

IN THE COURT OF CLAIMS OF OHIO

HEWITT HARRIS, #149-368	:	
5900 B.I.S. Road	:	
Lancaster, Ohio 43130	:	Case No. 2002-04658-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
DEPARTMENT OF REHABILITATION	:	
AND CORRECTION	:	
Defendant	:	

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

For Defendant: Robert Hurt, Warden
Southeastern Correctional Institution
5900 B.I.S. Road
Lancaster, Ohio 43130
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On May 7, 2002, plaintiff, Hewitt Harris, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his electric shaver was damaged by defendant's employee. Plaintiff seeks damages in the amount of \$17.32;

{¶3} 2) On May 7, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$17.32;

{¶4} 3) On May 9, 2002, plaintiff submitted the filing fee.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$17.32, 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.

{¶8} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶9} IT IS ORDERED THAT:

{¶10} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶11} 2) Defendant (Department of Rehabilitation and Correction) pay plaintiff (Hewitt Harris) \$42.32 and such interest as is allowed by law;

{¶12} 3) The court shall absorb the court costs in this case.

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
5/28
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