

[Cite as *Gribbin v. Lima Correctional Inst.*, 2003-Ohio-4295.]

IN THE COURT OF CLAIMS OF OHIO

MARK S. GRIBBIN	:	
Plaintiff	:	
v.	:	CASE NO. 2003-05071-AD
LIMA CORRECTIONAL INST.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On April 18, 2003, plaintiff, Mark S. Gribbin, filed a complaint against defendant, Lima Correctional Institution, alleging his gym shoes were lost by defendant's personnel. Plaintiff seeks damages in the amount of \$125.00 for the loss of the shoes plus \$21.75 for telephone calls. Plaintiff submitted the filing fee on June 12, 2003;

{¶3} 2) On June 23, 2003, defendant filed an investigation report admitting liability, but disputing plaintiff's damage claim. Defendant contended plaintiff is not entitled to recover the cost of telephone calls. Additionally, defendant asserted the lost shoes were worth \$75.00. Plaintiff submitted evidence showing the shoes were purchased for \$125.00.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 1) Plaintiff is not entitled to expenses, i.e., the cost of phone calls, related to the prosecution of this case. *Hamman v. Witherstrine* (1969), 20 Ohio Misc. 77 252 N.E. 2d 196;

{¶6} 2) 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} 3) Plaintiff has suffered damages in the amount of \$125.00, 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 \$150.00, 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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