

IN THE COURT OF CLAIMS OF OHIO

SEAN HAYES, #A284-369	:	
P.O. Box 788	:	
Mansfield, Ohio 44901	:	Case No. 2002-06103-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
DEPARTMENT OF REHAB. AND	:	
CORRECTIONS	:	
Defendant	:	

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

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On June 20, 2001, plaintiff, Sean Hayes, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his nine packs of cigarettes were confiscated and destroyed by defendant's personnel. Plaintiff seeks damages in the amount of \$26.91 for his property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On June 20, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$26.91.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 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;

{¶6} 2) Plaintiff has suffered damages in the amount of \$26.91, 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.

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

{¶8} IT IS ORDERED THAT:

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

{¶10} 2) Defendant (Department of Rehabilitation and Correction) pay plaintiff (Sean Hayes) \$51.91 and such interest as is allowed by law;

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

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DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
7/9  
Filed 7/26/02  
Jr. Vol. 713, Pg. 114  
Sent 9/4/02