

[Cite as *Good v. Ohio Dept. of Rehab. & Corr.*, 2005-Ohio-3213.]

IN THE COURT OF CLAIMS OF OHIO

HOWARD E. GOOD	:	
Plaintiff	:	
v.	:	CASE NO. 2005-01366-AD
OHIO DEPT. OF CORRECTIONS AND REHAB.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

: : : : : : : : : : : : : : : :

THE COURT FINDS THAT:

{¶ 1} 1) On January 13, 2005, plaintiff, Howard E. Good, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant lost his personal property. Plaintiff seeks damages in the amount of \$595.00 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with the complaint;

{¶ 2} 2) On April 28, 2005, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$595.00 for property loss, plus \$25.00 for filing fee reimbursement;

{¶ 3} 3) On May 13, 2005, plaintiff filed a response to defendant's investigation report agreeing with defendant.

THE COURT CONCLUDES THAT:

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

{¶ 5} 2) Plaintiff has suffered damages in the amount of \$595.00, 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 E. GOOD	:	
Plaintiff	:	
v.	:	CASE NO. 2005-01366-AD
OHIO DEPT. OF CORRECTIONS AND REHAB.	:	<u>ENTRY OF ADMINISTRATIVE DETERMINATION</u>
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 \$620.00, 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 E. Good, #438-514	Plaintiff, Pro se
P.O. Box 56	
Lebanon, Ohio 45036	

Gregory C. Trout, Chief Counsel	For Defendant
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Department of Rehabilitation
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