

[Cite as *Chaffins v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-1678.]

IN THE COURT OF CLAIMS OF OHIO

CHARLES CHAFFINS, JR., #327-048:

P.O. Box 45699

Lucasville, Ohio 45699 : Case No. 2002-09331-AD

Plaintiff : MEMORANDUM DECISION

v. :

OHIO DEPARTMENT OF :
REHABILITATION AND CORR. :

Defendant :

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

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

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FINDINGS OF FACT

{¶1} 1) Plaintiff, Charles R. Chaffins, Jr., an inmate, stated he purchased a television set in May 1996 when he was incarcerated at defendant's Madison Correctional Institution. Defendant's records indicate plaintiff received a television set on November 3, 1999.

{¶2} 2) Plaintiff was subsequently transferred to defendant's Mansfield Correctional institution (ManCI). Plaintiff explained that he was assigned to a "drug pod" unit at ManCI on April 13, 2001 and his television set was delivered into the custody of ManCI personnel. According to plaintiff the television was stored in the institution vault. In his complaint, plaintiff suggested his television set was stored in the custody of ManCI staff until April 11, 2002, when plaintiff and his property were

transferred to defendant's Southern Ohio Correctional Facility (SOCF).

{¶3} 3) Plaintiff indicated that shortly after he arrived at SOCF he was informed his television set was damaged, specifically, the cable outlet was broken. Plaintiff asserted his television set was damaged while under the control of ManCI personnel. He has consequently filed this complaint seeking to recover \$250.00, the total replacement cost of a new set. Plaintiff did not submit any evidence regarding repair costs for his television set, although plaintiff maintained he cannot have his set repaired and considers the property a total loss. Plaintiff submitted the filing fee with the complaint.

{¶4} 4) Defendant denied any liability in this matter. Defendant acknowledged plaintiff was issued a title for a television set on November 13, 1999, when he was incarcerated at the North Central Correctional Institution. The serial number on this title is 521-12372953. In March, 2000 plaintiff and his personal property were transferred to ManCI. A television set was not listed on plaintiff's property inventory compiled incident to this transfer. Defendant presented a copy of this inventory. Defendant's records indicate plaintiff was placed in a segregation unit at ManCI on April 9, 2001, and was subsequently assigned to a drug pod on July 16, 2001. Plaintiff's property inventory compiled at the time he entered the segregation unit lists a television set. Defendant submitted a copy of this April 9, 2001 inventory establishing plaintiff possessed a television. Plaintiff's signature on the inventory manifests and acknowledgment he regained possession of his television and other packed property on April 13, 2001. On August 14, 2001, plaintiff was placed in a security control unit and his property was packed by ManCI staff. The inventory completed when plaintiff's property was packed does not list a television set. On September 21, 2001, plaintiff's property was moved to the local control property vault at ManCI. A copy of an inventory of plaintiff's property dated September 21, 2001 submitted by defendant does not list a television set. A copy of

the same inventory submitted by plaintiff lists a Zeinth [sic] television set. In his complaint and other hand written documents plaintiff refers to his television set as a Zeinth [sic] brand. When plaintiff was transferred from ManCI to SOCF on April 11, 2002, plaintiff had a television set in his possession which was transferred from ManCI along with plaintiff. This television set apparently arrived at SOCF in a damaged condition. However, defendant has contended plaintiff failed to produce proof this television set was damaged while under the control of ManCI personnel. Alternatively, defendant has asserted plaintiff overstated his damage claim considering the age of the damaged television set.

{¶5} 5) Plaintiff filed a response. Plaintiff claimed when he transferred to ManCI during March 2000 he was required to send his television set out of the institution. Plaintiff further claimed the television was subsequently mailed back to ManCI. Plaintiff insisted his television was stored in three different property vaults at ManCI from April 9, 2001 to April 11, 2002 when he transferred to SOCF. Plaintiff asserted he was the rightful owner of the television set which arrived at SOCF in a damaged condition. Plaintiff reasserted his television set was damaged while under the control of ManCI staff. The trier of fact agrees.

CONCLUSIONS OF LAW

{¶6} 1) Plaintiff has the burden of proving, by a preponderance of the evidence, that he suffered a loss and that this loss was proximately caused by defendant's negligence. *Barnum v. Ohio State University* (1977), 76-0368-AD.

{¶7} 2) Plaintiff must produce evidence which affords a reasonable basis for the conclusion defendant's conduct is more likely than not a substantial factor in bringing about the harm. *Parks v. Department of Rehabilitation and Correction* (1985), 85-01546-AD.

{¶8} 3) Negligence has been shown in respect to the broken television set. *Baisden v. Southern Ohio Correctional Facility*

(1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶9} 4) The standard measure of damages for personal property loss is market value. *McDonald v. Ohio State Univ. Veterinary Hosp.* (1994), 67 Ohio Misc. 2d 40.

{¶10} 5) In a situation where a damage assessment for personal property destruction based on market value is essentially indeterminable, a damage determination may be based on the standard value of the property to the owner. This determination considers such factors as value to the owner, original cost, replacement cost, salvage value, and fair market value at the time of the loss. *Cooper v. Feeney* (1986), 34 Ohio App. 3d 282.

{¶11} 6) As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239.

{¶12} 7) The court finds defendant liable to plaintiff in the amount of \$50.00, 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.

{¶13} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶14} IT IS ORDERED THAT:

{¶15} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶16} 2) Defendant (Department of Rehabilitation and Correction) pay plaintiff (Charles Chaffins, Jr.) \$75.00 and such interest as is allowed by law;

{¶17} 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk