

# Court of Claims of Ohio

The Ohio Judicial Center  
65 South Front Street, Third Floor  
Columbus, OH 43215  
614.387.9800 or 1.800.824.8263  
www.cco.state.oh.us

JOSEPH KLOSTERMAN, et al.

Plaintiffs

v.

OHIO VETERANS HOME

Defendant

Case No. 2010-10246-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Joseph Klosterman, a resident at defendant, Ohio Veterans Home (OVH), filed this action contending that a wheelchair purchased for him was lost while under the control of OVH staff during May 2010. Plaintiff, Rosemary Klosterman, who has power of attorney for plaintiff, Joseph Klosterman, signed the complaint and stated in the body of the complaint that she purchased the wheelchair that was subsequently lost at OVH. Plaintiffs requested damages in the amount of \$352.76, the stated cost of a replacement wheelchair. The filing fee was paid by defendant.

{¶ 2} 2) Defendant filed an investigation report admitting responsibility for the loss claimed, plus filing fee reimbursement.

### CONCLUSIONS OF LAW

{¶ 3} 1) Sufficient proof of liability on the part of defendant has been shown. *Bauman v. Ohio Veterans Home*, Ct. of Cl. No. 2003-01016-AD, 2003-Ohio-2617; *Wertenberger v. Ohio Veterans Home Agency*, Ct. of Cl. No. 2005-11027-AD, 2006-Ohio-191.

{¶ 4} 2) Plaintiffs have suffered damages in the amount of \$352.76, plus

\$25.00 which constitutes costs pursuant to R.C. 2335.19. See *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.

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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 plaintiffs Joseph Klosterman and Rosemary Klosterman in the amount of \$377.76, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

Joseph Klosterman  
Rosemary Klosterman  
3416 S. Columbus  
Sandusky, Ohio 44870

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

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