

[Cite as *In re Brown*, 2005-Ohio-1455.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: JOVAN A. BROWN	:	Case No. V2004-60971
JOVAN A. BROWN	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a November 28, 2003 shooting incident. On May 12, 2004, the Attorney General denied the applicant’s claim pursuant to R.C. 2743.60(E) contending that the applicant engaged in violent felonious conduct on September 13, 2003. On July 8, 2004, the applicant filed a request for reconsideration. On August 20, 2004, the Attorney General modified his previous decision, but nevertheless denied the applicant’s claim pursuant to R.C. 2743.60(D) asserting that all the applicant’s economic loss had been or may be recouped from collateral sources, specifically Medicaid. On October 5, 2004, the applicant filed a notice of appeal to the Attorney General’s August 20, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners, in the interest of justice, on December 15, 2004 at 10:20 A.M.

{¶ 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 stated that the applicant failed to prove that she

incurred economic loss, since all the applicant's medical expenses were covered by Medicaid. The Assistant Attorney General also stated that the applicant was not employed at the time of the criminally injurious conduct to have incurred work loss. However, the Assistant Attorney General did note that the applicant may file a supplemental compensation application in the event evidence of incurred economic loss is obtained by the applicant.

{¶ 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 has failed to prove, by a preponderance of the evidence, that she incurred economic loss as a result of the criminally injurious conduct. Therefore, the August 20, 2004 Final Decision of the Attorney General shall be affirmed without prejudice. Should the applicant obtain evidence of incurred economic loss that would be an appropriate basis for filing a supplemental compensation application.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The August 20, 2004 decision of the Attorney General is AFFIRMED without prejudice;

{¶ 6} 2) This claim is DENIED and judgment is rendered in favor of 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.

JAMES H. HEWITT III

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Commissioner

KARL H. SCHNEIDER
Commissioner

GREGORY P. BARWELL
Commissioner

ID #\1-dld-tad-122004

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

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