

[Cite as *Gee v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-942.]

IN THE COURT OF CLAIMS OF OHIO

MAURICE L. GEE, SR., #244-587 :
2500 S. Avon Belden Road :
Grafton, Ohio 44044 : Case No. 2003-01644-AD

Plaintiff : MEMORANDUM DECISION

v. :

OHIO DEPARTMENT OF :
REHABILITATION AND CORRECTIONS :

Defendant :

: : : : : : : : : : : : : : : :

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 21, 2003, plaintiff, Maurice L. Gee, Sr., filed a complaint against defendant, Grafton Correctional Institution, alleging his watch was damaged by defendant's employee. Plaintiff seeks damages in the amount of \$22.77 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On January 21, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$47.77.

{¶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 \$22.77, 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 adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶10} 2) Defendant (Department of Rehabilitation and Correction) pay plaintiff (Maurice L. Gee, Sr.) \$47.77 and such interest as is allowed by law;

{¶11} 3) The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
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