

**IN THE COURT OF CLAIMS OF OHIO**

DEVIN A. PASCO

Plaintiff

v.

YOUNGSTOWN STATE UNIVERSITY

Defendant

Case No. 2024-00079AD

Deputy Clerk Holly True Shaver

MEMORANDUM DECISION

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{¶1} Devin Pasco (“plaintiff”) filed a complaint against Youngstown State University (“defendant” or “YSU”) after plaintiff suffered injuries in a physical education course on April 4, 2022. Plaintiff asserted that while playing kickball in a gymnasium at YSU’s Beeghly Center, the bases used were not safe and caused plaintiff to impact a concrete wall and suffer a concussion and whiplash. According to plaintiff, the out-of-pocket costs associated with this incident were \$1,076.51. However, plaintiff claims \$7,762.00 in damages because of the cost to plaintiff’s insurance. Plaintiff attached medical bills showing a patient responsibility of \$1,076.51. Plaintiff submitted the \$25.00 filing fee.

{¶2} YSU filed an investigation report denying liability but stating its willingness to pay plaintiff’s out-of-pocket expenses to settle this claim.

{¶3} Plaintiff submitted a response to defendant’s investigation report. Plaintiff did not agree with defendant’s position that it was not liable for the incident. However, plaintiff agreed that plaintiff’s damages were limited to the out-of-pocket costs of \$1,076.51.

{¶4} R.C. 2743.02(D) states in pertinent part: “Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery that the claimant receives or is entitled to.”

{¶5} Therefore, judgment is rendered in favor of plaintiff in the amount of \$1,076.51, plus \$25.00 for reimbursement of the filing fee pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.*, 62 Ohio Misc.2d 19 (Ct. of Cl. 1990).

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ENTRY OF ADMINISTRATIVE  
DETERMINATION

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{¶6} 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 \$1,101.51, which includes reimbursement of the \$25.00 filing fee. Court costs are assessed against defendant.

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HOLLY TRUE SHAVER  
Deputy Clerk