

IN THE COURT OF CLAIMS OF OHIO

FREDERICK CONKLIN, #387-278 :  
P.O. Box 8107 :  
Mansfield, Ohio 44901 : Case No. 2002-02965-AD

Plaintiff : MEMORANDUM DECISION

v. :

RICHLAND 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 March 11, 2002, plaintiff, Frederick Conklin, filed a complaint against defendant, Richland Correctional Institution, alleging his radio/cassette player, headphones, batteries, and cassette tape were lost while under defendant's control. Plaintiff seeks damages in the amount of \$80.11 for property loss, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On May 7, 2002, defendant filed an investigation report admitting liability but disputing plaintiff's damage claim. Defendant has asserted plaintiff's damages should be limited to \$44.06 for property loss;

{¶4} 3) On May 15, 2002, plaintiff filed a response

insisting his damages for property loss amount to \$80.11.

{¶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) As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239;

{¶8} 3) Plaintiff has suffered damages in the amount of \$80.11, 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.

{¶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 and judgment is rendered in favor of the plaintiff;

{¶12} 2) Defendant (Richland Correctional Institution) pay plaintiff (Frederick Conklin) \$105.11 and such interest as is allowed by law;

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

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DANIEL R. BORCHERT  
Deputy Clerk