

[Cite as *Turner v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-3902.]

IN THE COURT OF CLAIMS OF OHIO

VICTOR TURNER :

Plaintiff :

v. :

CASE NO. 2003-03981-AD

DEPT. OF REHAB. AND CORR. :

MEMORANDUM DECISION

Defendant :

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On March 24, 2003, plaintiff, Victor Turner, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant's staff lost his watch and jewelry items. Plaintiff seeks damages in the amount of \$75.00. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On June 12, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$75.00;

{¶4} 3) Plaintiff filed a response.

{¶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 \$75.00, 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 \$100.00, 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:

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Plaintiff, Pro se

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For Defendant

RDK/laa
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