

[Cite as *Hartman v. Ohio Dept. of Rehab. & Corr.*, 2002-Ohio-4552.]

IN THE COURT OF CLAIMS OF OHIO

BRETT HARTMAN, #A357-869 :
P.O. Box 788 :
Mansfield, Ohio 44901 : Case No. 2002-07088-AD

Plaintiff : MEMORANDUM DECISION

v. :

DEPT. OF REHAB. AND :
CORRECTIONS :

Defendant :

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

For Defendant: Margaret Bagley, Warden
Mansfield Correctional Institution
1000 North Main Street
Mansfield, Ohio 44903
: : : : : : : : : : : : : : : :

FINDINGS OF FACT

{¶1} 1) On July 30, 2002, plaintiff, Brett Hartman, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his magazines were lost while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$15.00. Plaintiff submitted the filing fee with his complaint.

{¶2} 2) On July 30, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$15.00.

THE COURT CONCLUDES THAT:

{¶3} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶4} 2) Plaintiff has suffered damages in the amount of \$15.00, 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.

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

{¶6} IT IS ORDERED THAT:

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

{¶8} 2) Defendant (Department of Rehabilitation and Correction) pay plaintiff (Brett Hartman) \$40.00 and such interest as is allowed by law;

{¶9} 3) The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk