

[Cite as *Whiteside v. Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-1469.]

IN THE COURT OF CLAIMS OF OHIO

NORMAN V. WHITESIDE

:

Plaintiff :

CASE NO. 2002-05760

Judge J. Warren Bettis

v.

:

JUDGMENT ENTRY

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

:

:

Defendant

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

{¶1} On February 9, 2004, plaintiff filed a request for findings of fact and conclusions of law pursuant to Civ.R. 52 and 53(E)(2).

{¶2} The purpose of the rule requiring the court to issue separate findings of fact and conclusions of law is to apprise the parties of the grounds for the decision and to inform the reviewing court of the reasons for the decision. The test of their adequacy is whether they are sufficiently comprehensive and pertinent to the issue to form a basis for the decision. See *Strah v. Lake County Humane Society* (1993), 90 Ohio App.3d 822, 836; *Domestic Linen Supply & Laundry Co. v. Kenwood Dealer Group Inc.* (1996), 109 Ohio App.3d 312. See, also, 5A Moore, Federal Practice (2 Ed. 1990) 52-142, Section 52.061.

{¶3} This case was tried to a magistrate who issued a five-page decision that included factual findings and conclusions of law. Although the findings and conclusions are not separately set out in the decision, the body of the decision provides clearly identifiable factual findings and specific conclusions of law. In the opinion of the court, the magistrate's decision contains sufficient detail to allow plaintiff to frame his objections and for the court to independently review those objections. Indeed, on February 9 and 20, 2004, plaintiff filed objections to the magistrate's decision. Under the circumstances,

requiring the magistrate to issue separate findings of fact and conclusions of law would be a needless waste of valuable court resources. Accordingly, plaintiff's request for separate findings of fact and conclusions of law is DENIED.

{¶4} Turning to plaintiff's objections, upon an independent review of the record, and the magistrate's decision, the court finds that the magistrate correctly found the relevant facts, analyzed the issues and applied the law to the facts. Therefore, the objections are OVERRULED and the court adopts the magistrate's decision and recommendation as its own including the findings of fact and conclusions of law contained therein. Judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

J. WARREN BETTIS
Judge

Entry cc:

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