

[Cite as *Maust v. Ohio Bur. of Motor Vehicles*, 2006-Ohio-7149.]

IN THE COURT OF CLAIMS OF OHIO

MICHAEL A. MAUST :
Plaintiff :
v. : CASE NO. 2005-11248-AD
OHIO BUREAU OF MOTOR VEHICLES : MEMORANDUM DECISION
Defendant :
: :

FINDINGS OF FACT

{¶ 1} 1) On November 28, 2005, plaintiff, Michael A. Maust, filed a complaint against defendant, Bureau of Motor Vehicles, alleging his driver's license was improperly listed as suspended by defendant. Plaintiff related he spent time and money to have his license reinstated as the result of defendant's error concerning plaintiff's driving status. Plaintiff seeks damages in the amount of \$110.00 for reinstatement fee, travel expenses, phone calls and work loss.

{¶ 2} 2) On December 6, 2005, defendant filed an investigation report admitting error in recording plaintiff's driving status.

{¶ 3} 3) On January 26, 2006, plaintiff filed a poverty statement.

CONCLUSIONS OF LAW

{¶ 4} 1) Resulting damages may be recovered when a plaintiff proves, by a preponderance of the evidence, his driver's license was erroneously listed as suspended by defendant. *Ankney v. Bureau of Motor Vehicles* (1998), 97-11045-AD; *Serbanescu v.*

Bureau of Motor Vehicles (1994), 93-15038-AD; *Black v. Bureau of Motor Vehicles* (1996), 95-01441-AD.

{¶ 5} 2) Plaintiff has proven, by a preponderance of the evidence, that his driver's license was improperly listed as suspended by defendant. *McGee v. Ohio Bureau of Motor Vehicles* (1997), 97-03999-AD.

{¶ 6} 3) Defendant is liable to plaintiff for damages plaintiff can prove resulted from defendant's negligence. *Partlow v. Bureau of Motor Vehicles* (1997), 97-07820-AD. Plaintiff's damages are reasonable and reflect money expended to receive the reinstatement of his driver's license. Plaintiff has suffered damages in the amount of \$110.00.

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MICHAEL A. MAUST	:	
Plaintiff	:	
v.	:	CASE NO. 2005-11248-AD
OHIO BUREAU OF MOTOR VEHICLES	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>
	:	
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The applicant's poverty statement is valid for the purposes of the filing fee only. 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 \$110.00. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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