

[Cite as *Jackson v. Warren Corectional Inst.*, 2004-Ohio-3948.]

IN THE COURT OF CLAIMS OF OHIO

EDWARD JACKSON	:	
Plaintiff	:	
v.	:	CASE NO. 2004-03365-AD
WARREN CORRECTIONAL INSTITUTION, et al.	:	<u>MEMORANDUM DECISION</u>
Defendants	:	
.....	:	

FINDINGS OF ACT

{¶1} 1) On or about October 16, 2002, plaintiff, Edward Jackson, an inmate, was transferred from defendant, Warren Correctional Institution (WCI), to defendant, Southern Ohio Correctional Facility (SOCF).

{¶2} 2) Several items of plaintiff's personal property were lost incident to the transfer. Many articles of lost property were subsequently recovered and forwarded to plaintiff at SOCF.

{¶3} 3) However, plaintiff has asserted his fan remains missing and was not returned to his possession after being delivered to WCI personnel. Plaintiff filed this complaint seeking to recover \$13.00, the replacement value of his missing fan, plus \$25.00 for filing fee reimbursement. Plaintiff paid the requisite filing fee.

{¶4} 4) Evidence has shown plaintiff's fan was packed at WCI, but was not forwarded to SOCF.

{¶5} 5) Defendant contended all of plaintiff's missing property was located and returned to him. Incongruously, defendant

requested plaintiff's claim be dismissed and filing fee damages be awarded.

{¶6} 6) Plaintiff filed a response agreeing that his property was returned to him with the exception of his fan. He is requesting reimbursement for the fan and the filing fee.

CONCLUSIONS OF LAW

{¶7} Negligence on the part of defendant has been shown in respect to the loss of plaintiff's property. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶8} Defendant is liable to plaintiff in the amount of \$13.00, 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.

{¶9} 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 \$38.00, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Edward Jackson, #213-197
P.O. Box 45699
Lucasville, Ohio 45699

Plaintiff, Pro se

Gregory C. Trout, Chief Counsel
Department of Rehabilitation
and Correction
1050 Freeway Drive North
Columbus, Ohio 43229

For Defendants

DRB/RDK/laa
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