

[Cite as *Shafer v. Pickaway Corr. Inst.*, 2004-Ohio-3585.]

IN THE COURT OF CLAIMS OF OHIO

TOM LEE SHAFER :
Plaintiff :
v. : CASE NO. 2004-01851-AD
PICKAWAY CORRECTIONAL INST. : MEMORANDUM DECISION
Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} On January 30, 2004, plaintiff, Tom Lee Shafer, filed a complaint against defendant, Pickaway Correctional Institution, alleging his personal property was lost while under defendant's control. Plaintiff seeks damages in the amount of \$8.35 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee on February 19, 2004;

{¶3} On May 17, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$33.95;

{¶4} Plaintiff filed a response. Plaintiff agreed with defendant's damage assessment.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$8.95 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.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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For Defendant

RDK/laa
6/8
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