

IN THE COURT OF CLAIMS OF OHIO

MERLE ULCH, III, #401-759 :  
 2001 E. Central :  
 Toledo, Ohio 43608 : Case No. 2002-02027-AD

Plaintiff : MEMORANDUM DECISION

v. :

NORTH CENTRAL CORRECTIONAL :  
 INSTITUTION :

Defendant :

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

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

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 31, 2002, plaintiff, Merle Ulch, III, filed a complaint against defendant, North Central Correctional Institution, alleging his walkman and headphones were lost while under defendant's control. Plaintiff seeks damages in the amount of \$65.94 for property loss, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On April 4, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$65.94, plus filing fee reimbursement;

{¶4} 3) Plaintiff filed a response.

{¶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 \$65.94, 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.

{¶8} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶9} IT IS ORDERED THAT:

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

{¶11} 2) Defendant (North Central Correctional Institution) pay plaintiff (Merle Ulch, III) \$90.94 and such interest as is allowed by law;

{¶12} 3) Court costs are assessed against defendant.

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DANIEL R. BORCHERT  
Deputy Clerk