

[Cite as *Shazor v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-3616.]

IN THE COURT OF CLAIMS OF OHIO

ARIES SHAZOR :

Plaintiff :

v. :

CASE NO. 2003-04325-AD

DEPARTMENT OF REHABILITATION AND CORRECTION :

MEMORANDUM DECISION

Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On April 1, 2003, plaintiff, Aries Shazor, filed a complaint against defendant, Allen Correctional Institution, alleging his alarm clock was damaged by defendant’s personnel during a shakedown search. Plaintiff seeks damages in the amount of \$15.00 for property loss, \$4.00 for shipping costs, and \$25.00 for filing fees. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On May 9, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$15.00 for property loss.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 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;

{¶6} 2) Plaintiff has suffered damages in the amount of \$15.00, 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.

{¶7} 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 \$40.00, 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:

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Plaintiff, Pro se

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For Defendant

RDK/tad
5/28
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