

[Cite as *Hintz v. N. Cent. Corr. Inst.*, 2002-Ohio-6413.]

IN THE COURT OF CLAIMS OF OHIO

JIMMIE HINTZ, #A301-412 :  
P.O. Box 1812 :  
Marion, Ohio 43301-1812 : Case No. 2002-06626-AD

Plaintiff : MEMORANDUM DECISION

v. :

NORTH CENTRAL 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} On July 11, 2002, plaintiff, Jimmie Hintz, filed a complaint against defendant, North Central Correctional Institution, alleging his cassette player was lost while under the control of defendant's personnel. Plaintiff sought damages in the amount of \$40.00 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} On September 24, 2002, defendant filed an investigation report admitting liability, but asserting plaintiff suffered damages in the amount of \$37.94, the replacement cost of the lost property;

{¶4} Plaintiff filed a response in which he agreed 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 \$37.94, 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.

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DANIEL R. BORCHERT  
Deputy Clerk

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JIMMIE HINTZ, #A301-412	:	
P.O. Box 1812	:	
Marion, Ohio 43301-1812	:	Case No. 2002-06626-AD
Plaintiff	:	ORDER OF ADMINISTRATIVE DETERMINATION
v.	:	
NORTH CENTRAL CORRECTIONAL INSTITUTION	:	
Defendant	:	

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

For Defendant: Gregory C. Trout, Chief Counsel  
 Department of Rehabilitation and Correction  
 1050 Freeway North  
 Columbus, Ohio 43229

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

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 (North Central Correctional Institution) pay plaintiff (Jimmie Hintz) \$62.94 and such interest as is allowed by law;
- 3) Court costs are assessed against defendant.

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DANIEL R. BORCHERT  
 Deputy Clerk

Sent to S.C. reporter 11/25/02