

# Court of Claims of Ohio

The Ohio Judicial Center  
65 South Front Street, Third Floor  
Columbus, OH 43215  
614.387.9800 or 1.800.824.8263  
www.cco.state.oh.us

WILLIAM RIVERA

Plaintiff

v.

CORRECTIONAL RECEPTION  
CENTER

Defendant

Case No. 2007-07540-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

## FINDINGS OF FACT

{¶ 1} 1) On February 2, 2007, plaintiff, William Rivera, an inmate incarcerated at the Mansfield Correctional Institution (“ManCI”), was transferred from ManCI to defendant, Correctional Reception Center (“CRC”). On May 14, 2007, plaintiff was transferred from CRC to the Southern Ohio Correctional Facility (“SOCF”). Plaintiff’s personal property was forwarded from institution to institution incident to the transfers.

{¶ 2} 2) Plaintiff related he was not permitted to possess the bulk of his personal property items during the time he was incarcerated at CRC. Plaintiff recalled he regained possession of his property on May 30, 2007 at SOCF and discovered his fan was missing. Plaintiff explained he possessed two fans while incarcerated at ManCI and both fans were forwarded when he was transferred to CRC. Plaintiff alleged one of the fans was lost while under the control of CRC staff. Consequently, plaintiff filed this complaint seeking to recover \$12.00, the replacement cost of one fan. Plaintiff maintained he purchased one fan in 1999 and a second fan at sometime during 2000. The filing fee was waived.

{¶ 3} 3) Plaintiff submitted a copy of his property inventory dated May 14, 2007 and compiled by CRC personnel in preparation for his transfer to SOCF. No fans are listed on the May 14, 2007 property inventory sheet. Plaintiff also submitted a copy

of his property inventory dated February 2, 2007 and compiled by ManCI personnel in preparation for his transfer to CRC. Two fans are listed on this February 2, 2007 property inventory sheet. Additionally, plaintiff submitted a copy of his property inventory dated May 30, 2007 and compiled by SOCF personnel after his property had been shipped from CRC to SOCF. One fan is listed on this May 30, 2007 property inventory sheet. This inventory bears plaintiff's signature under the notation: "I certify that the above listed items are a complete and accurate inventory of all my personal property."

{¶ 4} 4) Defendant filed an investigation report admitting liability for plaintiff's property loss and acknowledging plaintiff suffered damages in the amount of \$12.00.

{¶ 5} 5) On December 14, 2007, plaintiff filed a response to the investigation report.

#### CONCLUSIONS OF LAW

{¶ 6} 1) Negligence on the part of defendant has been shown in respect to the loss of plaintiff's fan. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD. Plaintiff suffered damages in the amount of \$12.00.

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ENTRY OF ADMINISTRATIVE  
DETERMINATION

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 \$12.00. Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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RDK/laa  
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