

STATE OF NORTH CAROLINA  
COUNTY OF FRANKLIN

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
16 CPS 08978

Robert P Case Petitioner,  v.  NC Crime Victims Compensation Commission Respondent.	<b>FINAL DECISION</b>
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This matter coming on to be heard pursuant to a Motion for Judgment on the Pleadings, or in the Alternative, for Summary Judgment, filed October 13, 2016, and it appearing that the Respondent has not filed a response to the motion, and neither party has requested hearing on the motion, after a review of the documents in the file, and consideration of the motion, the undersigned makes the following findings of fact:

1. The Petitioner filed a Petition for a Contested Case Hearing in the Office of Administrative Hearings on September 9, 2016, concerning a decision by the Respondent denying compensation.
2. The Petitioner was an apparent victim of assault on June 23, 2014.
3. On July 6, 2016, Petitioner filed an application with Respondent for compensation related to injuries purportedly sustained in the assault.
4. Respondent denied Petitioner's application pursuant to North Carolina Gen. Stat. §15B-11(a)(1), which requires applications for compensation to be filed within two years of the date of criminally injurious conduct.

Based upon the foregoing findings of fact, the undersigned concludes as a matter of law:

1. The Office of Administrative Hearings has jurisdiction over the parties and the subject matter herein.
2. There is no genuine issue of material fact in dispute in this contested case, and the Respondent is entitled to judgment as a matter of law because the Petitioner failed to timely file his application for compensation as required by North Carolina Gen. Stat. §15B-11(a)(1).

It is therefore the decision of the undersigned that summary judgment under Rule 56 of the Rules of Civil Procedure be entered in favor of Respondent because there is no genuine issue as to any material fact and Respondent is entitled to judgment as a matter of law.

### NOTICE

This is a Final Decision issued under the authority of N.C. Gen. Stat. § 150B-34.

Under the provisions of North Carolina General Statute § 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file 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 appealing party must file the petition **within 30 days** after being served with a written copy of the Administrative Law Judge's Final Decision. In conformity with the Office of Administrative Hearings' Rule 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, this Final Decision was served on the parties the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Final Decision. N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. § 150B-47, the Office of Administrative Hearings is required 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. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 26th day of October, 2016.

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Philip E Berger Jr.  
Administrative Law Judge