

Nonverbal autistic man died after he was left in hot day care van, Florida lawsuit says

BY JULIA MARNIN OCTOBER 25, 2024



The family of Robert Bodack, a nonverbal autistic man who died in July, has filed a lawsuit over his death in Florida. In this provided photo, Robert Bodack is seen with his sister, Sara Bodack, in the back seat. His mother, Jeryl Bodack, and father, Kenneth Bodack, are in the front seats.

Kelley | Uustal

A nonverbal autistic man, who was in the care of a Florida residential center for 20 years, was driven to an adult day care and left inside a hot van for hours, according to his family's attorney.

Robert Bodack, who was known as "Robbie," couldn't unbuckle himself, leave the van without someone's assistance and couldn't call for help on July 18, when the outside temperature rose above 90 degrees in Jacksonville, a lawsuit filed over his death says.

Bodack, 42, remained buckled inside the van — without air conditioning — that was parked outside of Florida Mentor's adult day care from the morning until the mid-afternoon, according to a complaint filed Oct. 7.

When employees found him, they were unsuccessful in trying to resuscitate him, an Oct. 23 news release issued by Fort Lauderdale-based law firm Kelley | Uustal, which is representing the case, said.

Bodack was taken to a medical examiner's office and pronounced dead, according to the complaint, which says an autopsy revealed he died of environmental hyperthermia, a heat-related illness involving an unusually high body temperature.

A heat advisory was issued for Jacksonville on the day of his death, according to Bodack's family's legal counsel.

"We cannot understand how something like this could have happened to our Robbie," Bodack's sister, Sara Bodack, said during a news conference. "We trusted his caregivers with his life and expected they would keep him safe and happy."

Robert Bodack lived at Florida Mentor's residential center in Jacksonville, and the organization's employees regularly drove him to Florida Mentor's adult day care during the week, according to the family's attorney **David Hammer**.

His family is suing National Mentor Healthcare LLC, which does business as Florida Mentor, on several causes of action, including negligence and wrongful death.

"His charming personality could fill a room and everyone who knew him loved him," Sara Bodack said of her brother. "Our family has been broken in the most horrible way, and we will never be the same."

Florida Mentor is affiliated with Sevita, the National Mentor Healthcare's parent organization.

Sevita didn't immediately respond to McClatchy News' request for comment Oct. 24.

In a statement to WJAX in July, Sevita said, "We are deeply saddened by (Robert Bodack's) passing, and our thoughts are with his family and loved ones during this difficult time."

The company also said it was cooperating with law enforcement, according to the outlet.

"Florida Mentor failed miserably on so many levels," **Hammer** said in a statement. "In his final hours in that unattended van, Robert was tortured."

Bodack needed "total care" as a developmentally disabled adult with "poor" motor skills, the complaint says.

He needed help with daily activities and "could walk with some assistance," according to the complaint.

The morning of July 18, Florida Mentor employees escorted him into the day care transport van and never escorted him out, the complaint says.

According to the complaint, Florida Mentor's employees didn't do a proper head count of their residents when they loaded and unloaded them from the van – and never checked to make sure everyone had been escorted out.

The company was "very familiar with Robbie and his disabilities, his needs," **Hammer** said during the news conference.

The organization is accused of violating Florida Statute Chapter 393, which protects individuals with developmental disabilities.

Florida Mentor “failed to ensure (Bodack’s) right to be free from harm, including unnecessary physical, or mechanical restraint, isolation, abuse, or neglect,” the complaint says.

The lawsuit, **Hammer** said, will “reveal all of Florida Mentor’s failures.” With the lawsuit, the family demands a judgment that exceeds \$50,000 and seeks compensatory damages, the complaint says.

During the news conference, Sara Bodack said the loss of her brother “hasn’t been easy” and added that “every day something new will come up to make us realize how much we miss him, how much we love him, how his life should have had so much more love to it.”

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