

[Cite as *In re Dumendic*, 2005-Ohio-2651.]

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

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| IN RE: DIANNA DUMENDIC | : | Case No. V2004-61241 |
| DIANNA DUMENDIC | : | <u>ORDER OF A THREE-</u> <u>COMMISSIONER PANEL</u> |
| Applicant | : | |
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| : : : : : | | |

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a February 26, 2004 assault incident. On August 17, 2004, the Attorney General denied the claim pursuant to R.C. 2743.60(C) asserting that the applicant failed to fully cooperate with law enforcement officials in the prosecution of the offender. The Assistant Attorney General noted that the case against the offender was dismissed because the applicant failed to appear at the hearing. The Attorney General also denied the claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove she incurred any economic loss, since she qualifies for the Ohio Health Care Assurance Program (HCAP). On August 23, 2004, the applicant filed a request for reconsideration. On November 24, 2004, the Attorney General denied the applicant's claim once again. On December 3, 2004, the applicant filed a notice of appeal to the Attorney General's November 24, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on February 23, 2005 at 10:45 A.M.

{¶ 2} Neither the applicant nor anyone on the applicant's 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's claim should be

denied pursuant to R.C. 2743.60(C) because the applicant failed to attend the criminal hearing against the offender, which resulted in the case being dismissed. The Assistant Attorney General also stated that the claim should also be denied pursuant to R.C. 2743.52(A) because the applicant failed to incur any medical expense, since she is eligible to participate in the Ohio Hospital Care Assurance Program.

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the November 24, 2004 Final Decision of the Attorney General shall be affirmed.

{¶ 4} IT IS THEREFORE ORDERED THAT

- 1) The November 24, 2004 decision of the Attorney General is AFFIRMED;
- 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 3) Costs are assumed by the court of claims victims of crime fund.

JAMES H. HEWITT III
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

GREGORY P. BARWELL
Commissioner

ID #\1-dld-tad-030205

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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ORDER

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