

IN THE COURT OF CLAIMS OF OHIO

LEONARDO FRAZIER, #376-710 :
P.O. Box 788 :
Mansfield, Ohio 44901 : Case No. 2002-02205-AD

Plaintiff : MEMORANDUM DECISION

v. :

MANSFIELD CORRECTIONAL :
INSTITUTION :

Defendant :

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

For Defendant: Gregory C. Trout, Chief Counsel
Department of Rehabilitation and
Correction
1050 Freeway North
Columbus, Ohio 43229

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On February 7, 2002, plaintiff, Leonardo Frazier, filed a complaint against defendant, Mansfield Correctional Institution, alleging his personal property was lost while under defendant's control. Plaintiff seeks damages in the amount of \$52.01 for property loss, \$50.00 for phone expenses, and \$25.00 for filing fees. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On April 25, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$52.01. Defendant denied plaintiff is entitled to damages for telephone costs associated with prosecuting this claim;

{¶4} 3) Plaintiff filed a response. Plaintiff has not offered any evidence to show he is entitled to damages for phone calls.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$52.01, 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;

{¶8} 3) Phone expenses are noncompensable in a claim of this type.

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

{¶10} IT IS ORDERED THAT:

{¶11} 1) Plaintiff's claim is GRANTED in part and DENIED in part;

{¶12} 2) Defendant (Mansfield Correctional Institution) pay plaintiff (Leonardo Frazier) \$77.01 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk