

[Cite as *Lamb v. Chillicothe Correctional Inst.*, 2004-Ohio-1841.]

IN THE COURT OF CLAIMS OF OHIO

JEFF LAMB	:	
Plaintiff	:	
v.	:	CASE NO. 2004-01788-AD
CHILLICOTHE CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

THE COURT FINDS THAT:

{¶1} 1) On January 29, 2004, plaintiff, Jeff Lamb, filed a complaint against defendant, Chillicothe Correctional Institution, alleging defendant's negligence caused the loss of his commissary items. Plaintiff seeks damages in the amount of \$37.39 for commissary items, \$2 for postage and copies, and \$25 for reimbursement of the filing fee he submitted with the complaint;

{¶2} 2) On March 18, 2004, defendant submitted an investigation report admitting liability for the loss of plaintiff's commissary items and reimbursement of the filing fee.

{¶3} THE COURT CONCLUDES THAT:

{¶4} 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;

{¶5} 2) Plaintiff is not entitled to expenses, postage and copy costs, related to the prosecution of his case. *Hamman v. Witherstrine* (1969), 20 Ohio Misc. 77;

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{¶6} 3) Plaintiff has suffered damages in the amount of \$37.39, 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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CHILLICOTHE CORRECTIONAL : ENTRY OF ADMINISTRATIVE  
INSTITUTION : DETERMINATION  
Defendant :  
..... :

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 \$62.39, 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:

Jeff Lamb, #394-969  
P.O. Box 5500  
Chillicothe, Ohio 45601

Plaintiff, Pro se

James L. Erwin, Warden  
Chillicothe Correctional  
Institution  
P.O. Box 5500  
Chillicothe, Ohio 45601

For Defendant

Filed 3/25/04

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