



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

SUBJECT: Summary of *Dexter Harmon v. Arkansas Department of Correction*,
Claim No. 180903 – Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: March 2–7, 2018

Date of Claim Filed: April 30, 2018

Amount Claimed: \$3,000.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Thomas Burns, General Counsel, ADC

Allegations of Claimant: The inmate claimed that he was unlawfully housed in punitive isolation for five days after the completion of his punitive sentence. He acknowledged that he served 30 days in punitive isolation as a result of being found guilty of violating ADC disciplinary rules. He argued, however, that that 30 days expired on March 2, 2018, at which time he requested to be moved from punitive isolation to a cell block. According to the inmate, he remained in punitive isolation for five additional days. As a result, he made claims of false imprisonment, “wrongful excessive confinement,” and negligence, and he sought \$3,000.00 in damages.

Agency Response: The agency moved to dismiss, arguing that the inmate failed to state facts upon which relief may be granted. Specifically, the agency argued that it has sole authority on how and where inmates are housed and that the inmate’s constitutional claims are beyond the jurisdiction of the Claims Commission. The agency also argued that, although the inmate sought an award of damages in the amount of \$3,000.00, he failed to give the Commission any rational basis beyond mere speculation for the allegation of damages. Thus, the agency claimed, the inmate failed to sufficiently plead the necessary element of damages. Finally, the agency argued that this claim would be dismissed in a court of law and, therefore, the Commission should make the same decision.

Opinion of the Claims Commission: The Commission granted the agency’s motion to dismiss for the reasons contained in the motion.