

DAVID STRAS AND CHILDREN

Highlights:

- David Stras ruled to limit care and aid for children.
 - Stras sided with the majority in limiting state benefits for a severely disabled nine-year-old child.
 - Stras argued that a child was not entitled to compensation after a car and bus crash.

Stras Ruled To Limit Care And Aid For Children

STRAS SIDED WITH THE MAJORITY IN LIMITING STATE BENEFITS FOR A SEVERELY DISABLED NINE-YEAR-OLD CHILD

A Nine-Year-Old Boy With Severe Disabilities And His Family Sued After His Benefits Were Reduced. According to Case Text, “Appellant is a nine-year-old boy with severe autism, epilepsy, chronic seizures, chronic sinusitis and otitis, and sleep disturbances. Before 2010, appellant qualified for and received PCA services for dependencies in five activities of daily living (‘ADLs’). They were dressing, grooming, bathing, eating, and toileting. He received additional PCA services because he had, among other things, behaviors resulting from cognitive deficits. Because appellant was determined to be independent in the activities of transfers, positioning, and mobility, appellant received no PCA services for those ADLs. [...] Based upon the assessment, the PHN recommended that appellant receive 390 minutes (6 hours, 30 minutes) per day of PCA time. The decrease from the previous PCA time of 462 minutes (7 hours 42 minutes) per day was due to the statutory amendments that limited PCA time for behavioral needs to 90 minutes per day. See Minn.Stat. §§ 256B.0652, subd. 6(c)(3) (2012), 256B.0659, subd. 4(d) (30 minutes per day for each of the three statutorily-defined behaviors). As a result of the PHN's assessment, DHS notified appellant on March 24, 2010, that his authorized PCA services would be reduced from 462 minutes to 390 minutes per day. [...] Appellant challenged the reduction in his PCA time, and a DHS judge conducted an evidentiary hearing at which appellant's father, mother, and physician testified. [...] The court of appeals reversed, determining that the plain meaning of mobility is ‘moving’ (from place to place).’ A.A.A. v. Minn. Dep't of Human Servs., 818 N.W.2d 552, 556 (Minn.App.2012). The court of appeals concluded that because appellant is ‘able to begin and complete moving from place to place without assistance, and he does not need cuing and constant supervision or hands-on assistance to do so,’ he is not dependent in the ADL of mobility. Id. Consequently, the court of appeals concluded that appellant was entitled to only 390 minutes of PCA time per day. Id.” [Case Text, accessed [6/25/24](#)]

Stras Joined Other Judges Of The Minnesota Supreme Court In Affirming The Decision Of The Appeals Court To Limit The Boy's Care Time

Stras, As Part Of The Minnesota Supreme Court Justices Affirmed The Decision Of An Appeals Court That Decreased The Boy's Care Time. According to Case Text, “DIETZEN, Justice. This case requires us to determine whether a person who is physically able to move without assistance, but who lacks the ability to direct his movement to a specific location, has a dependency in ‘mobility’ under Minn.Stat. § 256B.0659 (2012). Appellant A.A.A. challenges the decision of the Commissioner of the Minnesota Department of Human Services (‘DHS’), who found that appellant is not dependent in ‘mobility,’ and therefore reduced his authorized personal care assistant (‘PCA’) services covered through the Minnesota Medical Assistance program. The district court reversed the Commissioner's decision, concluding that the statute does not require appellant to be physically incapable of mobility to be eligible for covered services. The court of appeals reversed the district court and reinstated the Commissioner's decision because appellant is physically able to begin and complete moving from place to place without assistance. We affirm the court of appeals.” [Case Text, accessed [6/25/24](#)]

STRAS ARGUED THAT A CHILD WAS NOT ENTITLED TO COMPENSATION AFTER A CAR AND BUS CRASHED

Four Young People Were Killed And 17 Were Injured When Olga Franco Blew Through A Stop Sign And Slammed Into Their School Bus. According to Minnesota Public Radio News, “More than seven years ago, four young people were

killed and 17 were injured in Cottonwood, Minn., when Olga Franco blew through a stop sign and slammed into their school bus. She's in prison now but a case decided at the Minnesota Supreme Court today reveals that some survivors of the crash are still paying a price. Franco not only didn't have a driver's license, she wasn't covered by the insurance on the minivan she was driving." [Minnesota Public Radio News, [8/5/15](#)]

The Total Damages For The Victims Was \$5,302,800 But The Bus' Insurance Coverage Did Not Cover The Cost.

According to Minnesota Public Radio News, "A special master determined that the total damages for the victims was \$5,302,800. But the school bus company's coverage for damages from an uninsured motorist didn't come close to covering that." [Minnesota Public Radio News, [8/5/15](#)]

One Of The Young People, Cody Sleiter, Sued After He Did Not Receive Enough From Insurance To Cover His Claims.

According to Minnesota Public Radio News, "In one case, that of Cody Sleiter, his \$140,000 in damages was only covered for about \$35,000. So Sleiter sought additional benefits — \$65,000 — under his family's own auto insurance coverage for uninsured motorists, but American Family rejected the attempt, citing state law that Sleiter's damages of \$140,000 did not exceed the \$1 million coverage available under the school bus company's policy, even though that amount had to be split among all of those injured on the bus. Sleiter's family sued and lost at trial, but the Minnesota Supreme Court was asked to decide what is the amount of the coverage available: the total amount to all the victims, or the amount recovered by a single victim? Today the court sided with Sleiter." [Minnesota Public Radio News, [8/5/15](#)]

Stras Dissented, Arguing Against The Compensation Sleiter Sought

In A Dissent, Stras Argued Deny Sleiter The Compensation He Needed For His Care. According to Minnesota Public Radio News, "That brought a dissent from Justice David Stras, who acknowledged Sleiter's case is 'tragic' and that he and his family did not receive proper compensation for his injuries. But he shouldn't have under state law, he said. 'Inexplicably, however, the court simply refuses to look to the statute's first sentence, which answers the precise question posed by the court of how to identify the limit of the coverage available from the occupied vehicle in an accident involving multiple victims,' Stras said. [...] 'It is quite a logical leap to hypothesize, without any objective evidence, that the Legislature failed to consider the exceedingly common situation in which a car accident results in injuries to multiple people,' Stras wrote." [Minnesota Public Radio News, [8/5/15](#)]