

[Cite as *Shanks v. Ohio Dept. Rehab. & Corr.*, 2002-Ohio-4644.]

IN THE COURT OF CLAIMS OF OHIO

JAMES SHANKS, #A241-984 :
P.O. Box 540 :
St. Clairsville, Ohio 43950 : Case No. 2002-06570-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 July 8, 2002, plaintiff, James Shanks, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his property was lost while under defendant's control. Plaintiff seeks damages in the amount of \$27.26. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On July 8, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$27.26.

{¶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 \$27.26, 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 (James Shanks) \$52.26 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
7/25
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