

IN THE COURT OF CLAIMS OF OHIO

SCOTT HOSEY, #R139-501	:	
1001 Olivesburg Road	:	
P.O. Box 8107	:	Case No. 2002-11085-AD
Mansfield, Ohio 44901	:	
	:	
Plaintiff	:	MEMORANDUM DECISION
	:	
v.	:	
	:	
DEPARTMENT OF REHABILITATION	:	
AND CORRECTION	:	
	:	
Defendant	:	

: : : : : : : : : : : : : : : :

For Defendant: Cheryl Martinez, Chief Inspector
 Department of Rehabilitation and
 Correction
 1050 Freeway Drive North
 Columbus, Ohio 43229
 : : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On December 24, 2002, plaintiff, Scott Hosey, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging his television set was damaged while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$160.00 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On December 24, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$160.00 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 \$160.00, 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 adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶10} 2) Defendant (Department of Rehabilitation and Correction) pay plaintiff (Scott Hosey) \$185.00 and such interest as is allowed by law;

{¶11} 3) The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

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Filed 1/22/03
Jr. Vol. 731, Pg. 27
Sent to S.C. reporter 2/7/03