

[Cite as *Miley v. Ohio State Highway Patrol*, 2003-Ohio-5572.]

IN THE COURT OF CLAIMS OF OHIO

|                           |   |                            |
|---------------------------|---|----------------------------|
| BETTY J. MILEY            | : |                            |
| Plaintiff                 | : |                            |
| v.                        | : | CASE NO. 2003-08291-AD     |
| OHIO STATE HIGHWAY PATROL | : | <u>MEMORANDUM DECISION</u> |
| Defendant                 | : |                            |

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On July 25, 2003, plaintiff, Betty J. Miley, filed a complaint against defendant, Ohio State Highway Patrol, alleging defendant's employee lost her eyeglasses. Plaintiff seeks damages in the amount of \$298.00 for property loss. The filing fee was submitted on August 4, 2003;

{¶3} 2) On August 13, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$298.00 for property loss, plus \$25.00 for

{¶4} filing fee reimbursement;

{¶5} 3) On September 8, 2003, plaintiff filed a response.

{¶6} THE COURT CONCLUDES THAT:

{¶7} 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;

{¶8} 2) Plaintiff has suffered damages in the amount of \$298.00, 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.

{¶9} 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 \$323.00, 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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For Defendant

RDK/laa  
9/16  
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