

IN THE COURT OF CLAIMS OF OHIO

MARY BOWEN

Plaintiff

v.

OHIO UNIVERSITY

Defendant

Case No. 2024-00880AD

Deputy Clerk Holly True Shaver

MEMORANDUM DECISION

{¶1} Mary Bowen (“plaintiff”) filed this claim against defendant, Ohio University (“OU”), to recover damages for physical injuries she sustained. Plaintiff alleges that her dorm room, located in Wilson Hall, did not have a safety rail for her top bunk bed. Plaintiff states that staff and her resident advisor were notified of the missing rail, but no actions were taken by defendant to acquire a replacement rail. On October 19, 2024, plaintiff fell from her top bunk resulting in a concussion, fracturing her sacrum, and acute traumatic pain. Plaintiff sustained \$3,637.91 in damages for treatment of her injuries, including the \$25.00 filing fee.<sup>1</sup>

{¶2} Defendant submitted an investigation report in which it does not dispute plaintiff’s claim. Plaintiff did not submit a response to defendant’s investigation report.

{¶3} R.C. 2743.02(D) states in pertinent part: “Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery that the claimant receives or is entitled to.”

{¶4} Therefore, the court finds plaintiff is entitled to \$3,612.91, plus \$25.00 for reimbursement of the filing fee pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.*, 62 Ohio Misc.2d 19 (Ct. of Cl. 1990).

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<sup>1</sup> Plaintiff’s damages include \$113.81 from Riverside Radiology and Interventional Associates, and \$3,499.10 from Ohio Health, plus the \$25.00 filing fee.

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ENTRY OF ADMINISTRATIVE  
DETERMINATION

{¶5} 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 \$3,637.91, which includes reimbursement of the filing fee. Court costs are assessed against defendant.

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HOLLY TRUE SHAVER  
Deputy Clerk

CC:

Filed 6/25/25  
Sent to S.C. Reporter 9/9/25