

[Cite as *In re Hardnett*, 2005-Ohio-7133.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: MARY E. HARDNETT : Case No. V2005-80550
MARY E. HARDNETT : ORDER OF A THREE-
Applicant : COMMISSIONER PANEL

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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an August 11, 2004 assault incident, whereby she was intentionally struck with a motor vehicle. On January 18, 2005, the Attorney General denied the claim pursuant to R.C. 2743.60(D) contending that all the applicant's economic loss had been or may be recouped from a collateral source, namely Medicaid. On May 24, 2005, the applicant filed a request for reconsideration. On June 3, 2005, the Attorney General issued a Final Decision indicating that the previous decision warranted no modification. On July 19, 2005, the applicant filed a notice of appeal to the Attorney General's June 3, 2005 Final Decision. Hence, this matter was heard by this panel of three commissioners on October 19, 2005 at 11:25 A.M.

{¶ 2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that the applicant's attorney left a voice mail message with her office on October 18, 2005 indicating that she wished the appeal be dismissed, since the applicant has been reimbursed all economic loss.

{¶ 3} From review of the file and with careful consideration given to all the information presented at the hearing, we find that the June 3, 2005 decision of the Attorney General shall be

affirmed, without prejudice. Should the applicant obtain evidence that she incurred unreimbursed economic loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

- 1) The applicant's October 19, 2005 motion to dismiss is hereby DENIED;
- 2) The June 3, 2005 decision of the Attorney General is AFFIRMED without prejudice;
- 3) This claim is DENIED and judgment is rendered for the state of Ohio;
- 4) 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;
- 5) Costs are assumed by the court of claims victims of crime fund.

JAMES H. HEWITT III
Commissioner

GREGORY P. BARWELL
Commissioner

RANDI OSTRY LE HOTY
Commissioner

ID #\1-dld-tad-102005

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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To S.C. Reporter 1-20-2006

