

[Cite as *Lester v .Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-1874.]

IN THE COURT OF CLAIMS OF OHIO

HOWARD LESTER	:	
Plaintiff	:	
v.	:	CASE NO. 2004-02661-AD
DEPT. REHABILITATION AND CORRECTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On February 23, 2004, plaintiff, Howard Lester, filed a complaint against defendant, Mansfield Correctional Institution, alleging his television set was damaged by defendant's employee. Plaintiff seeks damages in the amount of \$155.25, plus the \$25 filing fee;

{¶3} 2) On February 23, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$155.25 for property loss;

{¶4} 3) On February 23, 2004, plaintiff submitted the filing fee.

{¶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

\$155.25, 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.

{¶8} 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 \$180.25, 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:

Howard Lester, #A432-616
1150 N. Main Street
Mansfield, Ohio 44902

Plaintiff, Pro se

Margaret Bradshaw, Warden
Mansfield Correctional Institution
1150 North Main Street
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For Defendant

DRB/RDK/laa
2/25
Filed 3/10/04
Sent to S.C. reporter 4/14/04