

[Cite as *In re Tangeman*, 2005-Ohio-4232.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: ANNE MARIE TANGEMAN : Case No. V2003-40925

KIMBERLY A. TANGEMAN : ORDER OF A THREE-
COMMISSIONER PANEL

Applicant :

_____ : : : : :

{¶ 1} The applicant, Kimberly A. Tangeman, filed a reparations application seeking reimbursement of expenses incurred with respect to an alleged August 1, 1999 incident concerning her now deceased daughter, Anne Marie Tangeman. On August 27, 2003, the Attorney General denied the applicant's claim citing R.C. 2743.52(A) contending that the applicant failed to prove that Anne Marie Tangeman was a victim of criminally injurious conduct. On September 3, 2003, the applicant filed a request for reconsideration. On September 10, 2003, the Attorney General denied the applicant's claim once again. On September 12, 2003, the applicant filed a notice of appeal to the Attorney General's September 10, 2003 Final Decision. On November 2, 2004, a panel of commissioners granted an oral motion by the applicant's attorney to withdraw the applicant's appeal and the claim was dismissed without prejudice. On November 15, 2004, the applicant filed a notice of appeal to the

panel's November 2, 2004 order. On December 13, 2004, Judge Clark remanded the matter to the panel of commissioners for consideration. On December 16, 2004, Mike Falleur filed a motion to be removed as the attorney of record. On December 22, 2004, attorney Michael Falleur was removed as attorney of record. Hence, this matter came to be heard before this panel of three commissioners on May 18, 2005 at 10:40 A.M.

{¶ 2} The *pro se* applicant, Kimberly A. Tangeman and an Assistant Attorney General attended the hearing and presented testimony and exhibits for the panel's consideration. Kimberly Tangeman testified concerning her knowledge with regard to her daughter's death. The applicant testified that Anne Marie attended Girl Scout Camp in 1999, that Anne Marie suffered a medical emergency while at camp, and died after being transported to a hospital. Ms. Tangeman asserted in her testimony that Anne Marie died as a result of negligence by the camp staff. The applicant stated that she suspects that Anne Marie died as a result of complications stemming from drowning.

{¶ 3} The Assistant Attorney General maintained that there is insufficient proof, by a preponderance of the evidence, that Anne Marie died as a result of criminally injurious conduct. The Assistant Attorney General stated that within the records there is no current criminal or medical evidence that supports

the applicant's contention of wrongdoing in relation to Anne Marie's death.

{¶ 4} As the applicant came forward in good faith it is likewise our duty to share with the applicant Kimberly Tangeman the extent of the statutory power and limitations of this Court of Claims. If there were evidence in the file that, by a preponderance of the evidence, we could conclude that this young life had been taken by criminal conduct we would have the statutory authority to act on this application. Our duty is to carefully review all evidence. As of this date, this panel finds no established evidence of criminal conduct which could be directly associated with the loss of the life of Anne Marie Tangeman.

{¶ 5} In summary, when the Ohio legislature created a victim's compensation program it carefully established the jurisdiction of the victim's of crime compensation program. In this instance no person or entity has been determined to have been involved in criminal conduct. Tragic loss of a young life has occurred and that tragedy is not associated with a related criminal offense.

{¶ 6} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find, by a preponderance of the evidence, that Anne Marie Tangeman was not a victim of a crime. We fully empathize

with the applicant over the loss of her daughter. We however are unable, at this time, to find sufficient evidence that would lead us to conclude, based upon the information before us, that Anne Marie Tangeman died as a result of any criminally injurious conduct. Therefore, we find that the September 10, 2003 decision of the Attorney General shall be affirmed.

{¶ 7} IT IS THEREFORE ORDERED THAT

{¶ 8} 1) The September 10, 2003 decision of the Attorney General is AFFIRMED;

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

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

GREGORY P. BARWELL
Commissioner

JAMES H. HEWITT III
Commissioner

TIM MC CORMACK
Commissioner

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

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To S.C. Reporter 8-12-2005

