

[Cite as *Ackerman v. Ohio Army Natl. Guard*, 2005-Ohio-4864.]

IN THE COURT OF CLAIMS OF OHIO

|                                 |   |                            |
|---------------------------------|---|----------------------------|
| EVA N. ACKERMAN                 | : |                            |
| Plaintiff                       | : |                            |
| v.                              | : | CASE NO. 2005-08263-AD     |
| OHIO ARMY NATIONAL GUARD        | : | <u>MEMORANDUM DECISION</u> |
| Defendant                       | : |                            |
| : : : : : : : : : : : : : : : : |   |                            |

FINDINGS OF FACT

{¶ 1} 1) On July 11, 2005, plaintiff, Eva N. Ackerman, filed a complaint against defendant, Ohio Army National Guard, alleging her automobile was damaged as a result of negligence on the part of defendant's employee in conducting lawn maintenance activity.

{¶ 2} 2) Plaintiff seeks damages in the amount of \$319.50, the cost of a replacement car window. The \$25.00 filing fee was paid.

{¶ 3} 3) On July 22, 2005, defendant filed an investigation reporting noting its employee probably damaged plaintiff's property while conducting lawn maintenance. Plaintiff responded to this report stating: "I agree with the investigation report."

CONCLUSIONS OF LAW

{¶ 4} 1) Defendant was charged with a duty to exercise reasonable care for the protection of plaintiff's property while performing lawn maintenance. In regard to the facts of this claim negligence on the part of defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶ 5} 2) Plaintiff has suffered damages in the amount of

\$319.50, 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.

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| EVA N. ACKERMAN          | : |                                |
| Plaintiff                | : |                                |
| v.                       | : | CASE NO. 2005-08263-AD         |
| OHIO ARMY NATIONAL GUARD | : | <u>ENTRY OF ADMINISTRATIVE</u> |
| Defendant                | : | <u>DETERMINATION</u>           |
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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 plaintiff in the amount of \$344.50, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Eva N. Ackerman  
7416 St. Rt. 45  
N. Bloomfield, Ohio 44450

Plaintiff, Pro se

LTC Duncan Aukland  
Joint Staff Judge Advocate  
Attn: AGOH-SJA

For Defendant

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RDK/laa

8/11

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