

[Cite as *In re Mickunas*, 2005-Ohio-6054.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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| IN RE: JOAN T. MICKUNAS | : | Case No. V2005-80452 |
| JOAN T. MICKUNAS | : | <u>ORDER OF A THREE-</u> |
| Applicant | : | <u>COMMISSIONER PANEL</u> |
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{¶ 1} On August 28, 2004, Joan Mickunas (“applicant” or “Ms. Mickunas”) filed a reparations application seeking reimbursement of expenses incurred with respect to a series of domestic violence and stalking incidents occurring from January 30, 2002 through September 2002. On March 1, 2005, the Attorney General granted the applicant an award in the amount of \$120.00 in unreimbursed counseling expenses. On April 8, 2005, the applicant filed a request for reconsideration. On June 10, 2005, the Attorney General determined that no modification of the previous decision was warranted. On June 20, 2005, the applicant filed a notice of appeal to the Attorney General’s June 10, 2005 Final Decision. Hence, this matter was heard by this panel of three commissioners on September 8, 2005 at 11:00 A.M.

{¶ 2} The *pro se* applicant and an Assistant Attorney General attended the hearing and presented brief comments for this panel’s consideration. Ms. Mickunas briefly testified that she was a victim of domestic violence from January 30, 2002 through September 2002. The applicant explained that she obtained a Civil Protection Order (“CPO”) on April 12, 2002, which remains in effect until 2007. The applicant indicated that she seeks reimbursement of related expenses (attorney fees and security system costs) incurred from February 2002 to the present.

The applicant asserted that the abuse she sustained was ongoing and hence she filed a reparations application based on the entire event and not a single incident.

{¶ 3} The Assistant Attorney General maintained that those expenses incurred in February 2002 are not recoverable since the applicant failed to file a timely reparations application. However, the Assistant Attorney General acknowledged that a percentage of the applicant's attorney fees are recoverable, since a portion of the fees fall within the covered time period. The Assistant Attorney General requested the claim be remanded to the Attorney General's office for calculations of the applicant's recoverable attorney fees.

{¶ 4} Since the inception of the Victims of Crime Program, when a victim of repeated and prolonged criminally injurious conduct (such as sexual abuse or domestic violence) the court has grouped the series of incidents together to create a single criminally injurious conduct incident to accommodate victims as well as program administrators. This method of grouping various incidents of criminally injurious conduct was undertaken to diminish the bureaucratic nightmare that would result by requiring a victim to file a reparations application every time he/she was assaulted. We believe to do otherwise, would result in a high volume of filings that essentially involves the same act and covers many of the same expenses. Moreover, requiring multiple single filings would also necessitate that program administrators separate and apportion expenses for multiple claims: A daunting and chaotic chore to undertake for multiple claims.

{¶ 5} In this case, Ms. Mickunas testified that she was the victim of domestic violence and stalking from January 30, 2002 through September 2002. We find Ms. Mickunas was a victim of ongoing and systematic domestic violence and stalking in 2002, which should be classified as a single incident of criminally injurious conduct. Since September 2002 was the last

reported criminally injurious conduct incident in the series, then the reparations filing deadline would have been September 2004, which the applicant clearly met (the reparations application was filed on August 28, 2004). Therefore, the June 10, 2005 decision of the Attorney General shall be reversed and this claim shall be remanded to the Attorney General for economic loss calculations (covering from January 30, 2002 through September 30, 2005) and decision consistent with the panel's findings. Should the applicant incur additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

- 1) The June 10, 2005 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant;
- 2) This claim is referred to the Attorney General for economic loss calculations and decision consistent with the panel's findings;
- 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;

- 4) Costs are assumed by the court of claims victims of crime fund.

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

ID #\1-dld-tad-5913

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 11-10-2005

