

[Cite as *McCullough v. Chillicothe Correctional Institution*, 2004-Ohio-2281.]

IN THE COURT OF CLAIMS OF OHIO

WILLIAM M. MCCULLOUGH	:	
Plaintiff	:	
v.	:	CASE NO. 2004-03551-AD
CHILLICOTHE CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On March 18, 2004, plaintiff, William M. McCullough, filed a complaint against defendant, Chillicothe Correctional Institution, alleging defendant erroneously withdrew funds from his inmate account. Plaintiff seeks damages in the amount of \$150.75, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On March 18, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$150.75.

{¶4} THE COURT FINDS 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

\$150.72, 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.

{¶7} 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 \$175.75, 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:

William M. McCullough, #191-331      Plaintiff, Pro se  
P.O. Box 5500  
Chillicothe, Ohio 45601

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

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