



{¶ 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 \$50.00, 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.

[Cite as *Flagner v. Southern Ohio Correctional Facility*, 2005-Ohio-610.]

IN THE COURT OF CLAIMS OF OHIO

H. BRANDON LEE FLAGNER	:	
Plaintiff	:	
v.	:	CASE NO. 2004-07808-AD
SOUTHERN OHIO CORRECTIONAL FACILITY	:	<u>ENTRY OF ADMINISTRATIVE DETERMINATION</u>
Defendant	:	

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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 \$75.00, 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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