

[Cite as *In re Heath*, 2007-Ohio-3474.]

**IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION**

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IN RE: BARBARA J. HEATH	:	Case No. V2002-50692
BARBARA J. HEATH	:	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} On September 18, 2006, the applicant filed a supplemental compensation application seeking additional reimbursement of expenses incurred with respect to an October 3, 2001 assault incident. On November 1, 2006, the Attorney General granted the applicant an award totaling \$1,690.00 in unreimbursed allowable expense. On November 20, 2006, the applicant filed a request for reconsideration asserting that she is entitled to additional prescription reimbursement. On December 1, 2006, the Attorney General determined that the previous decision warranted no modification. On December 27, 2006, the applicant filed a notice of appeal to the Attorney General's December 1, 2006 Final Decision. On February 22, 2007, the Attorney General filed a brief recommending that the Final Decision be affirmed, because the applicant failed to submit proof that her claimed medical expense is related to the criminally injurious conduct. On April 4, 2007 at 10:20 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 facts of the case and reiterated her position for denying the claim. The Assistant Attorney General noted that should the applicant obtain evidence of additional economic loss, she may file a supplemental compensation application.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the December 1, 2006 decision of the Attorney General shall be affirmed without prejudice.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The December 1, 2006 decision of the Attorney General is AFFIRMED without prejudice;

{¶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.

GREGORY P. BARWELL
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

KARL C. KERSCHNER
Commissioner

ID #14-dfd-tad-041207

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

Filed 6-1-2007

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ORDER

Jr. Vol. 2265, Pgs. 9-11
To S.C. Reporter 7-6-2007

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ORDER