

[Cite as *Monroe v. Ross Correctional Inst.*, 2003-Ohio-3567.]

IN THE COURT OF CLAIMS OF OHIO

JONATHAN MONROE :

Plaintiff :

v. :

CASE NO. 2003-02535-AD

ROSS CORRECTIONAL INSTITUTION :

MEMORANDUM DECISION

Defendant :

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On February 20, 2003, plaintiff, Jonathan Monroe, filed a complaint against defendant, Ross Correctional Institution, alleging his television set was lost while under the control of defendant's staff. Plaintiff seeks damages in the amount of \$199.00 for property loss, plus filing fees. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On April 22, 2003, defendant filed an investigation report admitting liability, but asserting the replacement value of plaintiff's television amounts to \$154.99. Defendant submitted evidence showing the television set had a listed value of \$154.99.

{¶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 \$154.99, 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 \$179.99, 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:

Jonathan Monroe #383-816
P.O. Box 788
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Plaintiff, Pro se

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For Defendant

RDk/tad
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