

[Cite as *Casey v. Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-1363.]

IN THE COURT OF CLAIMS OF OHIO

THOMAS CASEY	:	
Plaintiff	:	
v.	:	CASE NO. 2004-02261-AD
DEPT. REHABILITATION AND CORRECTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On February 13, 2004, plaintiff, Thomas Casey, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his clothing items and clock were lost by defendant's personnel. Plaintiff seeks damages in the amount of \$67.85, the replacement cost of his property, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On February 13, 2004, defendant filed an investigation report admitting liability.

{¶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 \$67.85, 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 \$92.85, which includes the filing fee. Court costs shall be absorbed. 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:

Thomas Casey, #440-154
1150 N. Main Street
Mansfield, Ohio 44903

Plaintiff, Pro se

Margaret Bradshaw, Warden
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For Defendant

DRB/RDK/laa
2/23
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