

[Cite as *Lifecare Hosp. v. Ohio Dept. of Transp.*, 2017-Ohio-8082.]

LIFECARE HOSPITAL

Plaintiff

v.

OHIO DEPARTMENT OF  
TRANSPORTATION

Defendant

Case No. 2017-00106-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} On January 31, 2017, Lifecare Hospital (hereinafter “plaintiff”) filed a claim in this Court against the Ohio Department of Transportation (hereinafter “ODOT”). In their complaint, the plaintiff alleges that on July 11, 2016 an ODOT vehicle struck their parked vehicle, damaging the right front passenger side door and bumper. As a result of this accident, plaintiff now claims damages in the amount of \$2,014.81. Plaintiff maintains a collision insurance policy with a deductible of \$500.00.

{¶2} In an investigation report filed April 11, 2017, ODOT moved to dismiss the claim, as it appears that plaintiff had received payment from the Ohio Department of Administrative Services Office of Risk Management in the amount of Five Hundred Dollars (\$500.00), to reimburse plaintiff for their insurance deductible and that plaintiff had insurance available to cover its remaining losses. In support of this argument, ODOT cites R.C. 2743.02(D) as standing for the proposition that a claimant must offset any claims by any insurance proceeds received.

{¶3} Plaintiff filed no response to this report.

{¶4} After review, the Court finds the agency’s motion to be well taken. It now appears that the plaintiff has been fully compensated for their losses from a combination of proceeds paid by their own insurance company and from the state’s payment of the deductible under that same policy. Based on the foregoing therefore, the complaint filed January 31, 2017 is hereby dismissed.

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ENTRY OF ADMINISTRATIVE  
DETERMINATION

Having considered all the evidence in the claim file, and for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff.

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MARK H. REED  
Clerk