

[Cite as *Elam v. Lima Correctional Inst.*, 2003-Ohio-5565.]

IN THE COURT OF CLAIMS OF OHIO

DARRELL ELAM	:	
Plaintiff	:	
v.	:	CASE NO. 2003-07260-AD
LIMA CORRECTIONAL	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On June 26, 2003, plaintiff, Darrell Elam, filed a complaint against defendant, Lima Correctional Institution, alleging defendant's employees lost his food box. Plaintiff seeks damages in the amount of \$105.54 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On August 21, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$105.54 for property loss, plus \$25.00 for filing fee reimbursement;

{¶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 \$105.54, 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 \$130.54, 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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