

[Cite as *Jaffal v. Pickaway Correctional Institution*, 2004-Ohio-1826.]

IN THE COURT OF CLAIMS OF OHIO

SAMIR JAFFAL :
Plaintiff :
v. : CASE NO. 2004-02059-AD
PICKAWAY CORRECTIONAL : MEMORANDUM DECISION
INSTITUTION :
Defendant :
: :::::::::::::::

THE COURT FINDS THAT:

{¶1} 1) On February 9, 2004, plaintiff, Samir Jaffal, filed a complaint against defendant, Pickaway Correctional Institution, alleging his radio/cassette player was lost by defendant's employee. Plaintiff seeks damages in the amount of \$34 for property loss, plus the \$25 filing fee;

{¶2} 2) On February 9, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$59;

{¶3} 3) On February 9, 2004, plaintiff submitted the filing fee.

{¶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 Natl. Guard* (1979), 78-0342-AD;

{¶6} 2) Plaintiff has suffered damages in the amount of \$34 for property loss, plus the \$25 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.* (1990), 62 Ohio Misc. 2d 19.

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IN THE COURT OF CLAIMS OF OHIO

SAMIR JAFFAL :
Plaintiff :
v. : CASE NO. 2004-02059-AD
PICKAWAY CORRECTIONAL : ENTRY OF ADMINISTRATIVE
INSTITUTION : DETERMINATION
Defendant :

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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 \$59.00, which includes the filing fee. Court costs shall be absorbed by the court. 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:

Samir Jaffal, #433-598
P.O. Box 209
Orient, Ohio 43146

Plaintiff, Pro se

William A. Tanner, Warden
Pickaway Correctional
Institution
P.O. Box 209
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For Defendant

DRB/RDK/laa

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