

# Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

65 South Front Street, Fourth Floor  
Columbus, OH 43215

614.387.9800 or 1.800.624.6263  
www.cco.state.oh.us

IN RE: A. B.

Case No. V2007-90773

KAREN BONADIO

Applicant

Commissioners:

Clarence E. Mingo II, Presiding

Tim McCormack

Lloyd Pierre-Louis

ORDER OF A THREE-  
COMMISSIONER PANEL

{¶ 1} On February 9, 2007, the applicant, Karen Bonadio, filed a reparations application on behalf of her minor daughter, A.B., seeking an award of reparations for medical expenses incurred as the result of sexual assault. On August 8, 2007, the Attorney General issued a Finding of Fact and Decision finding that A.B. qualified as a victim of criminally injurious conduct and that good cause existed for the failure to report the crime within seventy-two hours of its occurrence. The applicant was granted an award of reparations in the amount of \$4,401.56, which represented 10 percent of the cost of the treatment A.B. received at Three Springs Inc., a residential treatment facility. The Attorney General based this reduction on the opinion of their expert Dr. Tosi who reasoned that A.B.'s psychological issues revolved around poly substance abuse, oppositional and anti-social behavior, family issues, attention deficit hyperactivity disorder and academic underachievement but not the sexual abuse suffered. On September 5, 2007, the applicant filed a request for reconsideration. The applicant contends that 100 percent of the treatment at Three Springs was related to the sexual assault, since the sexual assault was the driving force behind the subsequent problems experienced by her daughter. On November 5, 2007, the Attorney General rendered a Final Decision finding no reason to modify the prior decision. On November 29, 2007,

the applicant filed a notice of appeal from the Attorney General's Final Decision. Hence a panel of three commissioners conducted a hearing on this matter on March 5, 2008 at 10:50 A.M.

{¶ 2} The applicant's attorney Darryl Parker, the applicant's husband, and Assistant Attorney General Georgia Verlaney attended the hearing and presented brief remarks for the panel's consideration. Assistant Attorney General Verlaney related that prior to the hearing the parties had come to an agreement that the medical expenses incurred at Three Springs should be paid with the understanding that 55 percent of the expenses were related to the criminally injurious conduct. The applicant's attorney concurred with the Attorney General's assessment of the case.

{¶ 3} Upon questioning by members of the panel, the parties could not specify the exact factors that contributed to the increase of the allowable percentage from 10 percent to 55 percent. Accordingly, the hearing was concluded and the parties were directed to file a joint settlement memorandum explaining what documentation and rationale the parties used to reach their agreement.

{¶ 4} On April 4, 2008, the parties filed a joint settlement agreement. The parties agreed that the sexual assault of July 2005 exacerbated in part some of the prior issues facing A.B. The parties also related that applicant's counsel had telephoned Sarah L. Boxley, M.D., a psychiatrist at Three Springs. Dr. Boxley asserted that greater than 50 percent of A.B.'s treatment at Three Springs was related to the sexual assault she experienced. The parties also considered the traumatic effect requiring A.B. to testify at a hearing would have on her mental well-being. The parties stated "it is believed that a determination of fifty-five percent (55%) of the treatment for A.B. at

Three Springs is a fair and reasonable compromise due to the particular facts and the totality of the circumstances involved in this case.”

{¶ 5} From review of the file and with full and careful consideration given to all information presented at the hearing and contained in the joint settlement agreement, we find that 55 percent of the expenses incurred at Three Springs were related to the sexual assault. Therefore, the November 5, 2007 decision of the Attorney General is modified.

{¶ 6} IT IS THEREFORE ORDERED THAT

{¶ 7} 1) The November 5, 2007 decision of the Attorney General is MODIFIED to render judgment in favor of the applicant in the amount of \$24,208.60. The 55 percent award shall only apply to those expenses associated with treatment of Three Springs, Inc.;

{¶ 8} 2) This claim is remanded to the Attorney General for payment of the award;

{¶ 9} 3) 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;

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

---

CLARENCE E. MINGO II  
Presiding Commissioner

[Cite as *In re A.B.*, 2008-Ohio-4263.]

---

TIM MC CORMACK  
Commissioner

---

LLOYD PIERRE-LOUIS  
Commissioner

ID #I:\VICTIMS\2007\2007-90773\4-22-08 panel decision.wpd\DRB-tad

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

Filed 6-13-2008  
Jr. Vol. 2269, Pgs. 9  
To S.C. Reporter 8-20-2008