

[Cite as *Jackson v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-5575.]

IN THE COURT OF CLAIMS OF OHIO

CHARLES JACKSON :

Plaintiff :

v. :

CASE NO. 2003-09696-AD

OHIO DEPARTMENT OF REHAB. :  
AND CORR. :

MEMORANDUM DECISION

Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 12, 2003, plaintiff, Charles Jackson, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant's employees lost his cassette tapes. Plaintiff seeks damages in the amount of \$35.48 for property loss, plus \$25.00 for filing fee reimbursement;

{¶3} 2) On September 12, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$35.48 for property loss, plus filing fees.

{¶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 \$35.48, 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 \$60.48, which includes the filing fee. Court costs are waived. 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:

Charles Jackson, #243-636  
2500 S. Avon Belden Road  
Grafton, Ohio 44044

Plaintiff, Pro se

Carl Anderson, Warden  
Grafton Correctional Institution  
2500 S. Avon-Belden Road  
Grafton, Ohio 44044

For Defendant

RDK/laa  
9/16  
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