

Court of Claims of Ohio

Victims of Crime Division

The Ohio Judicial Center

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Columbus, OH 43215
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www.cco.state.oh.us

IN RE: TIMOTHY C. SMITH

Case No. V2007-90471

TIMOTHY C. SMITH

Applicant

Commissioners:
Thomas H. Bainbridge, Presiding
Tim McCormack
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 September 10, 2006 assault incident involving a motor vehicle. On February 22, 2007, 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 Medicare and Medical Mutual. On April 13, 2007, the applicant filed a request for reconsideration seeking reimbursement of dental and eyewear expenses. On May 31, 2007, the Attorney General denied the claim once again. On July 2, 2007, the applicant filed a notice of appeal to the Attorney General's May 31, 2007 Final Decision. On September 5, 2007 at 10:55 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 for eyewear and dental reimbursement.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the May 31, 2007 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The May 31, 2007 decision of the Attorney General is AFFIRMED;

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

{¶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.

THOMAS H. BAINBRIDGE
Presiding Commissioner

TIM MC CORMACK
Commissioner

CLARENCE E. MINGO II
Commissioner

[Cite as *In re Smith*, 2007-Ohio-6291.]

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 10-26-07
Jr. Vol. 2267, Pages 25-26
To S.C. Reporter 11-21-07