

LAW REVIEW 733

(June 2007)

CATEGORY: Miscellaneous

City of Columbus Held Not Liable for Suicide of Returning Veteran

By CAPT Samuel F. Wright, JAGC, USN (Ret.)

Coats v. City of Columbus, 2007 Ohio App. LEXIS 640 (Court of Appeals of Ohio, 10th Appellate District, Feb. 22, 2007).

Brandon Ratliff, a lieutenant in the Army Reserve, began full-time employment for the City of Columbus Health Department in 2001. In 2002, he applied for and was selected for a promotion to a better-paying job in the Health Department. The only action remaining for the promotion was the "civil service walkthrough" (forms to sign and his picture taken), but he was called to active duty before that could be completed.

Lieutenant Ratliff deployed to Afghanistan and returned to work in September 2003. The human resources director of the Health Department determined that because Lieutenant Ratliff had not completed the process of taking his new position, the city was not required to hold the position for him during his military service. Lieutenant Ratliff returned to the job he had held previously, but in a work area in which he had no computer and no other work equipment except a shared telephone.

Lieutenant Ratliff appealed to several city officials, to no avail. On March 15, 2004, the *Columbus Dispatch* published an article detailing his story. The mayor read the story and directed the Health Department to give Lieutenant Ratliff the promotion he had been promised before he was called to active duty. But no one informed Lieutenant Ratliff. He fatally shot himself on March 18.

Susan Coats, Lieutenant Ratliff's mother and the administrator of his estate, filed suit against the city in state court. That court granted the city's motion for summary judgment, and this appeal followed. The appellate court affirmed the dismissal of the suit, holding that under the doctrine of sovereign immunity, political subdivisions of the State of Ohio are immune from lawsuits of this nature.

The appellate court further held, "Even if appellee did not have the benefit of the immunity provided to political subdivisions, appellee correctly argues that it would still be entitled to summary judgment, because Brandon's suicide was an intervening cause for which the appellee cannot be held responsible.... Brandon's suicide could not have been reasonably foreseen, nor was it a normal incident of the risk involved.... It is truly tragic that nobody with the city who was aware of the efforts being made on Brandon's behalf communicated to him that those efforts were being made, an act that may well have prevented the outcome that occurred. However, that failure cannot result in the imposition of legal liability against the city, because Brandon's act could not have been foreseen."