

[Cite as *Jones v. Trumbull Correctional Inst.*, 2005-Ohio-3538.]

IN THE COURT OF CLAIMS OF OHIO

DONTE' R. JONES :
Plaintiff :
v. : CASE NO. 2004-09282-AD
TRUMBULL CORRECTIONAL INST. : MEMORANDUM DECISION
Defendant :

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FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Donte' R. Jones, an inmate incarcerated at defendant, Trumbull Correctional Institution ("TCI"), asserted that on or about August 28, 2003, an employee of defendant improperly withdrew \$77.00 from his inmate account. The withdrawal or deduction from plaintiff's account represented money TCI had overpaid plaintiff during a six-month period for an inmate job assignment he had not performed. Instead of performing his job assignment duties, plaintiff attended classes at TCI. Plaintiff maintained he was granted permission to attend classes and not be responsible for his work duties, but still receive his monthly salary for work not performed.

{¶ 2} 2) Plaintiff filed this complaint¹ seeking to recover the \$77.00 withdrawn from his inmate account which was represented by TCI as a "payroll deduction" for the months March through August 2003. According to defendant, plaintiff was only entitled to receive inmate pay compensation of \$25.00 for this six-month

¹ Plaintiff was excused from paying the \$25.00 filing fee.

period, but actual payroll receipt amounted to \$102.00, a \$77.00 difference. Consequently, defendant deducted \$77.00 from plaintiff's account, "due to not attending his assigned job" (Quartermaster Porter) for a period extending from March through April 2003.

{¶ 3} 3) Defendant acknowledged plaintiff, "was essentially dismissed or excused from his work assignment" to attend educational programming. Defendant also acknowledged plaintiff continued to receive compensation for this job assignment, although he did not perform any work. Defendant explained when this overpayment was discovered, plaintiff's inmate account was reduced by \$77.00. Defendant related plaintiff's job supervisor, "should have, but did not, submit a job evaluation form to the job administrator to indicate that [plaintiff] had been removed from his work assignment." Defendant contended plaintiff should not be permitted to recover the deducted funds based on mistakes in original payment made by TCI personnel. Defendant asserted plaintiff is not entitled to recover any overpayment due to a unilateral error made by TCI employees.

CONCLUSIONS OF LAW

{¶ 4} 1) Defendant has the sole discretion to regulate inmate pay and job classification. Defendant has discretion to make decisions regarding inmate work compensation. Plaintiff has failed to prove he did not receive all state pay he was entitled to receive based on the facts and circumstances of this claim. See *Cotten v. Dept. of Rehab. and Corr.* (1993), 92-02013-AD jud; also *Crawford v. Noble Correctional Inst.*, 2003-04805-AD, 2004-Ohio-215.

{¶ 5} 2) Alternatively, considering defendant's act could be construed as a wrongful collection of plaintiff's funds, plaintiff could still not prevail. Plaintiff is seeking to recover funds he asserted were wrongfully withheld, the funds sought for recovery

represents a claim for equitable relief and not money damages. Consequently, this court at the Administrative Determination level has no jurisdiction over claims grounded in equity based on the wrongful collection of funds from an inmate account. See *Flanagan v. Ohio Victims of Crime Fund*, 2003-08193-AD, 2004-Ohio-1842; also *Blake v. Ohio Attorney General's Office*, 2004-06089-AD, 2004-Ohio-5420; and *Johnson v. Trumbull Corr. Inst.*, 2004-08375-AD; jud, 2005-Ohio-1241.

IN THE COURT OF CLAIMS OF OHIO

DONTE' R. JONES	:	
Plaintiff	:	
v.	:	CASE NO. 2004-09282-AD
TRUMBULL CORRECTIONAL INST.	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, plaintiff's case is DISMISSED with prejudice. Court costs are assessed against plaintiff. 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:

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