

IN THE COURT OF CLAIMS OF OHIO

THOMAS C. CRANGLE

Plaintiff

v.

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

Defendant

Case No. 2024-00716JD

Magistrate Robert Van Schoyck

DECISION OF THE MAGISTRATE

{¶1} Plaintiff, an inmate in the custody and control of defendant at Grafton Correctional Institution (GCI), brought this action alleging a breach of medical privacy. On December 17, 2025, the case proceeded to trial before the undersigned magistrate. For the following reasons, the magistrate recommends that this case be dismissed pursuant to Civ.R. 41(B)(2).

Summary of Testimony

{¶2} Plaintiff stated that he made a request with the U.S. Department of Veterans Affairs (VA) to obtain a copy of his medical records from his service in the Army. Plaintiff testified that on May 31, 2024, he received a notice from the GCI mailroom stating that it received a compact disc (CD) from the VA that was addressed to him, but that it was considered contraband and if he wished to challenge the contraband determination there was a process by which he could appeal to the warden or the warden's designee. Plaintiff stated that he filed an appeal and it was his understanding that the CD was subsequently retrieved by the warden's designee, a Sergeant Costin, who served as an adviser to one or more veterans organizations at GCI.

{¶3} Plaintiff stated that after not hearing from Sergeant Costin or other prison officials for some time, he filed a grievance internally with GCI officials about the disposition of the CD. According to Plaintiff, he came to understand that the CD went missing, but the institutional inspector at GCI, a Mr. Adams, located the CD and worked

with the GCI information technology (IT) department to facilitate downloading the contents of the CD so that the GCI medical department could store them in a file that would be available for plaintiff to view. Plaintiff stated that he has no knowledge of anyone, other than himself, viewing the medical records that had been stored on the CD.

{¶4} On cross-examination, plaintiff admitted that all incoming mail at GCI is opened by mailroom personnel according to department policy and that he knew when he sent away for the VA records that they would be reviewed and processed by appropriate GCI personnel. Plaintiff also acknowledged that a VA employee with whom he corresponded about the records—which he sought in connection with a service-connected disability claim—had advised him to have the records sent directly to her (not to himself) as part of the disability claim process. Plaintiff stated that he did not request prior permission from GCI officials to have the CD sent there.

{¶5} Plaintiff acknowledged that after Adams obtained the CD, Adams offered to fax a form to the VA for plaintiff to request a hard-copy file of his medical records; but plaintiff, referencing a prior discussion with Adams about having the IT department download the contents of the CD and make them available for plaintiff to view on a file in the medical department, indicated in a kite (i.e. a written memo circulated in prison) to Adams that it was his preference to retrieve records from the CD in this fashion.

{¶6} Plaintiff stated he never saw another inmate in possession of either the CD or the medical records that it contained. Plaintiff also stated that a computer with a disc drive is needed to access the contents of the CD and that inmates do not have access to computers with disc drives. As such, plaintiff acknowledged, he lacked the ability to access the contents of the CD himself and could only do so with the assistance of GCI personnel. Plaintiff acknowledged that Adams worked with him through the grievance process to arrange for him to be able to access the contents of the CD.

Findings of Fact

{¶7} Upon review of plaintiff's testimony, which was the only evidence admitted at trial, the magistrate finds the following. In the process of pursuing a service-connected disability claim, plaintiff requested that the VA send a copy of his medical records to him at GCI, even though a VA employee with whom he was corresponding about the matter

told him that the records could be sent directly to her and did not need to be sent to GCI. Plaintiff knew that all incoming mail at GCI is opened and processed in the mailroom and that the CD sent to him would be reviewed by appropriate personnel. A CD containing the medical records was delivered to GCI on May 31, 2024. Mailroom personnel at GCI identified the CD as contraband under defendant's policies. Mailroom personnel sent plaintiff notification that the CD had been received and was determined to be contraband, and he was advised of the appeal process to challenge that determination.

{¶8} Plaintiff initiated the appeal process and the warden designated Sergeant Costin to review the matter. After some time went by without plaintiff receiving a decision, he filed an internal grievance with prison officials. The institutional inspector located the CD, and, at plaintiff's direction, the inspector arranged for the prison IT department to download the contents of the CD onto a file that plaintiff was able to view in the prison medical department. It was not shown that anyone other than plaintiff, including IT and medical personnel at GCI, viewed any medical information in the records that were contained on the CD, and, in any event, to the extent the records were accessible to appropriate personnel in the process of making them available to plaintiff, it was with plaintiff's authorization.

Conclusions of Law

{¶9} Upon the close of plaintiff's case-in-chief, defendant moved for dismissal pursuant to Civ.R. 41(B)(2). Upon consideration of the evidence presented in plaintiff's case-in-chief, defendant's motion was well-taken.

{¶10} Civ.R. 41(B)(2) states, in relevant part:

After the plaintiff, in an action tried by the court without a jury, has completed the presentation of the plaintiff's evidence, the defendant, without waiving the right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence.

{¶11} “In Ohio, an independent tort exists for the unauthorized, unprivileged disclosure to a third party of nonpublic medical information that a physician or hospital has learned within a physician-patient relationship.” *Biddle v. Warren Gen. Hosp.*, 86 Ohio St.3d 395 (1999), paragraph one of the syllabus. The Supreme Court of Ohio recognized the tort in *Biddle* based upon the policy that “[i]n general, a person’s medical records are confidential. Numerous state and federal laws recognize and protect an individual’s interest in ensuring that his or her medical information remains so.” *Hageman v. Southwest Gen. Health Ctr.*, 119 Ohio St.3d 185, 2008-Ohio-3343, ¶ 9.

{¶12} In this case, plaintiff failed to establish that defendant made an unauthorized, unprivileged disclosure to a third party of his confidential medical information.

{¶13} As such, plaintiff has shown no right to relief. Accordingly, it is recommended that this action be dismissed with prejudice pursuant to Civ.R. 41(B)(2).

{¶14} *A party may file written objections to the magistrate’s decision within 14 days of the filing of the decision, whether or not the court has adopted the decision during that 14-day period as permitted by Civ.R. 53(D)(4)(e)(i). If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. A party shall not assign as error on appeal the court’s adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion within 14 days of the filing of the decision, as required by Civ.R. 53(D)(3)(b).*

ROBERT VAN SCHOYCK
Magistrate