[Cite as *Gehlmann v. Dept. of Transp.*, 2026-Ohio-3686.]

IN THE COURT OF CLAIMS OF OHIO

CYNTHIA A. GEHLMANN Plaintiff v. OHIO DEPARTMENT OF TRANSPORTATION Defendant	Case No. 2022-00450JD Judge Lisa L. Sadler ENTRY GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

{¶1} Pursuant to L.C.C.R. 4(D), defendant's motion for summary judgment is before the court for a non-oral hearing. For the reasons stated below, the court GRANTS the motion.

Background

{¶2} From 2000 to 2021, plaintiff was an employee of the state of Ohio and worked for the Ohio Department of Public Safety (ODPS) as an Ohio State Highway Patrol Trooper. Lane Affidavit, ¶ 3. On January 9, 2020, plaintiff was "directing traffic at the intersection of Middle Ridge Road and the exit ramp off State Route 2 in Lorain County due to the traffic light being out." *Id.* at ¶ 4. While performing these job duties, plaintiff was "struck by a motor vehicle who was attempting to use the State Route 2 exit ramp to get on to County Road 32." Complaint, ¶ 8.

{¶3} Thereafter, plaintiff "applied for and received workers' compensation benefits from the State of Ohio" related to her injury. Lane Affidavit, ¶ 4. Additionally, plaintiff filed a lawsuit in Lorain County Court of Common Pleas against the City of Lorain, Edward J. Balmert, and Cincinnati Insurance Company. *See* June 17, 2022 Statement of the Existence of Connected Actions. Finally, plaintiff filed this action against Ohio Department of Transportation (ODOT) for failing to "repair the malfunctioning traffic control device in a timely manner" and "properly perform inspections and maintenance of the traffic control device." Complaint, ¶ 9.

{¶4} The court stayed this case during the pendency of the connected action. *See* August 5, 2022 Order of the Magistrate. After the connected action was settled and dismissed, the court lifted the stay. *See* September 19, 2025 Entry Vacating Stay of Proceedings. By agreement of the parties, the court bifurcated the issues of liability and damages. *See* October 31, 2025 Entry.

{¶5} On May 11, 2026, defendant filed a motion for summary judgment arguing plaintiff's claim against ODOT is barred by workers' compensation immunity pursuant to R.C. 4123.74 because plaintiff received workers' compensation benefits from the State of Ohio related to her on-the-job injuries and she does not claim the state intentionally harmed her. In support of its motion, defendant filed the Affidavit of Angela Lane, ODPS's Human Capital Management Manager. Lane Affidavit, ¶ 1.

{¶6} In response, plaintiff filed no additional Civ.R. 56 evidence in support of its opposition and acknowledged that the material fact in this matter are not in dispute, but argued that ODPS, not ODOT, was plaintiff's "employer" for purposes of receiving workers compensation benefits and, therefore, ODOT should not be entitled to workers' compensation immunity pursuant to R.C. 4123.74. In reply, ODOT reiterates its argument that plaintiff's employer is the State of Ohio, not an individual agency, because the State of Ohio includes both ODPS and ODOT.

Law and Analysis

{¶7} It is well settled that "'[s]ummary judgment is a procedural device to terminate litigation and to avoid a formal trial where there is nothing to try.'" *Orr v. Schweitzer*, 2021-Ohio-1786, ¶ 12, quoting *Murphy v. Reynoldsburg*, 65 Ohio St.3d 356, 358 (1992). Importantly, courts shall not render summary judgment "unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made . . . ." Civ.R. 56(C).

{¶8} The only issue before the court is whether defendant is entitled to workers' compensation immunity pursuant to R.C. 4123.74. In relevant part, R.C. 4123.74 provides:

> Employers who comply with [R.C. 4123.35] shall not be liable to respond in damages at common law or by statute for any injury . . . received . . . by any employee in the course of or arising out of his employment . . . occurring during the period covered by such premium so paid into the state insurance fund, or during the interval the employer is a self-insuring employer, whether or not such injury . . . is compensable under this chapter.

Within the context of claims against the state, the question of whether an individual state agency or department is the "employer" or whether the State of Ohio is the "employer" for purposes of R.C. 4123.74 appears to be an issue of first impression. Upon review of the undisputed evidence provided in this record, it appears uncontroverted that plaintiff received workers' compensation benefits from the State of Ohio.

{¶9} While the court acknowledges plaintiff's contention that ODPS and ODOT are different departments, this court has previously rejected similar arguments requesting a distinction to be drawn between two state actors who occupied two differing roles with respect to a plaintiff suing the state for money damages. *See, e.g., Schoff v. Ohio Dept. of Rehab. & Corr*, 1989 Ohio App. LEXIS 3758, *5 (10th Dist. Sept. 26, 1989) ("plaintiff may not maintain a products liability action predicated upon the dual-capacity doctrine because of a defect in the chair which the state furnished for his use during his employment, which defective chair the state manufactured."). Put simply, all departments of the State of Ohio are considered one entity for purposes of being sued for money damages in this court. *See Ohio Dept. of Human Services v. Ohio Dept. of Transportation*, 78 Ohio App.3d 658, 661 (10th Dist. 1992) ("As departments of the state, appellees *are* the state for purposes of suit as provided by the Court of Claims Act. The state is the real and only party in interest in this matter").

{¶10} Viewing the state as one legal entity despite its many subdivisions is reinforced by Ohio's workers' compensation laws recognizing only two primary categories of employers: a private employer or a public employer. *See generally State ex rel. Ohio-Kentucky-Indiana Regional Council of Governments. v. Bureau of Workers' Comp.*, 2022-Ohio-3058, ¶ 24, citing R.C. 4123.01(B)(1)(a) and (J) ("As used in R.C. Chapter 4123, 'public employer' means '[t]he state, including state hospitals, each county, municipal corporation, township, school district, and hospital owned by a political subdivision or

subdivisions other than the state.'"). Regardless of which agency or department directly outlines plaintiff's duties, it is uncontroverted that the State of Ohio was ultimately plaintiff's employer.

{¶11} Because it is undisputed that plaintiff was injured in the course of her duties as a State of Ohio employee, plaintiff's sole remedy against the state rests on its compliance with R.C. 4123.74. *Compare, e.g., Schoff* at *2 (the court of appeals affirmed a trial court decision that "found that the workers' compensation laws provided plaintiff's exclusive remedy" after the plaintiff was working for one state actor and was injured by defective furniture manufactured by another state actor."). Given it is undisputed that plaintiff requested and received workers' compensation benefits and there is no argument that the state failed to comply with the workers' compensation laws, the court finds that defendant is entitled to judgment as a matter of law because complying employers "shall not be liable to respond in damages . . . for any injury . . . received . . . by any employee in the course of or arising out of his employment . . . ." *See* R.C. 4123.74.

Conclusion

{¶12} For the reasons stated above, the court finds that defendant met its initial burden under Civ.R. 56(C) by demonstrating that the State of Ohio is plaintiff's employer and it, through one of its departments, complied with R.C. 4123.74 after plaintiff was injured during the course of her employment, and plaintiff failed to meet her reciprocal burden pursuant to Civ.R. 56(E) to dispute this. Therefore, reasonable minds can come to but one conclusion that the State of Ohio is entitled to workers' compensation immunity pursuant to R.C. 4123.74. Because the State of Ohio is the only real party in interest in the Court of Claims, the court finds that the State of Ohio shall not be liable for civil damages through one of its agencies as a result of an on-the-job injury for which it has already paid workers' compensation benefits through a different one of its agencies. Accordingly, the court GRANTS defendant's motion for summary judgment.

{¶13} As a result, judgment is rendered in favor of defendant. All previously scheduled events are VACATED. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge

Filed August 5, 2026
Sent to S.C. Reporter 9/21/26