

[Cite as *McCloy v. Ross Correctional Inst.*, 2003-Ohio-123.]

IN THE COURT OF CLAIMS OF OHIO

JAMES JAY MCCLOY, #A394-041 :
P.O. Box 7010
Chillicothe, Ohio 45601 : Case No. 2002-10763-AD

Plaintiff : MEMORANDUM DECISION

v. :

ROSS CORRECTIONAL INST. :

Defendant :

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

For Defendant: Pat Hurley, Warden
Ross Correctional Institution
16149 State Route 104
P.O. Box 7010
Chillicothe, Ohio 45601
: : : : : : : : : : : : : : :

{¶1} THE COURT CONCLUDES THAT:

{¶2} 1) On December 11, 2002, plaintiff, James Jay McCloy, filed a complaint against defendant, Ross Correctional Institution, alleging his personal property was destroyed by defendant's personnel. Plaintiff seeks damages in the amount of \$102.08 for property loss, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On December 11, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$102.88 for property loss.

{¶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 \$102.08, 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.

{¶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 (Ross Correctional Institution) pay plaintiff (James Jay McCloy) \$127.08 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