

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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IN RE: LORETTA M. GEORGE

Case No. V2002-50927

LORETTA M. GEORGE

Applicant

Commissioners:
Clarence E. Mingo II, Presiding
Gregory Barwell
Randi Ostry LeHoty

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} On August 29, 2005, Loretta George (“applicant” or “Ms. George”) filed a supplemental compensation application seeking additional reimbursement of expenses incurred with respect to a 1956-1962 rape incident.¹ On June 5, 2006, the Attorney General granted the applicant an award totaling \$1,414.54 (the sum reflects a 93 percent reduction) for unreimbursed counseling expenses. On August 1, 2006, the Attorney General did not modify the previous decision. On August 9, 2006, the applicant filed a notice of appeal to the Attorney General’s August 1, 2006 Final Decision. After a number of continuances, the Attorney General filed a brief on June 1, 2007, indicating that the applicant is entitled to recover an additional \$143.24 because based upon Dr. Michael Murphy’s (the Attorney General’s clinical psychologist consultant) medical opinion, the applicant’s treatment with Lynn Skunta (“Ms. Skunta”), LPCC, LSW, is only 10 percent related to the criminally injurious conduct. At 9:50 A.M. on June 21, 2007, this matter was heard by this panel of three commissioners.

{¶2} Applicant’s counsel and an Assistant Attorney General attended the hearing and presented testimony and oral argument for the panel’s consideration. Ms. Skunta, the applicant’s therapist, testified via telephone that she has a masters degree in counseling, is a licensed social worker and clinical counselor, has practiced since 1984, and that the primary focus of her practice is outpatient psychotherapy with multiple trauma patients. Ms. Skunta stated that the applicant was referred to her by Dr. Marsh and that she has treated Ms. George for 7½ years. She currently sees the

¹The Attorney General previously determined that the applicant qualified for the program. On October 11, 2002, the panel affirmed the Attorney General’s May 20, 2002 Final Decision.

applicant twice a week. Ms. Skunta testified that Ms. George is a multiple trauma survivor who has been diagnosed with Type II Trauma due to her experience with several life-threatening events. Ms. George suffered sexual abuse and extreme neglect at approximately age three by her father, mother, brother, and aunt. Ms. George was diagnosed with Post Traumatic Stress Disorder, depression, panic attacks, and dissociative identity disorder. Ms. George suffers from repressed memories as a form of protection, however Ms. Skunta related that now Ms. George has begun to remember events with the assistance of counseling.

{¶3} Ms. Skunta testified that children who experience abuse at a young age tend to dissociate and repress memories. Ms. Skunta explained that such abuse and neglect negatively affect the child's overall development and functioning well into adulthood. The trauma of the criminally injurious conduct has long-term consequences and has essentially altered the way in which the applicant processes information. Ms. Skunta elaborated that every time Ms. George encounters a negative trigger of the criminally injurious conduct she recalls the experience as if she were a child again and reacts as such. Due to the nature and severity of the criminally injurious conduct upon the applicant, Ms. Skunta testified that the applicant will always need counseling. Ms. Skunta stated that she is therefore unable to separate or apportion a treatment amount, since all treatment is related to the criminally injurious conduct. Ms. Skunta related that the impact of the criminally injurious conduct will always be an important and relevant focus of the applicant's treatment, which ultimately can never be removed from the

applicant's treatment plan. Ms. Skunta explained that she sees the applicant based upon the criminally injurious conduct and not due to normal, every day, life stressors.

{¶4} Ms. Skunta related that over the years, Ms. George's level of functioning has improved with counseling and medication. Ms. George is a therapist herself and has raised three successful children. However counseling and medication are still needed to help Ms. George maintain and improve her overall psychological well-being.

{¶5} Ms. Skunta testified that Dr. Murphy's 2004 and 2007 opinion letters contain various inaccuracies concerning Ms. George's life (i.e. marriage, children, work, etc.). Moreover, Ms. Skunta indicated that Dr. Murphy failed to address treatment, but only discussed treatment percentages. Lastly, Ms. Skunta noted that neither she nor the applicant (that she is aware) ever discussed treatment with Dr. Murphy.

{¶6} Applicant's counsel stated that the claim for additional allowable expense should be allowed at 100 percent based upon the applicant's treating therapist's testimony. However, the Assistant Attorney General maintained that the applicant failed to present sufficient evidence to warrant reimbursing counseling expenses at 100 percent based upon Dr. Murphy's review of the case and his medical opinion.

{¶7} Revised Code 2743.51(F)(1) states:

(F)(1) "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care and including replacement costs for eyeglasses and other corrective lenses. It does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services in excess of a

reasonable and customary charge for semiprivate accommodations, unless accommodations other than semiprivate accommodations are medically required.

{¶8} From review of the file and with full and careful consideration given to all the evidence presented at the hearing, we find the applicant has proven, by a preponderance of the evidence, that her counseling sessions are 100 percent related to the criminally injurious conduct. We find Ms. Skunta's testimony concerning the applicant's past, present, and future psychological health to be compelling. Essentially, the main reason Ms. George is seeking counseling is due to the criminally injurious conduct. The nature and severity of the criminally injurious conduct has greatly impacted Ms. George to the point that she will most likely continue to need psychological treatment. Therefore, the August 1, 2006 decision of the Attorney General shall be reversed and the claim shall be remanded to the Attorney General for total economic loss calculations and decision which is to be consistent with the panel's findings.

{¶9} IT IS THEREFORE ORDERED THAT

{¶10} 1) The August 1, 2006 decision of the Attorney General is REVERSED and judgment is rendered for the applicant;

{¶11} 2) This claim is remanded to the Attorney General for total economic loss calculations and decision which is to be consistent with the panel's findings;

{¶12} 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;

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

CLARENCE E. MINGO II
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

RANDI OSTRY LE HOTY
Commissioner

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

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