

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Harry Guy, Jr.,	:	
	:	
Plaintiff-Appellant,	:	No. 19AP-457
v.	:	(Ct. of Cl. No. 2018-01390AD)
	:	
Ohio Department of Rehabilitation	:	(REGULAR CALENDAR)
and Correction,	:	
	:	
Defendant-Appellee.	:	
	:	

D E C I S I O N

Rendered on December 3, 2019

On brief: *Harry Guy, Jr.*, pro se.

APPEAL from the Court of Claims of Ohio

BROWN, J.

{¶ 1} Harry Guy, Jr., plaintiff-appellant, appeals from the judgment of the Court of Claims of Ohio, in which the court granted judgment to the Ohio Department of Rehabilitation and Correction ("ODRC"), defendant-appellee.

{¶ 2} On the morning of March 29, 2018, appellant, an inmate at Chillicothe Correctional Institution, was walking outside from his dormitory to his job at Ohio Penal Industries when he fell down some steps. Appellant claims he slipped on snow and ice. As a result of the fall, appellant tore his anterior cruciate ligament and underwent surgery on his right ankle.

{¶ 3} On October 22, 2018, appellant filed a claim in the Court of Claims pursuant to R.C. 2743.10. In the claim, appellant alleged ODRC was negligent by failing to place salt on the steps and clear them of ice and snow. ODRC denied negligence.

{¶ 4} On April 29, 2019, the deputy clerk for the Court of Claims filed a memorandum decision and entry of administrative determination in which the deputy clerk entered judgment in favor of ODRC. The deputy clerk found appellant failed to present any evidence, other than his own statement, to prove he sustained his injury due to snow covered steps. The deputy clerk found appellant's claim that his fall was due to snow on the steps was not credible because none of the medical reports mentioned snow or ice on the steps.

{¶ 5} On May 31, 2019, appellant filed a motion for court review. On June 18, 2019, the Court of Claims issued an entry affirming the administrative determination that denied appellant's claim. Appellant appeals the judgment of the Court of Claims, asserting the following assignment of error:

The Court of Claim[s] Abused its Discretion when it Denied the Plaintiff['s] claims.

{¶ 6} Appellant argues in his assignment of error the Court of Claims abused its discretion when it denied his negligence claim. However, we must dismiss appellant's action. R.C. 2743.10 requires the Court of Claims to determine certain civil actions administratively. *Lewis v. State*, 10th Dist. No. 77AP-827 (Apr. 11, 1978). R.C. 2743.10 provides, in relevant part, as follows:

(A) Civil actions against the state for ten thousand dollars or less shall be determined administratively by the clerk of the court of claims * * *.

* * *

(D) Upon the motion of a party, the court of claims shall review the determination of the clerk upon the clerk's report and papers filed in the action and shall enter judgment consistent with its findings. *The judgment shall not be the subject of further appeal.* No civil action arising out of the same transaction or set of facts may be commenced by the claimant in the court of claims.

(Emphasis added.)

{¶ 7} " 'Although R.C. 2743.20 provides generally for appeals from orders and judgments of the Court of Claims to this court, R.C. 2743.10(D) expressly provides that there shall be no such appeal to this court where the action has initially been determined administratively by the clerk of the Court of Claims.' " *Rink v. Ohio Dept. of Rehab. & Corr.*, 10th Dist. No. 18AP-65, 2018-Ohio-3633, ¶ 6, quoting *Maffeo v. Dept. of Agriculture*, 10th Dist. No. 77AP-608 (Oct. 20, 1977). Accordingly, this court has consistently dismissed, due to lack of jurisdiction, any appeal taken from a Court of Claims' judgment in a civil action determined administratively by the clerk of the Court of Claims. *Id. See also Lewis; Johnson v. Ohio Dept. of Corr.*, 10th Dist. No. 81AP-106 (Apr. 23, 1981); *Lillie v. S. Ohio Corr. Facility*, 10th Dist. No. 80AP-162 (Apr. 17, 1980); *Hampton v. Ohio Dept. of Rehab. & Corr.*, 10th Dist. No. 80AP-182 (June 10, 1980). Because appellant's civil action against ODRC was determined administratively by the clerk of the Court of Claims, this court does not have jurisdiction over appellant's appeal.

{¶ 8} Accordingly, we sua sponte dismiss the appeal.

Appeal dismissed.

BRUNNER and BEATTY BLUNT, JJ., concur.
