

[Cite as *Hamlet v. State Hwy. Patrol*, 2002-Ohio-6410.]

IN THE COURT OF CLAIMS OF OHIO

ALFRED R. HAMLET	:	
2260 Blackwater Road	:	
Chillicothe, Ohio 45601	:	Case No. 2002-05409-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
OHIO STATE HIGHWAY PATROL	:	
Defendant	:	

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

For Defendant: Colonel Kenneth L. Morckel, Superintendent
Ohio State Highway Patrol
P.O. Box 182074
Columbus, Ohio 43218-2074
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} On May 29, 2002, plaintiff, Alfred R. Hamlet, filed a complaint against defendant, Ohio State Highway Patrol, alleging he lost three days of salary as a direct result of acts on the part of defendant's personnel. Plaintiff sought damages in the amount of \$700.00 for work loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with the complaint;

{¶3} On September 23, 2002, defendant filed an investigation report admitting liability, but disputing plaintiff's damage claim. Defendant asserted plaintiff's damages should be limited to two days of lost wages, \$523.08, plus \$25.00 for filing fees;

{¶4} Plaintiff filed a response on October 9, 2002 expressing his agreement with defendant's damage assessment.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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} Plaintiff has suffered damages in the amount of \$523.08, 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.

DANIEL R. BORCHERT
Deputy Clerk

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ALFRED R. HAMLET	:	
2260 Blackwater Road	:	
Chillicothe, Ohio 45601	:	Case No. 2002-05409-AD
Plaintiff	:	ORDER OF ADMINISTRATIVE DETERMINATION
v.	:	
OHIO STATE HIGHWAY PATROL	:	
Defendant	:	

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For Defendant: Colonel Kenneth L. Morckel, Superintendent
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Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

IT IS ORDERED THAT:

- 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;
- 2) Defendant (Ohio State Highway Patrol) pay plaintiff (Alfred R. Hamlet) \$548.08 and such interest as is allowed by law;
- 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

