

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

DENNIS MCCROSKEY

Plaintiff

v.

GRAFTON CORRECTIONAL INSTITUTION

Defendant

Case No. 2011-09896-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} On November 3, 2009, plaintiff, Dennis McCroskey, an inmate incarcerated at defendant, Grafton Correctional Institution (“GCI”), was transferred out of state for an extended period of time.

{¶ 2} Plaintiff’s personal property was inventoried, packed, and delivered into the custody of GCI staff incident to his transfer. Plaintiff recalled that when he returned on May 10, 2011, none of his property could be located.

{¶ 3} Plaintiff asserted his property was lost or destroyed as a proximate result of negligence on the part of GCI personnel and he has consequently filed this complaint seeking damages in the amount of \$2,500.00. Payment of the filing fee was waived.

{¶ 4} Plaintiff submitted a copy of his “Notification of Grievance” form wherein plaintiff concluded, “I expect to be fully compensated-property value \$1800 to \$2000.”

{¶ 5} In the investigation report defendant noted that “[d]efendant’s agents were negligent in causing [plaintiff’s] loss” and “[d]efendant admits damages in the amount of \$2020.”

{¶ 6} 6) Plaintiff did not file a response.

CONCLUSIONS OF LAW

{¶ 7} Negligence on the part of defendant has been shown in respect to the issue of protecting plaintiff's property after he was transferred. *Billups v. Department of Rehabilitation and Correction* (2001), 2000-10634-AD, jud.

{¶ 8} Defendant is liable to plaintiff in the total amount of \$2,020.00.

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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 \$2,020.00. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Dennis McCroskey, #321-264
2500 S. Avon Belden Road
Grafton, Ohio 44044

Gregory C. Trout, Chief Counsel
Department of Rehabilitation
and Correction
770 West Broad Street
Columbus, Ohio 43222

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