

IN THE COURT OF CLAIMS OF OHIO

GEORGE N. FLETCHER :
5133 Well Fleet Drive :
Trotwood, Ohio 45426 : Case No. 2002-10216-AD

Plaintiff : MEMORANDUM DECISION

v. :

OHIO BUREAU OF MOTOR VEHICLES :

Defendant :

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

For Defendant: John R. Guldin
Associate Legal Counsel
Ohio Department of Public Safety
Legal Services
1970 West Broad Street
P.O. Box 182081
Columbus, Ohio 43218-2081

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FINDINGS OF FACT

{¶1} 1) On November 21, 2002, plaintiff, George N. Fletcher, filed a complaint against defendant, Bureau of Motor Vehicles, alleging his driver's license was improperly listed as suspended by defendant. Plaintiff's automobile was towed and impounded as a result of defendant's error concerning plaintiff's driving status. Plaintiff seeks damages in the amount of \$188.,00 for all expenses related to the erroneous listing of his license status.

{¶2} 2) On December 30, 2002, defendant filed an investigation report admitting error in recording plaintiff's driving status.

CONCLUSIONS OF LAW

{¶3} 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,

{¶4} 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.

{¶5} 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 has proven that he incurred all damages claimed as a result of defendant's error.

{¶6} 4) Plaintiff has suffered damages in the amount of \$163.00, 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.

{¶7} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶10} 2) Defendant (Bureau of Motor Vehicles) pay plaintiff (George N. Fletcher) \$188.00 and such interest as is allowed by law;

{¶11} 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk