

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

DONALD DONITHAN

Plaintiff

v.

OHIO VETERANS HOME AGENCY

Defendant

Case No. 2009-06699-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) On June 20 and June 21, 2009, plaintiff, Donald Donithan, a resident at defendant, Ohio Veterans Home, suffered personal property damage when water leaked into his room from pipe leaks in the facility's shower room. Plaintiff filed this complaint seeking to recover \$454.30, the replacement cost of his water damaged property. The filing fee was paid.

{¶ 2} 2) Defendant filed an investigation report admitting responsibility for the loss claimed, plus filing fee reimbursement.

{¶ 3} 3) Plaintiff filed a response expressing his agreement with the admissions noted in the investigation report.

CONCLUSIONS OF LAW

{¶ 4} 1) Sufficient proof of liability on the part of defendant has been shown. *Bauman v. Ohio Veterans Home*, Ct. of Cl. No. 2003-01016-AD, 2003-Ohio-2617; *Wertenberger v. Ohio Veterans Home Agency*, Ct. of Cl. No. 2005-11027-AD, 2006-

Ohio-191; *Trohan v. Ohio Veterans Home*, Ct. of Cl. No. 2008-09473-AD, 2009-Ohio-1591.

{¶ 5} 2) Plaintiff has suffered damages in the amount of \$454.30, plus the \$25.00 filing fee which constitutes costs pursuant to R.C. 2335.19. See *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

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 \$479.30, which includes the filing fee. Court costs are assessed against defendant.

MILES C. DURFEY
Clerk

Entry cc:

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RDK/laa
11/3
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