

[Cite as *Fields v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-3112.]

IN THE COURT OF CLAIMS OF OHIO

ROBERT FIELDS	:	
Plaintiff	:	
v.	:	CASE NO. 2003-01415-AD
DEPARTMENT OF REHABILITATION AND CORRECTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 13, 2003, plaintiff, Robert Fields, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his television set and radio/cassette player were lost while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$364.00. Plaintiff submitted the filing fee on April 2, 2003;

{¶3} 2) On April 14, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$364.00.

{¶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), 78-0342-AD;

{¶6} 2) Plaintiff has suffered damages in the amount of \$364.00, 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.

{¶7} Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in

favor of plaintiff in the amount of \$389.00 which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Robert Fields, #323-169
P.O. Box 1812
Marion, Ohio 43301-1812

Plaintiff, Pro se

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For Defendant

RDK/tad
5/16
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