

[Cite as *Davis v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-3571.]

IN THE COURT OF CLAIMS OF OHIO

HARRY J. DAVIS :

Plaintiff :

v. :

CASE NO. 2003-03892-AD

DEPARTMENT OF REHABILITATION :
AND CORRECTION :

MEMORANDUM DECISION

Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On March 21, 2003, plaintiff, Harry J. Davis, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant's personnel threw away his contact lenses. Plaintiff seeks damages in the amount of \$68.00, the replacement costs of the lenses, \$130.00 for "my cost", and \$25.00 for filing fees. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On May 14, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$68.00 for property loss;

{¶4} 3) Plaintiff has failed to produce any evidence of damages other than the replacement cost of his contact lenses.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$68.00, 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.

{¶8} 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 \$93.00, 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:

Harry J. Davis #428-727
P.O. Box 740
London, Ohio 43140

Plaintiff, Pro se

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

For Defendant

RDK/tad
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