

IN THE COURT OF CLAIMS OF OHIO

ALBERT RAY DUPPS

Plaintiff

v.

OHIO VETERANS HOMES

Defendant

Case No. 2014-00868-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

{¶1} On November 3, 2014 Albert Ray Dupps filed a complaint with this Court alleging that he had \$900.00 stolen from a locked bedside table located in his bedroom at the Ohio Veterans Home, Georgetown, Brown County, Ohio. Mr. Dupps is a resident of the Veterans Home and he claims that the money was stolen sometime between September 16 and September 30, 2014. During this period, Mr. Dupps stated he was only minimally responsive and someone with key access to the locked table was able to steal the money without his knowledge.

{¶2} In an Investigation Report filed on January 5, 2015, the Defendant, Ohio Veterans Homes, disclosed that as a result of Plaintiff's claim, an investigation was conducted by OVH Police. At the conclusion of this investigation, OVH Police concluded that the Plaintiff, Albert Dupps, in fact never possessed the claimed \$900.00. The Defendant further pointed out that it has a treasury for the use of residents to deposit and withdraw cash at their discretion. However, the Plaintiff did not avail himself of this option. Therefore, the Defendant contends, even if the Plaintiff had possessed the \$900.00, the Defendant would not be liable for the loss as the Plaintiff failed to use the required method for residents to properly safeguard cash amounts in their possession.

{¶3} Under Ohio law, for a residential facility like the Ohio Veterans Home to be found liable for Plaintiff's loss of \$900.00, there must first be shown that the cash, an item of personal property, had been delivered to the Defendant. In this case, if the Plaintiff had deposited the funds into a resident's treasury account, and that money was later misappropriated, there would be no question that the Defendant would be liable for the loss. However, as both parties agree, the cash was never delivered to the Defendant for safekeeping, and thus the necessary first condition to find Defendant liable for Plaintiff's loss was never established. Therefore, the Court need not determine whether or not the cash actually existed, as the property was never in the first condition delivered to the Defendant for the creation of a bailment.

{¶4} Based on the foregoing, the claim is 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 absorbed by the Court.

MARK H. REED
Clerk

Entry cc:

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