

# 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

RAYSHAN WATLEY

Plaintiff

v.

OHIO STATE PENITENTIARY

Defendant

Case No. 2007-09453-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

### FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Rayshan Watley, an inmate incarcerated at defendant, Ohio State Penitentiary (“OSP”), stated one half of his monthly state pay (\$4.50), has been deducted from his inmate account by OSP staff since February 27, 2007. Plaintiff explained the pay deductions were made pursuant to an order from the Rules Infraction Board (“RIB”). Plaintiff contended defendant had no authority to make any deductions in his state pay and he is consequently entitled to recover all deductions made by OSP. Plaintiff filed this complaint seeking to recover \$100.00 in damages. Payment of the \$25.00 filing fee was waived.

{¶ 2} 2) Defendant acknowledged the RIB “decided to reduce [p]laintiff’s state pay for destruction of state property with a total value of \$193.86.” The referenced decisions of the RIB encompass three dates June 26, 2001, June 4, 2004, and April 14, 2000. Defendant explained the beginning balance of plaintiff’s RIB debt stood at

\$115.65 on June 19, 2006. As of July 15, 2008, plaintiff's debt balance stood at \$53.96. Defendant maintained all deductions made from plaintiff's inmate account to reduce his outstanding debt balance were done properly and in accordance with regulatory authority.

{¶ 3} 3) Plaintiff filed a response insisting defendant improperly withdrew state pay from his inmate account to pay for a debt he had already discharged.

#### CONCLUSIONS OF LAW

{¶ 4} 1) Prison regulations "are primarily designed to guide correctional officials in prison administration rather than to confer rights on inmates." *State ex rel. Larkins v. Wilkinson*, 79 Ohio St. 3d 477, 479, 1997-Ohio-139, 683 N.E. 2d 1139, citing *Sandin v. Conner* (1995), 515 U.S. 472, 481-482, 115 S. Ct. 2293, 132 L. Ed. 2d 418. Indeed, the court has held that "even if defendant had violated the Ohio Administrative Code, no cause of action would exist in this court. A breach of internal regulations in itself does not constitute negligence." *Williams v. Ohio Dept. of Rehab. and Corr.* (1993), 67 Ohio Misc. 2d 1, 3, 643 N.E. 2d 1182. Accordingly, to the extent plaintiff asserts claims based upon alleged violations of internal rules and regulations, he fails to state a claim for relief.

{¶ 5} 2) Plaintiff's claim is based on defendant's alleged failure to make a proper accounting of state pay deductions to be applied to the balance of a restitution debt. Defendant has discretion to make decisions regarding inmate pay. State pay loss is not a compensable element of damages in regard to prisoners. See *Cotten v. Dept. of Rehab. and Corr.* (1993), 92-02013-AD, jud; *Platz v. Noble Correctional Institution* (2001), 2001-02210-AD; *Myers v. Southern Ohio Correctional Facility* (2006), 2005-

10063-AD, jud; *Johns v. Dept. of Rehab. & Corr.*, Ct. of Cl. No. 2006-07724-AD, 2007-Ohio-3748; *Thayer v. Ohio State Penitentiary*, Ct. of Cl. No. 2007-06730-AD, 2008-Ohio-3417.

{¶ 6} 3) Alternatively, considering defendant's acts 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*, Ct. of Cl. No. 2003-01893-AD, 2004-Ohio-1842; also *Blake v. Ohio Attorney General's Office*, Ct. of Cl. No. 2004-06089-AD, 2004-Ohio-5420; and *Johnson v. Trumbull Corr. Inst.*, Ct. of Cl. No. 2004-08375-AD, jud, 2005-Ohio-1241; *Thayer*.

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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 defendant. Court costs are assessed against plaintiff.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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