

IN THE COURT OF CLAIMS OF OHIO

BYRON YOUNG, #A420-823 :
P.O. Box 788 :
Mansfield, Ohio 44901 : Case No. 2002-09137-AD

Plaintiff : MEMORANDUM DECISION

v. :

DEPARTMENT OF REHABILITATION :
AND CORRECTIONS :

Defendant :

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

For Defendant: Margaret Bradshaw, Warden
Mansfield Correctional Institution
1000 North Main Street
Mansfield, Ohio 44901
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 10, 2002, plaintiff, Byron Young, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant's employees lost his personal property. Plaintiff seeks damages in the amount of \$48.65 for property loss, plus filing fees. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On October 10, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$48.65.

{¶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 \$48.65, 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 (Byron Young) \$73.65 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
11/7
Filed 11/22/02
Jr. Vol. 726, Pg. 34
Sent to S.C. reporter 12/2/02