

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0040**

In the Matter of the Eligibility of
R.M.C. for Crime Victim Reimbursement -
Reimbursement Claim No. 048733.

**Filed August 25, 2025
Affirmed
Segal, Judge***

Minnesota Crime Victims Reimbursement Board
File No. OAH 21-2401-39705

Francis Herbert White, III, Francis White Law, PLLC, Woodbury, Minnesota (for relator RMC)

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Considered and decided by Bentley, Presiding Judge; Larkin, Judge; and Segal, Judge.

NONPRECEDENTIAL OPINION

SEGAL, Judge

Relator R.M.C. appeals from a decision of respondent Minnesota Crime Victims Reimbursement Board (the board) to deny reimbursement of expenses that R.M.C. claims were incurred as a direct result of a crime committed against her mother, A.M. The board denied the claim for reimbursement on the grounds that (1) the claim was untimely and

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

(2) the expenses for which R.M.C. sought reimbursement were not a direct result of injuries incurred by R.M.C.'s mother due to a crime. Because the board did not make any errors of law and the board's decision is supported by substantial evidence, we affirm.

FACTS

A.M. was in her 90's at times relevant here and suffered from Alzheimer's disease, diabetes, and other conditions.¹ From about 2014 until August 2017, A.M. lived with R.M.C. Between August and September 2017, A.M. was placed at Catholic Elder Care (CEC), while A.M. recovered from pneumonia. This was A.M.'s first stay at a care facility. After A.M.'s return to R.M.C.'s home, R.M.C. "observed a marked change in A.M.'s behavior," including that she "began refusing to participate in bathing and changing with at-home caregivers and did not tolerate any male caregivers."²

In early December 2017, A.M. was referred to a dermatologist who took cultures of lesions that appeared on A.M.'s buttocks. The test results, issued on December 7, 2017, showed that A.M. was infected with herpes virus type two (HSV-2). HSV-2 is "a sexually transmitted infection that emerges in the genital area that can be spread through sexual intercourse, oral contact, or skin to skin contact." A.M.'s physician commented that this diagnosis "was a new and notable finding" that "raised concerns for sexual abuse of a

¹ The facts are summarized from the findings of fact adopted by the board that are not disputed by R.M.C. and the exhibits in the record. Because R.M.C. did not order any of the transcripts from the contested-case hearing in this matter, the record before us on appeal is limited to the board's findings and decision, recommendation of the administrative-law judge, and the exhibits.

² All quoted statements in this section are from the findings of fact adopted by the board.

vulnerable adult.” As noted in the findings, R.M.C. represented that, “[t]o the best of [her] knowledge, neither of her parents[, A.M. or A.M.’s late husband,] were ever diagnosed with any sexually transmitted disease” prior to the December 7 diagnosis.

In January 2018, A.M. was readmitted for two weeks to CEC for rehabilitation for injuries due to a fall and a urinary tract infection. Two months after A.M.’s discharge, a second test with cultures taken from new skin lesions also came back positive for HSV-2. One of A.M.’s doctors then filed a report of possible maltreatment of a vulnerable adult. In response to the report, the Minnesota Department of Health (MDH) conducted an investigatory visit to CEC in September 2018. After completing its investigation, MDH concluded that it “could not confirm that abuse of A.M. occurred.”

As A.M.’s Alzheimer’s progressed, A.M. transitioned from living with R.M.C. to residing in care facilities. Between March 2018 and her death in May 2021, A.M. lived in five different facilities. She “suffered serious falls” at some of these facilities, two of which were the subject of lawsuits initiated by R.M.C. A.M.’s final residence was English Rose Suites and Home Care where she lived for the last eight months of her life. According to the exhibits in the record, English Rose was able to provide personal cares for A.M. by female-only staff.

On December 16, 2020, R.M.C. submitted a claim to the board on behalf of A.M.’s estate for reimbursement of expenses incurred for A.M.’s care at the care facilities and for music and massage therapy. R.M.C. asserted that the expenses were incurred as a result of an alleged sexual assault that A.M. suffered during her first stay at CEC. On the same day that she submitted the claim, R.M.C. reported the alleged sexual assault to law

enforcement. Law enforcement advised R.M.C. that they would not open an active investigation into a possible sexual assault of A.M. at CEC because MDH had already investigated the allegation in 2018.

In May 2021, the board denied R.M.C.'s reimbursement claim, citing insufficient evidence that A.M. was the victim of a crime. R.M.C. requested reconsideration and the board reversed its initial determination and found that A.M. was a crime victim. The board then reviewed the expenses submitted by R.M.C. for reimbursement, which included, as relevant to this appeal, \$99,500 for the entry fee and care of A.M. at English Rose.³ The board denied reimbursement for the expenses.

R.M.C. sought reconsideration but the board affirmed its decision. The board noted that it denied reimbursement for the English Rose expenses because "the victim's placement there was for medical care and treatment that was unrelated to the crime."

R.M.C. then appealed the board's decision to an administrative-law judge (ALJ), who held a contested-case hearing. The ALJ recommended that the board affirm its denial of R.M.C.'s claim. The ALJ reasoned that R.M.C. filed her claim outside of the three-year statute-of-limitations period and failed to show by a preponderance of the evidence that the English Rose expenses were incurred as a direct result of the alleged sexual assault.

R.M.C. submitted exceptions to the ALJ's recommendation and the parties presented arguments to the board. The board adopted the ALJ's findings of fact,

³ R.M.C. initially sought reimbursement for all of A.M.'s placements at care facilities beginning in March 2018, along with the costs of music and massage therapy, and personal care attendants. It appears from the record that R.M.C. dropped her claims for these other expenses prior to the board's final decision.

conclusions of law, and recommendation “in their entirety,” and affirmed its prior denial of R.M.C.’s claim. The board agreed that R.M.C.’s claim was untimely because she did not submit it until December 16, 2020, and the applicable limitations period for seeking reimbursement expired on December 7, 2020, three years after the date that A.M. was diagnosed with HSV-2. The board also concluded that R.M.C. had not proven by a preponderance of the evidence that the English Rose expenses were incurred as a direct result of A.M.’s sexual assault.

This certiorari appeal follows.

DECISION

R.M.C.’s challenge to the board’s decision is subject to the standard of review set out in the Minnesota Administrative Procedure Act, Minn. Stat. §§ 14.001-.69 (2024). *See* Minn. Stat. §§ 14.63 (providing for certiorari appeal from agency decision following contested case), 611A.57, subd. 5 (2024) (providing that, where the board denies reimbursement after reconsideration, claimants are “entitled to a contested case hearing within the meaning of [the administrative procedure act].”). As relevant here, when reviewing the board’s decision, we

may affirm the decision . . . or remand the case for further proceedings; or [we] may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative finding, inferences, conclusion, or decisions are:

. . . .

(d) affected by other error of law; or

(e) unsupported by substantial evidence in view of the entire record as submitted.

Minn. Stat. § 14.69.

“[T]he substantial-evidence standard governs judicial review of factual issues requiring agency judgment.” *In re PolyMet Mining, Inc.*, 965 N.W.2d 1, 8 (Minn. App. 2021) (citing *In re Application of Minn. Power for Auth. to Increase Rates for Elec. Serv.*, 838 N.W.2d 747, 757 (Minn. 2013)). A decision is supported by substantial evidence if there is “such evidence that a reasonable person would accept as adequate to support a conclusion.” *In re Restorff*, 932 N.W.2d 12, 21 (Minn. 2019) (quotation omitted). This standard requires “more than a scintilla of evidence, more than ‘some’ evidence, and more than ‘any’ evidence.” *Webster v. Hennepin County*, 910 N.W.2d 420, 428 (Minn. 2018).

In our analysis, we address first R.M.C.’s challenge to the board’s decision to deny her claim for reimbursement for lack of timeliness, and then review R.M.C.’s argument that the English Rose expenses were a direct result of the crime of sexual assault against R.M.C.⁴

I. We discern no error in the board’s determination that the claim for expense reimbursement was untimely.

The Minnesota Crime Victims Reimbursement Act, Minn. Stat. §§ 611A.51-.68 (2024), provides for the reimbursement of economic loss incurred by claimants as the result of a crime.⁵ Claims for reimbursement under the act must be filed with the board within

⁴ As noted above, the board determined that A.M. was the victim of a crime. We rely on this determination in our analysis and make no independent assessment of whether, when, or where an assault occurred.

⁵ In 2023, the legislature amended the Minnesota Crime Victims Reimbursement Act to replace the word “reparations” with the word “reimbursement.” See 2023 Minn. Laws ch. 52, art. 5, § 56-73, at 907-14. Consequently, we refer in this opinion to the claim as one for “reimbursement.” See *Interstate Power Co. v. Nobles Cnty. Bd. of Comm’rs*, 617

three years after the date of a crime victim’s injury or death except, as relevant here, “if the victim’s injury or death *was not reasonably discoverable* within three years of the injury or death, then the claim can be made within three years of the time when the injury or death is reasonably discoverable.” Minn. Stat. § 611A.53, subd. 2(5) (emphasis added).

R.M.C. contends that the board erred in its determination that her claim for reimbursement was untimely because it is not reasonable to conclude that A.M.’s injury was discoverable on December 7, 2017, the date of the initial HSV-2 diagnosis. R.M.C. maintains that it was not until A.M.’s second discharge from CEC in January 2018 that she could have reasonably discovered the sexual assault. R.M.C. argues that if she knew that her mother was sexually assaulted at CEC as of December 7, she never would have allowed A.M. to be readmitted for care at CEC. She maintains that this proves that R.M.C. did not know her mother was a crime victim as of December 7.

But, as R.M.C. acknowledges, the “reasonably discoverable” standard is an objective standard, not a subjective standard. *See id; cf. D.M.S. v. Barber*, 645 N.W.2d 383, 387 (Minn. 2002) (stating that determining when the “delayed discovery” limitations period for claims of sexual abuse begins to run “is answered through the application of the objective, reasonable person standard”). Thus, the question is not when R.M.C. personally came to the realization that her mother was the victim of a sexual assault, but when that conclusion was “reasonably discoverable.” Minn. Stat. § 611A.53, subd. 2(5).

N.W.2d 566, 575 (Minn. 2000) (stating that, generally, “appellate courts apply the law as it exists at the time they rule on a case”).

The evidence that A.M. was sexually assaulted during her first stay at CEC, as R.M.C. herself represents, consists of two factors: (1) behavioral changes that R.M.C. observed immediately upon A.M.'s release from A.M.'s first stay at CEC in September 2017; and (2) the HSV-2 diagnosis on December 7. Because knowledge of both factors existed by December 7, we conclude that the board's determination that A.M.'s injury was reasonably discoverable on December 7, 2017, is supported by substantial evidence. Accordingly, the three-year limitations period began on December 7, 2017, and ended on December 7, 2020—nine days before R.M.C. filed her claim on behalf of A.M.'s estate. We therefore see no basis to reverse the board's decision.

II. The board's determination that the English Rose expenses were not the direct result of injuries caused by the sexual assault is supported by substantial evidence in the record.

But even if we were to conclude that R.M.C.'s claim was timely filed, we still would not reverse the board's decision to deny the claim. The board determined that the care at English Rose was required because A.M. suffered from Alzheimer's and that the Alzheimer's, as explained in the ALJ's recommendation, "was not caused by a criminal act against A.M." R.M.C. asserts that the board's determination is contrary to the record because it ignores the fact that she specifically chose English Rose for A.M.'s care because the facility was able to provide female caregivers for A.M. We are not persuaded.

Under the crime victims reimbursement statute, crime victims are entitled to reimbursement for "economic loss." Minn. Stat. § 611A.53, subd. 1. "Economic loss" is defined in the statute as "actual economic detriment incurred as a direct result of injury or death." Minn. Stat. § 611A.52, subd. 8(a). As both parties acknowledge, the phrase "direct

result” has not previously been defined by the Minnesota Supreme Court or this court.⁶ Nevertheless, the board and the parties all relied on the standard articulated by the Minnesota Supreme Court in *State v. Boettcher*, which interpreted “result” in the context of criminal restitution statutes. 931 N.W.2d 376, 380-81 (Minn. 2019).

In *Boettcher*, the supreme court affirmed that “[t]he general rule . . . is that a district court may order restitution only for losses that are directly caused by, or follow naturally as a consequence of, the defendant’s crime.” *Id.* at 381. We are persuaded that the plain-language definition articulated in *Boettcher* is appropriate to apply in the context of crime victim reimbursement. Accordingly, we interpret the phrase “direct result,” as it appears in Minn. Stat. § 611A.52, subd. 8(a), to mean “directly caused by, or follow naturally as a consequence of.” *Id.*

Turning to R.M.C.’s argument, she contends that the English Rose expenses followed naturally as a consequence of A.M.’s sexual assault and that letters she submitted from English Rose’s administrator and A.M.’s physician while at English Rose support her claim. But these letters do not support R.M.C.’s position. The letters from the English Rose administrator and physician, in fact, substantiate the board’s finding that “A.M.’s care would have been required regardless of the alleged assault” because of A.M.’s Alzheimer’s, history of falls, and other conditions.

⁶ “Statutory interpretation is a question of law subject to de novo review.” *Pietsch v. Minn. Bd. of Chiropractic Exam’rs*, 683 N.W.2d 303, 306 (Minn. 2004). “If the language of the [statute] is clear and free from ambiguity, we must give effect to the plain meaning and give no deference to the agency’s interpretation.” *In re Alexandria Lake Area Sanitary Dist. NPDES/SDS Permit No. MN0040738*, 763 N.W.2d 303, 310 (Minn. 2009).

The letter from the administrator explained that A.M. received one-on-one care to address her Alzheimer’s symptoms and that interventions were put in place to address “[A.M.’s] history of falls which caused an injury to her hip.” The letter from the administrator stated that English Rose “accommodated” a “request . . . that female caregivers provide personal cares to [A.M.]” The letter does not state that A.M.’s care at the facility was necessitated by the crime or that English Rose was the only facility that could provide female-only care. And the record shows that A.M. was placed at four other care facilities between the time of the sexual assault and her stay at English Rose.

Similarly, the letter from the physician noted that “[A.M.] was admitted to [English Rose] for her ongoing care following a traumatic fracture of the hip with blood loss anemia and her advanced dementia with associated behaviors,” among other conditions. Moreover, the physician expressly declined in the letter to opine that “[A.M.’s] placement at [English Rose] was a ‘necessity and direct result of her sexual assault.’”

R.M.C. also argues that reimbursement is nevertheless required under the eggshell-plaintiff doctrine. We disagree. The board’s decision is based on the lack of causation between the crime and the need for care at the care facility—in other words that the English Rose expenses were not a direct result of the sexual assault. But the eggshell-plaintiff doctrine relates to the scope of damages that may be collected by a tort victim; it is not a substitute for proof of causation. *See Roye v. Munye*, 702 N.W.2d 729, 742 (Minn. 2005) (“[A] defendant should be responsible for *the harm that the defendant caused* even if the harm is more severe because the plaintiff is more susceptible to injury—the eggshell

plaintiff doctrine.” (emphasis added)). The eggshell-plaintiff doctrine is therefore inapplicable in this context.

We thus conclude that the board’s decision is supported by substantial evidence in the record.

Affirmed.