. The Assistant Attorney General reiterated her position, which was contained in the September 21, 2007 brief. The Assistant Attorney General also stated that the applicant incurred work loss totaling \$1,208.03 from November 20, 2006 through December 20, 2006. Applicant's counsel agreed with the Attorney General's recommendation.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant incurred \$1,208.03 in unreimbursed work loss from November 20, 2006 through December 20, 2006. Therefore, the July 26, 2007 decision of the Attorney General shall be reversed, the applicant shall be granted an award totaling \$1,208.03, and the claim shall be remanded to the Attorney General for payment of the award.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The July 26, 2007 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$1,208.03;

{¶6} 2) This claim is remanded to the Attorney General for payment of the award;

{¶7} 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;

{¶8} 4) Costs are assumed by the court of claims victims of crime fund.

RANDI OSTRY LE HOTY
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

CLARENCE E. MINGO II
Commissioner

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

Filed 10-26-07
Jr. Vol. 2267, Pages 27-29
To S.C. Reporter 11-21-07