

IN THE COURT OF CLAIMS OF OHIO

ANGELA M. GARCIA, #50069 :  
1479 Collins Avenue :  
Marysville, Ohio 43040 : Case No. 2002-08327-AD  
  
Plaintiff : MEMORANDUM DECISION  
  
v. :  
  
OHIO REFORMATORY FOR WOMEN :  
  
Defendant :

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

For Defendant: Deborah Timmerman-Cooper, Warden  
Ohio Reformatory for Women  
1479 Collins Avenue  
Marysville, Ohio 43040  
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 12, 2002, plaintiff, Angela M. Garcia, filed a complaint against defendant, Ohio Reformatory for Women, alleging defendant's personnel lost her radio. Plaintiff seeks damages for the loss of her radio. Plaintiff submitted the filing fee with her complaint.

{¶3} 2) On September 12, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$42.99.

{¶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 \$42.99, 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 (Ohio Reformatory for Women) pay plaintiff (Angela M. Garcia) \$67.99 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  
9/18  
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