

[Cite as *Waterhouse v. Belmont Correctional Inst.*, 2003-Ohio-7306.]

IN THE COURT OF CLAIMS OF OHIO

RICHARD WATERHOUSE :
Plaintiff :
v. : CASE NO. 2003-10414-AD
BELMONT CORRECTIONAL INST. : MEMORANDUM DECISION
Defendant :

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 7, 2003, plaintiff, Richard Waterhouse, filed a complaint against defendant, Belmont Correctional Institution, alleging defendant's negligence caused the loss of his commissary items. Plaintiff seeks damages in the amount of \$34.98, plus the \$25.00 filing fee;

{¶3} 2) On October 7, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$59.98;

{¶4} 3) On October 27, 2003, the filing fee was submitted;

{¶5} 4) On November 14, 2003, plaintiff submitted a letter requesting additional documents be added to his claim file.

{¶6} THE COURT CONCLUDES THAT:

{¶7} 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;

{¶8} 2) Plaintiff has suffered damages in the amount of \$34.98, 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} Plaintiff's letter is considered a motion to add additional evidence and is GRANTED. 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 \$59.98, which includes the filing fee. Court costs shall be absorbed by the court. 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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P.O. Box 540
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Plaintiff, Pro se

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For Defendant

DRB/laa
12/10
Filed 12/17/03
Sent to S.C. reporter 1/9/04