

[Cite as *Weisheit v. Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-4132.]

IN THE COURT OF CLAIMS OF OHIO

JEFF WEISHEIT :  
Plaintiff :  
v. : CASE NO. 2004-01541-AD  
OHIO DEPT. REHAB. AND CORR. : MEMORANDUM DECISION  
Defendant :

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THE COURT FINDS THAT:

{¶1} 1) On January 21, 2004, plaintiff, Jeff Weisheit, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging defendant lost and damaged his personal property. Plaintiff seeks damages in the amount of \$75.00 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with the complaint;

{¶2} 2) On May 26, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$75.00 for property loss, plus \$25.00 for filing fee reimbursement.

{¶3} 3) On June 30, 2004, plaintiff filed a response to defendant's investigation report agreeing with defendant.

{¶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 \$75.00, 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 \$90.00, 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:

Jeff Weisheit, #233-190  
P.O. Box 120  
Lebanon, Ohio 45036

Plaintiff, Pro se

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

For Defendant

RDK/laa  
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