

IN THE COURT OF CLAIMS OF OHIO

IN RE: SHAUNTEE T. MC COY

Case No. 2023-00640VI

STAR M. LEWANDOWSKI
TINIKA A. TOLBERT
LINDA MITCHELL
LANETTE LUCAS

Judge Lisa L. Sadler

ORDER

Applicants

{¶1} On April 3, 2025, an oral hearing was held before a magistrate on Star Lewandowski’s (“Applicant”) appeal of the Attorney General’s (“AG”) December 16, 2024 Final Decision calculating Applicant’s dependent’s economic loss as \$5,340.19.¹ On May 20, 2025, the magistrate issued a decision recommending that the AG’s Final Decision be affirmed. The magistrate found that after a review of the evidence, Applicant had failed to demonstrate dependency in fact by providing evidence that Shauntee McCoy had contributed things of economic value in excess of the AG’s award calculations. On May 30, 2025, Applicant filed an objection to the magistrate’s decision.

Standard of Review

{¶2} L.C.C.R. 24(B)(1) states:

A party may file written objections to a magistrate decision within fourteen days of the filing of the decision . . . A party shall not assign as error on appeal the judge’s adoption of any factual findings or legal conclusion, whether or not specifically designated as finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to the factual finding or legal conclusion within fourteen days of the filing of the magistrate’s decision, as required by Civ.R. 53(D)(3)(b).

¹ The sole issue on appeal was the calculation of dependent’s economic loss for Star Lewandowski’s claim. The claims for funeral expenses paid by other applicants, including Tinika Tolbert, Linda Mitchell, and Lanette Lucas, were not appealed.

Objections “shall be specific and state with particularity all grounds for objection.” Civ.R. 53(D)(3)(b)(ii).

{¶3} The Court “shall undertake an independent review as to the objected matters to ascertain that the magistrate has properly determined the factual issues and appropriately applied the law.” Civ.R. 53(D)(4)(d). In reviewing the objections, the Court does not act as an appellate court but rather conducts “a de novo review of the facts and conclusions in the magistrate’s decision.” *Ramsey v. Ramsey*, 2014-Ohio-1921 ¶ 16-17 (10th Dist.). “Whether or not objections are timely filed, a court may adopt or reject a magistrate’s decision in whole or in part, with or without modification.” Civ.R. 53(D)(4)(b).

Factual Background and Procedural History

{¶4} On February 3, 2023, Shauntee McCoy and another man were discovered deceased. Both men died from gunshot wounds to their chests. Star Lewandowski was previously married to McCoy and filed a crime victim compensation application for dependents’ economic loss on behalf of her two children she shared with McCoy, S.L. and J.L. On September 29, 2023, Applicant filed an appeal of the AG’s September 5, 2023 Final Decision denying an award of reparations on the basis that McCoy was not a victim of criminally injurious conduct. A hearing was held before the magistrate and on March 27, 2024 the magistrate’s decision was adopted with modification finding that McCoy qualified as a victim of crime and the claim was remanded to the AG to calculate economic loss. The AG calculated dependent’s economic loss as \$5,340.19 for S.L. and \$0.00 for J.L. Applicant filed a Notice of Appeal and a hearing was held before a magistrate on April 3, 2025.

Legal Analysis

{¶5} At the hearing, Applicant testified to the current economic situation of S.L. and J.L. The magistrate correctly summarized Applicant’s testimony on pages 3 and 4 of the magistrate’s decision. The magistrate also accurately set forth the AG’s analysis of each child support payment made by McCoy from 2011 until his death in 2023. The magistrate provided a thorough and detailed analysis of the AG’s calculations and what constitutes dependency in fact, and the magistrate concluded the following. McCoy had an outstanding child support order for S.L. in excess of \$50,000, yet over the span of 12 years, paid only \$12,657.98. A child support order for J.L. existed for \$0.00. The

magistrate found that Applicant failed to prove by a preponderance of the evidence that McCoy made additional contributions of things of economic value in excess of the \$12,657.98 paid in those 12 years. Accordingly, the magistrate concluded that the December 16, 2024 Final Decision of the Attorney General was reasonable and lawful.

{¶6} Although Applicant disagrees with the magistrate's decision, after conducting a de novo review of the facts and conclusions in the magistrate's decision, the Court finds that the magistrate did not err in her analysis of the issues and application of the law. Applicant argues that the AG's calculation of damages is unreasonable. However, Applicant's arguments are unpersuasive as they are merely policy arguments and do not address the fact that Applicant failed to produce evidence that McCoy provided additional things of economic value to his minor children. As noted by the magistrate, this court has consistently held that an award of reparations can only be granted if it is established that there is dependency in fact, rather than dependency in theory. *See, In re Nicholson*, 2008-Ohio-6087, ¶ 4 (Ct. of Cl.), citing *In re Dubics*, V77-1065jud (8-6-79); *In re Maddox*, V77-0849jud (8-22 70); and *In re Anderson*, V77-1323jud (11-14-79). *See, also, In re Knight*, 61 Ohio Misc.2d 393, 395 (Ct. of Cl. 1989). An applicant must show that the decedent was *contributing things of economic value for the care and support of his dependent children*. *Id.* Thus, arguments that a legal obligation to pay child support constitutes dependency have been rejected, because while such obligations may create a right of action, they *do not constitute actual dependency*. *Id.* As Applicant did not produce any evidence that McCoy contributed anything to the care of his minor children other than \$12,657.98 over 12 years, arguments regarding outstanding child support owed are without merit. Accordingly, the Court finds that the magistrate's conclusions pursuant to R.C. 2743.61(B), in that the AG's Final Decision was reasonable and lawful, are supported by the evidence in the record.

Conclusion

{¶7} Accordingly, Applicant's objection is OVERRULED and the Court adopts the magistrate's decision and recommendation as its own.

{¶8} IT IS HEREBY ORDERED THAT:

{¶9} Applicant's May 30, 2025 objection is OVERRULED;

{¶10} The May 20, 2025 decision of the magistrate is ADOPTED;

{¶11} This claim is AFFIRMED and judgment entered for Applicant in the amount of \$5,340.19 for dependent's economic loss pursuant to R.C. 2743.51(I);

{¶12} Costs assumed by the reparations fund.

LISA L. SADLER
Judge

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 7/10/25
Sent to S.C. Reporter 9/9/25