

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

MICHAEL A. CENKUS

Plaintiff

v.

OHIO DEPT. REHAB. AND
CORRECTIONS

Defendant

Case No. 2006-05870-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) On August 9, 2006, an inmate operating a string trimmer on the grounds of defendant's Belmont Correctional Institution, caused damage to the side window of a truck owned by plaintiff, Michael A. Cenkus.

{¶2} 2) Plaintiff filed this complaint seeking to recover \$149.80, the cost of a replacement truck window. The filing fee was paid.

{¶3} 3) Defendant admitted liability for plaintiff's property damage and acknowledged plaintiff is entitled to the cost of a replacement window, plus filing fee reimbursement.

CONCLUSIONS OF LAW

{¶4} 1) Sufficient proof of liability on the part of defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶5} 2) Plaintiff has suffered damages in the amount of \$149.80, 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, 587 N.E. 2d 990.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

Defendant

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 \$174.80, 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:

Michael A. Cenkus

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

RDK/laa
1/11
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