

[Cite as *Bauman v. Ohio Veterans' Home*, 2003-Ohio-2617.]

IN THE COURT OF CLAIMS OF OHIO

VIRGIL BAUMAN, et al. :

Plaintiffs :

v. :

CASE NO. 2003-01016-AD

OHIO VETERANS HOME :

MEMORANDUM DECISION

Defendant :

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 2, 2003, plaintiff, Shirley J. Ward, holding power of attorney for her father, Virgil Bauman, filed a complaint against defendant, Ohio Veteran's Home alleging Virgil Bauman's hearing aid was damaged on several occasions as a result of negligence on the part of defendant's staff. Plaintiff sought damages in the amount of \$250.00 for replacement parts and repair costs. Plaintiff submitted the filing fee with her complaint;

{¶3} 2) On March 25, 2003 defendant filed an investigation report admitting liability, but asserting plaintiffs suffered damages in the amount of \$235.00 for replacement parts and repair costs.

{¶4} 3) On April 8, 2003, a response was filed and plaintiffs expressed agreement with defendant's assessment of damages.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD;

{¶7} 2) Plaintiffs have suffered damages in the amount of \$235.00, plus the

\$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

{¶8} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶9} 1) Plaintiffs claim is GRANTED and judgment is rendered in favor of the plaintiffs;

{¶10} 2) Defendant (Ohio Veterans Home) pay plaintiff (Virgil Bauman, et al.) \$260.00 and such interest as is allowed by law;

{¶11} 3) Court costs are assessed against defendant.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Virgil Bauman, et al.  
3416 Columbus Avenue  
Sandusky, Ohio 44870

Plaintiff, Pro se

Gregory J. Kowalski,  
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For Defendant

DRB/tad  
4/18  
Filed 5/7/03  
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