

[Cite as *Kuneff v. Ohio Bur. of Motor Vehicles*, 122 Ohio Misc.2d 1, 2003-Ohio-376.]

KUNEFF

v.

OHIO BUREAU OF MOTOR VEHICLES

[Cite as *Kuneff v. Ohio Bur. of Motor Vehicles*, 122 Ohio Misc.2d 1, 2003-Ohio-376.]

Court of Claims of Ohio.

No. 2002-05018-AD.

Decided Jan. 14, 2003.

Yvonne Kuneff, pro se.

John R. Guldin, Associate Legal Counsel, Ohio Department of Public Safety Legal Services, for defendant.

DANIEL R. BORCHERT, Deputy Clerk.

FINDINGS OF FACT

{¶1} 1. On May 17, 2002, plaintiff, Yvonne Kuneff, filed a complaint against defendant, Ohio Bureau of Motor Vehicles, alleging that her son's driver's license was improperly listed as suspended by defendant. Plaintiff incurred towing expenses as a result of defendant's error concerning the driving status of plaintiff's son. Plaintiff seeks damages in the amount of \$55.

{¶2} 2. On December 4, 2002, defendant filed an investigation report admitting error in recording plaintiff's son's driving status.

CONCLUSIONS OF LAW

{¶3} 1. Resulting damages may be recovered when the fact is proven, by a preponderance of the evidence, that defendant erroneously listed a driver's license as suspended. *Ankney v. Ohio Bur. of Motor Vehicles* (1998), Ct. of Cl. No. 97-11045-AD; *Serbanescu v. Ohio Bur. of Motor Vehicles* (1994), Ct. of Cl. No. 93-15038-AD; *Black v. Ohio Bur. of Motor Vehicles* (1996), Ct. of Cl. No. 95-01441-AD.

{¶4} 2. Plaintiff has proven, by a preponderance of the evidence, that her son's driver's license was improperly listed as suspended by defendant. *McGee v. Ohio Bur. of Motor Vehicles* (1997), Ct. of Cl. No. 97-03999-AD.

{¶5} 3. Defendant is liable to plaintiff for damages that plaintiff can prove resulted from defendant's negligence. *Partlow v. Ohio Bur. of Motor Vehicles* (1997), Ct. of Cl. No. 97-07820-AD. Plaintiff has proven that she incurred towing costs as a result of defendant's act.

{¶6} 4. Plaintiff has suffered damages in the amount of \$55, plus the \$25 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.* (1990), 62 Ohio Misc. 2d 19.

{¶7} Having considered all of the evidence in the claim file and adopting the memorandum decision concurrently herewith,

{¶8} IT IS ORDERED THAT:

{¶9} 1. Plaintiff's claim be GRANTED and judgment be rendered in favor of the plaintiff;

{¶10} 2. Defendant (Bureau of Motor Vehicles) pay plaintiff (Yvonne Kuneff) \$80 and such interest as is allowed by law;

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

Order accordingly.

