



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

SUBJECT: Summary of legal issues
Floyd Lewis v. Department of Correction
No. 180154
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: April, 2015
Date of Claim Filed: August 22, 2017
Amount Claimed: \$3,652.50
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate argues that he is legally blind with dry macular degeneration and the agency has failed to provide him with prescribed eyeglasses, handheld electronic magnifier, an audio watch, audio books, and other normal and reasonable accommodations as required by agency policy. He now seeks damages.

Agency Response: The agency moved to dismiss, arguing the inmate has failed to state facts upon which relief may be granted. Specifically, although the inmate assigns a dollar amount to damage, the agency states that he does not plead any basis for that amount, which is required as damages is an element of a tort claim. The agency also argues that the inmate has failed to fully explain what property he has lost or is missing, only that a policy was violated. The policy states that the agency is not required to take action. The agency further contends that the agency is not the party that allegedly wronged the inmate, but that his dispute instead lies with CMS, the company that handles the agency's medical services. As such, the commission does not have jurisdiction to hear the claim.

Opinion of the Claims Commission: The commission granted the agency's motion to dismiss because the inmate's dispute lies with CMS, not the agency itself. Therefore, the commission does not have jurisdiction over the claim. The commission likewise dismissed a motion for reconsideration.