

[Cite as *Bartelson v. Dept. of Rehab. & Corr.*, 2004-Ohio-5423.]

IN THE COURT OF CLAIMS OF OHIO

HOWARD J. BARTELSON, JR. :

Plaintiff :

v. :

CASE NO. 2004-07921-AD

DEPARTMENT OF REHABILITATION AND CORRECTION :

MEMORANDUM DECISION

Defendant :

.....

THE COURT FINDS THAT:

{¶ 1} On August 5, 2004, plaintiff, Howard J. Bartelson, Jr., filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant’s employees lost his chain and cross. Plaintiff seeks damages in the amount of \$24.00 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶ 2} On August 26, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$24.00 for property loss.

THE COURT CONCLUDES THAT:

{¶ 3} 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 National Guard* (1979), 78-0342-AD;

{¶ 4} Plaintiff has suffered damages in the amount of \$24.00, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

IN THE COURT OF CLAIMS OF OHIO

HOWARD J. BARTELSON, JR. :

Plaintiff :

v. :

CASE NO. 2004-07921-AD

DEPARTMENT OF REHABILITATION AND CORRECTION :

ENTRY OF ADMINISTRATIVE 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 \$49.00, 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:

Howard J. Bartelson, Jr., #421-856                      Plaintiff, Pro se  
P.O. Box 7010  
Chillicothe, Ohio 45601

Gregory C. Trout, Chief Counsel                      For Defendant  
Department of Rehabilitation  
and Correction  
1050 Freeway Drive North  
Columbus, Ohio 43229

RDK/laa  
9/10  
Filed 9/21/04  
Sent to S.C. reporter 10/11/04