

IN THE COURT OF CLAIMS OF OHIO

ALLISON YEAGER

Plaintiff

v.

MIAMI UNIVERSITY

Defendant

Case No. 2014-00899-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} On November 13, 2014, Allison Yeager filed a claim in this Court against Miami University. In her complaint, the claimant seeks reimbursement of medical expenses in the amount of \$538.15, which she incurred between August and November of 2014 on behalf of her daughter, Haley Yeager. Allison Yeager alleges that her daughter Haley became ill as a result of a malfunctioning or poorly installed air conditioner in her dorm room at Miami. According to the complaint, this situation created an unhealthy condition which resulted in Haley falling ill with cold symptoms. Haley was subsequently forced to seek medical treatment for her symptoms. Allison Yeager now seeks reimbursement for her unreimbursed portion of these medical expenses, which stand now at \$538.15.

{¶2} Miami University filed a response on January 22, 2015 denying liability for Haley's illness.

{¶3} In any complaint for damages such as this, it is first necessary that a claimant establish that the injury received was caused by a negligent act done by the defendant. Unless causation is proven, the claim cannot succeed.

{¶4} In this case, absent any other evidence, it was impossible for the Court to find by a preponderance of the evidence that Haley's illness was caused by the

University. There are simply too many ways that a student could pick up a cold in her daily life, thus making it impossible to definitively determine that the University was responsible for Haley's illness. Most likely, Haley picked up the cold from someone on campus. The University, as an institution, did not cause her to contract this condition. Whether the humid air in the dorm room contributed to Haley's condition in such a way that she needed medical treatment, it is impossible to say. Since causation cannot be established, the Court need not pass on the question of whether the University was negligent in effecting the repair of the air conditioner. Therefore, the claim will be DISMISSED.

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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 defendant. Court costs are assessed against plaintiff.

MARK H. REED
Clerk

Entry cc:

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