

[Cite as *Rivers v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-3573.]

IN THE COURT OF CLAIMS OF OHIO

|                                                |   |                            |
|------------------------------------------------|---|----------------------------|
| DOYLAN V. RIVERS                               | : |                            |
| Plaintiff                                      | : |                            |
| v.                                             | : | CASE NO. 2003-05232-AD     |
| DEPARTMENT OF REHABILITATION<br>AND CORRECTION | : | <u>MEMORANDUM DECISION</u> |
| Defendant                                      | : |                            |
|                                                | : |                            |

{¶1} THE COURT FINDS THAT:

{¶2} 1) On April 24, 2003, plaintiff, Doylan V. Rivers, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his property was lost or damaged while under defendant's control. Plaintiff seeks damages in the amount of \$169.00 for property loss. Plaintiff submitted the filing fee with complaint.

{¶3} 2) On April 24, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$169.00.

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

{¶6} 2) Plaintiff has suffered damages in the amount of \$169.00, 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 \$194.00 which includes the filing fee. Court costs of this case shall be absorbed by the court. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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Toledo, Ohio 43608

Plaintiff, Pro se

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RDK/tad  
5/22  
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