

[Cite as *In re Wolters*, 2007-Ohio-3480.]

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a July 24, 2005 assault incident. On January 19, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(E) and *In re Dawson* (1993), 63 Ohio Misc.2d 79, because the hospital's toxicology screening established that the applicant's blood tested positive for the presence of cocaine shortly after the assault. On February 15, 2006, the applicant filed a request for reconsideration wherein he denied any illegal drug use. On April 13, 2006, the Attorney General determined that the previous decision warranted no modification. On April 27, 2006, the applicant filed a notice of appeal to the Attorney General's April 13, 2006 Final Decision. On April 5, 2007 at 10:20 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 briefly summarized the case and reiterated his position for denying the claim pursuant to R.C. 2743.60(E)(1).

{¶3} Revised Code 2743.60(E)(1)(e) states in pertinent part:

(E)(1) Except as otherwise provided in division (E)(2) of this section, the attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award to a claimant if any of the following applies:

(e) It is proved by a preponderance of the evidence that the victim at the time of the criminally injurious conduct that gave rise to the claim engaged in conduct that was a felony violation of *section 2925.11 of the Revised Code* or engaged in any substantially similar conduct that would constitute a felony under the laws of this state, another state, or the United States.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the April 13, 2006 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The April 13, 2006 decision of the Attorney General is AFFIRMED;

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

{¶8} 3) 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 #A5-dld-tad-041107

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

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Case No. V2007-90013

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ORDER