

STATE OF NORTH CAROLINA  
COUNTY OF GASTON

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
14 CPS 08618

<p>Bonnie Hall</p> <p style="text-align: center;">Petitioner</p> <p>v.</p> <p>Crime Victims Compensation Commission Section Chief Janice Carmichael</p> <p style="text-align: center;">Respondent</p>	<p><b>ORDER GRANTING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT</b></p>
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THIS MATTER comes before the Honorable Donald W. Overby, Administrative Law Judge presiding, for consideration of Respondent's Motion for Summary Judgment filed with the Office of Administrative Hearings ("OAH") on December 17, 2014.

Petitioner filed her contested case petition on November 6, 2014, and acknowledges that her request for compensation was filed after the statutory deadline. Petitioner contends that she was not on notice of the deadline and therefore should be given consideration.

The circumstances which cause Petitioner to seek help from the Respondent Crime Victims Compensation Commission are indeed unfortunate. It is also unfortunate that Respondent Commission is limited by finite resources within which to compensate victims. Such finite resources restrict the Commission from notifying every victim in the state that might potentially need some assistance, but to do so would be practically impossible and require an astronomical amount of money. Short of that, there is no good way for the state to put crime victims on notice of the potential service of the Commission. Most judicial districts if not all will have a person in the District Attorney's office who acts as a liaison for the victims and who will inform them of the Commission. Many communities will have various service organizations that likewise will inform victims of various services available, including those of the Commission.

The fact that apparently the Petitioner did not know about the services of the Respondent Commission is regrettable. However, the statutes which control the Commission do not put any duty on the Commission to inform victims of its service. Likewise those statutes are clear that there is a statute of limitations of two years within which the claim has to be filed. The two year statute of limitations is without exception. This Tribunal lacks any equitable jurisdiction in which to expand the statute of limitations.

Based upon the foregoing, there is no genuine issue of material fact and this matter is appropriate for summary judgment. Respondent's Motion for Summary Judgment is **ALLOWED** and this matter is **DISMISSED**.

### **NOTICE AND ORDER**

This Final Decision is issued under the authority of N.C. Gen. Stat. § 150B-36(c). Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal the Final Decision of the Administrative Law Judge may commence such appeal by filing a Petition for Judicial Review in the Superior Court of the County where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. The party seeking review must file the **petition within 30 days after being served** with a written copy of the Administrative Law Judge's Decision and Order.

N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the petition on all parties. N.C. Gen. Stat. § 150B-47 requires the Office of Administrative Hearings to file the official record in the contested case with the Clerk of Superior Court within 30 days of receipt of the Petition for Judicial Review. To ensure the timely filing of the record, the appealing party must send a copy of the petition for Judicial Review to the Office of Administrative Hearings when the appeal is initiated.

This the 23<sup>rd</sup> day of January 2015.

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Donald W. Overby  
Administrative Law Judge