



Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center
65 South Front Street, Fourth Floor
Columbus, OH 43215
614.387.9860 or 1.800.824.8263
www.cco.state.oh.us

IN RE: RICHARD J. ZION

RICHARD J. ZION

Applicant

Case No. V2011-60018

Commissioners:

Randi M. Ostry, Presiding

Susan G. Sheridan

E. Joel Wesp

ORDER OF A THREE COMMISSIONER PANEL

{¶1} On July 28, 2010, the applicant, Richard Zion, filed a compensation application as the result of a criminal incident which occurred on July 17, 2010. On October 26, 2010, the Attorney General issued a finding of fact and decision. The Attorney General determined that the applicant had met all the necessary jurisdictional requirements in order to qualify to receive an award of reparations. The applicant was granted an award of reparations in the amount of \$387.00, which represented reimbursement of medical expenses. On November 5, 2010, the applicant submitted a request for reconsideration requesting reimbursement of additional medical expenses. On December 20, 2010, the Attorney General rendered a Final Decision finding no reason to modify its initial decision.

{¶2} On November 24, 2010, the applicant filed a supplemental compensation application. On December 21, 2010, the Attorney General issued a finding of fact and decision concerning the supplemental compensation application. The Attorney General determined the applicant did not incur any additional economic loss that was not reimbursable from a readily available collateral source. On January 3, 2011, the

applicant filed a notice of appeal from the December 21, 2010 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on March 16, 2011 at 10:35 A.M.

{¶3}Assistant Attorney General Ashon McKenzie appeared on behalf of the state of Ohio. The applicant did not appear at the hearing.

{¶4}The Attorney General made a brief statement for this panel's consideration. The Attorney General stated that the applicant sought reimbursement for a \$23.89 bill incurred at Lucas County Emergency Physicians. However, the Attorney General's investigation revealed that this bill should be recouped from Medicaid, a readily available collateral source. The Attorney General asserted if this expense is not fully recouped it would be the appropriate subject for a supplemental compensation application.

{¶5}The applicant also submitted a bill in the amount of \$63.76 from Biomet. However, this bill was not considered since it was submitted after the Attorney General's decision of December 21, 2010. Accordingly, that bill should be the subject of a supplemental compensation application. Whereupon, the hearing was concluded.

{¶6}From review of the case file and upon careful consideration of the argument presented at the hearing, we find the applicant has failed to prove by a preponderance of the evidence that he incurred any unreimbursed allowable expense. Therefore, the December 21, 2010 decision of the Attorney General is affirmed.

IT IS THEREFORE ORDERED THAT

{¶7}1) The December 21, 2010 decision of the Attorney General is AFFIRMED;

{¶8}2) This claim is DENIED and judgment is rendered for the state of Ohio;

{¶9}3) Costs are assumed by the court of claims victims of crime fund.

RANDI M. OSTRY
Presiding Commissioner

SUSAN G. SHERIDAN
Commissioner

E. JOEL WESP
Commissioner

ID #:\VICTIMS\2011\60018\V2011-60018.wpd\DRB-tad

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

Filed 7-22-11
Jr. Vol. 2279, Pgs. 129-131
Sent to S.C. Reporter 8-19-11