

[Cite as *Custom v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-6602.]

IN THE COURT OF CLAIMS OF OHIO

JESSE J. CUSTOM :

Plaintiff :

V. :

CASE NO. 2003-10741-AD

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

MEMORANDUM DECISION

Defendant

.....

THE COURT FINDS THAT:

“1) On October 20, 2003, plaintiff, Jesse J. Custom, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant’s personnel lost his greeting card. Plaintiff seeks damages in the amount of \$1.12 for property loss, plus \$25.00 for filing fee reimbursement;

“2) On October 20, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$26.12.

THE COURT CONCLUDES THAT:

“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;

“2) Plaintiff has suffered damages in the amount of \$1.12, 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.

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 \$26.12, 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:

Jesse J. Custom, #156-652
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

DRB/laa
10/28
Filed 11/13/03
Sent to S.C. reporter 12/9/03