



plaintiff's clothes. However, defendant contended plaintiff's clothing items constituted depreciable property and consequently had a value of less than the \$60.00 amount plaintiff claimed. Defendant denied liability for plaintiff's additional damage claim (soap powder).

{¶ 5} 5) In his response to defendant's investigation report, plaintiff insisted his damaged clothing was "band-new never worn." Plaintiff maintained he is entitled to recover the replacement cost of his destroyed clothing.

CONCLUSIONS OF LAW

{¶ 6} 1) In respect to all loss claimed, plaintiff has proven, by a preponderance of the evidence, negligence on the part of defendant. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD.

{¶ 7} 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.

{¶ 8} 3) The court finds defendant liable to plaintiff in the amount of \$61.00, 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.

IN THE COURT OF CLAIMS OF OHIO

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|---|---|--|
| DARRYL E. FISCHER                       | : |  |
| Plaintiff                               | : |  |
| v.                                      | : | CASE NO. 2005-09227-AD                           |
| CHILLICOTHE CORRECTIONAL<br>INSTITUTION | : | <u>ENTRY OF ADMINISTRATIVE<br/>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 \$86.00, 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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For Defendant

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