

[Cite as *In re Zaccaro*, 2004-Ohio-4177.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: JULIANA ZACCARO	:	Case No. V2001-30426
JULIANA ZACCARO	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
(1998-53825)	:	
	: : : : :	

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a July 31, 1996 assault incident. On April 4, 2003, the applicant filed a supplemental compensation application seeking additional allowable expense and work loss. On June 4, 2003, the Attorney General denied the applicant’s 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 the Bureau of Workers’ Compensation. On June 27, 2003, the applicant filed a request for reconsideration. On August 26, 2003, the Attorney General denied the claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove, by a preponderance of the evidence, that she incurred additional economic loss. On September 29, 2003, the applicant filed a notice of appeal to the Attorney General’s Final Decision. Hence, this matter came to be heard before this panel of three commissioners on April 8, 2004 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 presented a brief summary of the case. The Assistant Attorney General stated that the applicant has two Bureau of Workers’ Compensation

claims and at this time she is unable to determine which Bureau of Workers' Compensation claim relates to the criminally injurious conduct. The Assistant Attorney General indicated that the applicant may file a supplemental compensation application late in order to seek additional reimbursement.

{¶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 August 26, 2003 decision of the Attorney General shall be affirmed. Should the applicant obtain evidence of additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} Applicant's April 8, 2004 motion to withdraw her September 29, 2003 appeal is DENIED as moot;

{¶6} The August 26, 2003 decision of the Attorney General is AFFIRMED without prejudice;

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

{¶8} 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;

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

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

STEVEN A. LARSON
Commissioner

ID #\16-dld-tad-042804

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

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To S.C. Reporter 8-10-2004