

[Cite as *Dean v. Ohio Bur. of Motor Vehicles*, 2007-Ohio-1272.]

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

JOANNA L. DEAN

Plaintiff

v.

OH BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2006-06001-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) On September 15, 2006, plaintiff, Joanna L. Dean, filed a complaint against defendant, Bureau of Motor Vehicles (“BMV”), alleging her driver’s license was improperly listed as suspended by BMV. Plaintiff’s automobile was towed and impounded as a result of BMV’s error in recording her driving status. Plaintiff seeks damages in the amount of \$186.28 for towing and storage fees, plus \$655.20 for work loss. Plaintiff claimed she suffered work loss, “due to inability to drive to work.” Plaintiff did not supply any documentation to support her work loss claim. The filing fee was paid.

{¶2} 2) On December 12, 2006, defendant filed an investigation report admitting error in recording plaintiff’s license status and acknowledging damages for towing and storage, but disputing the work loss claim.

{¶3} 3) On January 25, 2007, plaintiff filed a response to defendant’s investigation report. Plaintiff asserted she incurred work loss in the amount claimed but did not submit any supporting documentation.

CONCLUSIONS OF LAW

{¶4} 1) Resulting damages may be recovered when a plaintiff proves, by a preponderance of the evidence, her driver’s license was erroneously listed as suspended by defendant. *Ankney v. Bureau of Motor Vehicles* (1998), 97-11045-AD; *Serbanescu v. Bureau of Motor Vehicles* (1994), 93-15038-AD; *Black v. Bureau of Motor Vehicles* (1996), 95-01441-AD. These damages must directly flow from defendant’s failure to provide accurate information to authorities. *Henighan v. Ohio Dept. of Public Safety* (1997), 97-01619-AD; *Jordan v. Bureau of Motor Vehicles* (1998), 97-10341.

{¶5} 2) Plaintiff has proven, by a preponderance of the evidence, that her driver’s license was improperly listed as suspended by defendant. *McGee v. Ohio Bureau of Motor Vehicles* (1997), 97-03999-AD.

{¶6} 3) Defendant is liable to plaintiff for damages plaintiff can prove resulted from defendant’s negligence. *Partlow v. Bureau of Motor Vehicles* (1997), 97-07820-AD. Plaintiff has proven that she incurred towing and impound fees as a result of BMV’s record keeping. However, plaintiff has failed to prove she suffered the work loss claimed. Without any supporting documentation the court cannot grant work loss damages.

{¶7} 4) Plaintiff has suffered damages in the amount of \$186.28, and the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the

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holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

Defendant

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 \$211.28, 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:

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