

[Cite as *Sanders v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-3909.]

IN THE COURT OF CLAIMS OF OHIO

GARY SANDERS	:	
Plaintiff	:	
v.	:	CASE NO. 2003-06948-AD
DEPT. OF REHABILITATION AND CORRECTIONS	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On June 17, 2003, plaintiff, Gary Sanders, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant's employee destroyed his radio. Plaintiff seeks damages in the amount of \$40.00 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On June 17, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$40.00.

{¶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 \$40.00, 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 \$65.00, which includes the filing fee. Court costs shall be absorbed by this court. 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:

Gary Sanders, #A207-343
P.O. Box 788
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Plaintiff, Pro se

Margaret Bradshaw, Warden
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For Defendant

RDK/DRB/laa
6/27
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