

[Cite as *Duncan v. Ohio Dept. of Adm. Servs.*, 2008-Ohio-4187.]

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

DAVID S. DUNCAN

Plaintiff

v.

OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, et al.

Defendants



Case No. 2007-08864-AD

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MEMORANDUM DECISION

Case No. 2007-08864-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) On September 2, 2007, a boat owned by plaintiff, David S. Duncan, was damaged by a watercraft owned by defendant, Department of Natural Resources (“DNR”) and operated by a DNR employee. Consequently, plaintiff filed this complaint seeking to recover \$213.00, the cost of boat repair. The filing fee was paid.

{¶ 2} 2) Defendant filed an investigation report acknowledging plaintiff stated a claim under Chapter 2743 of the Ohio Revised Code. Defendant agreed plaintiff suffered property damage in the amount of \$213.00 and filing fee costs in the amount of \$25.00.

CONCLUSIONS OF LAW

{¶ 3} 1) Negligence on the part of defendant has been shown. See *Guitridge v. Ohio Dept. of Natural Resources*, Ct. of Cl. No. 2003-10821-AD, 2004-Ohio-2889.

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$213.00, plus the \$25.00 filing fee which may be reimbursed as compensable 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 plaintiff in the amount of \$238.00, which includes the filing fee. Court costs are assessed against defendants.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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