

[Cite as *Pope v. Allen Correctional Inst.*, 2004-Ohio-1840.]

IN THE COURT OF CLAIMS OF OHIO

DONALD POPE	:	
Plaintiff	:	
v.	:	CASE NO. 2004-01435-AD
ALLEN CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 16, 2004, plaintiff, Donald Pope, filed a complaint against defendant, Allen Correctional Institution, alleging defendant is responsible for damage to his radio and television set. Plaintiff seeks damages in the amount of \$250.00 for property loss, plus the \$25 filing fee;

{¶3} 2) On February 17, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$250 for property loss;

{¶4} 3) On February 26, 2004, plaintiff filed a response.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. S. Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio Natl. Guard* (1979), 78-0342-AD;

{¶7} 2) Plaintiff has suffered damages in the amount of \$250, plus the \$25 filing fee, which may be reimbursed pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.* (1990), 62 Ohio Misc. 2d 19.

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CASE NO. 2004-01435-AD

ALLEN CORRECTIONAL
INSTITUTION

:

ENTRY OF ADMINISTRATIVE
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 \$275.00, 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:

Donald Pope, #A309-009
P.O. Box 4501
Lima, Ohio 45802

Plaintiff, Pro se

Gregory C. Trout, Chief Counsel
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For Defendant

RDK/laa
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