

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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Columbus, OH 43215

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IN RE: MONICA MADDY

Case No. V2007-90561

MONICA MADDY

Applicant

Commissioners:

Lloyd Pierre-Louis, 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 felonious assault which occurred on December 8, 2006. On May 10, 2007, the Attorney General found the applicant qualified as a victim of criminally injurious conduct, however, the expenses she incurred at Health Alliance and Mercy Hospital are eligible for reimbursement from the Hospital Care Assurance Program (HCAP), a readily available collateral source pursuant to R.C. 2743.60(D). On June 4, 2007, the applicant filed a request for reconsideration. On August 1, 2007, the Attorney General denied the claim once again. On August 30, 2007, the applicant filed a notice of appeal to the Attorney General's August 1, 2007 Final Decision. On December 19, 2007 at 11:15 A.M., this matter was heard before this panel of three commissioners.

{¶ 2} Neither the applicant nor anyone on her 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 medical expense. She stated upon contacting the Social Security Administration it was revealed that the applicant had not reported income since 2001. Therefore, all of her hospital expenses would be eligible for

reimbursement through HCAP. If the applicant incurred additional medical expenses that would be an appropriate subject of a supplemental compensation application.

{¶ 3} R.C. 2743.60(D) in pertinent part states:

“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.”

{¶ 4} The Attorney General’s duty shall be to investigate and provide the panel with the necessary information concerning the income level of the applicant and her eligibility for HCAP benefits at the time the services were rendered by those hospitals that are participating in the HCAP program. *In re Wilson*, V92-83935jud (11-30-94).

{¶ 5} A person who qualifies for free services under HCAP does not incur any expense for the treatment. Accordingly, she does not incur any economic loss as defined by R.C. 2743.51(E) and, therefore, does not qualify for an award of reparations for the cost of services rendered by HCAP participating hospitals. *In re Wilson*.

{¶ 6} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the August 1, 2007 decision of the Attorney General shall be affirmed.

{¶ 7} IT IS THEREFORE ORDERED THAT

{¶ 8} 1) The August 1, 2007 decision of the Attorney General is AFFIRMED;

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

{¶ 10} 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;

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

LLOYD PIERRE-LOUIS
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

CLARENCE E. MINGO II
Commissioner

ID #:\VICTIMS\2007\2007-90561\1-24-08 panel decision.wpd\DRB-tad

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

Filed 2-14-2008

Jr. Vol. 2267, Pgs. 185-187

To S.C. Reporter 10-31-2008