

[Cite as *Ruiz v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-4918.]

IN THE COURT OF CLAIMS OF OHIO

PEDRO RUIZ, JR. :

Plaintiff :

V. :

CASE NO. 2003-04155-AD

OHIO DEPARTMENT OF  
REHABILITATION AND CORRECTION

## MEMORANDUM DECISION

Defendant

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**{¶1} THE COURT FINDS THAT:**

{¶2} 1) On March 28, 2003, plaintiff, Pedro Ruiz, Jr., filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant's employee damaged his radio/cassette player. Plaintiff sought damages in the amount of \$45.00 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee on May 16, 2003;

{¶3} 2) On July 14, 2003, defendant filed an investigation report admitting liability, but asserting plaintiff's property loss damages should amount of \$19.97. Evidence was submitted to show plaintiff's radio/cassette player had a listed value of \$19.97;

{¶4} 3) On July 22, 2003, plaintiff filed a response acknowledging his agreement with the amount of damages stated in defendant's investigation report.

{¶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 \$19.97, 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 \$44.97, 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  
8/20  
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