

[Cite as *Tatom v. S. Ohio Correctional Facility*, 2005-Ohio-6587.]

IN THE COURT OF CLAIMS OF OHIO

RO-SHAWN TATOM :
Plaintiff :
v. : CASE NO. 2005-08409-AD
SOUTHERN OHIO CORRECTIONAL : MEMORANDUM DECISION
FACILITY :
Defendant :
: : : : : : : : : : : : : : : :

FINDINGS OF FACT

{¶ 1} 1) On July 14, 2005, plaintiff, Ro-Shawn Tatom, filed a complaint against defendant, Southern Ohio Correctional Facility ("SOCF"), alleging his walkman, headphones, and gym shoes were lost while under the control of SOCF staff. Plaintiff sought damages in the amount of \$310.81 for property loss.

{¶ 2} 2) On September 15, 2005, defendant filed an investigation report admitting liability for the loss of the walkman, headphones, and gym shoes. Defendant asserted plaintiff's damages should be limited to \$179.89, the stated replacement cost of his property.

{¶ 3} 3) On September 30, 2005, plaintiff filed a response in which he agreed to accept a damage award of \$179.89.

CONCLUSIONS OF LAW

{¶ 4} 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.

{¶ 5} 2) As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern*

Ohio Correctional Facility (1988), 61 Ohio Misc. 2d 239.

{¶ 6} 3) Damage assessment is a matter within the function of the trier of fact. *Litchfield v. Morris* (1985), 25 Ohio App. 3d 42. Reasonable certainty as to the amount of damages is required, which is that degree of certainty of which the nature of the case admits. *Bemmes v. Pub. Emp. Retirement Sys. Of Ohio* (1995), 102 Ohio App. 3d 782.

{¶ 7} 4) The court finds defendant liable to plaintiff in the amount of \$179.89.

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RO-SHAWN TATOM	:	
Plaintiff	:	
v.	:	CASE NO. 2005-08409-AD
SOUTHERN OHIO CORRECTIONAL FACILITY	:	<u>ENTRY OF ADMINISTRATIVE DETERMINATION</u>
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 \$179.89. 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:

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Plaintiff, Pro se

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