

[Cite as *Kiser v. Ohio Veterans Home*, 2006-Ohio-7194.]

IN THE COURT OF CLAIMS OF OHIO

IRENE KISER	:	
	:	
Plaintiff	:	
	:	
v.	:	CASE NO. 2005-11639-AD
	:	
OHIO VETERANS HOME	:	<u>MEMORANDUM DECISION</u>
	:	
Defendant	:	

: : : : : : : : : : : : : : : :

THE COURT FINDS THAT:

{¶ 1} 1) On December 19, 2005, plaintiff, Irene Kiser, filed a complaint against defendant, Ohio Veterans Home, alleging defendant's staff lost a bed alarm she had purchased for her husband who had been a resident at defendant's facility. Plaintiff seeks damages of \$235.00 for property loss. The filing fee was paid.

{¶ 2} 2) On April 8, 2006, defendant filed an investigation report admitting liability for plaintiff's property loss and filing fee.

{¶ 3} 3) On June 5, 2006, plaintiff filed a response expressing agreement with the investigation report.

THE COURT CONCLUDES THAT:

{¶ 4} 1) Sufficient proof of liability on the part of defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶ 5} 2) Plaintiff has suffered damages in the amount of \$235.00, plus the \$25.00 filing fee, which may be reimbursed as

compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

IN THE COURT OF CLAIMS OF OHIO

IRENE KISER	:	
Plaintiff	:	
v.	:	CASE NO. 2005-1639-AD
OHIO VETERANS HOME	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

: : : : : : : : : : : : : : : :

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 \$260.00, which includes the filing fee. 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:

Irene Kiser
12 Wedgewood Drive
Norwalk, Ohio 44857

Plaintiff, Pro se

Gregory J. Kowalski
Chief Legal Counsel
Ohio Veterans Home Agency
3416 Columbus Avenue
Sandusky, Ohio 44870

For Defendant

RDK/laa

6/8

Filed 6/20/06

Sent to S.C. reporter 3/16/07