



STATE OF ARKANSAS
**BUREAU OF
LEGISLATIVE RESEARCH**

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TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

SUBJECT: Summary of legal issues
Mark Williams v. Department of Correction
No. 180247
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: July 14, 2017
Date of Claim Filed: September 19, 2017
Amount Claimed: \$17,900.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate argues that he was subjected to smoke from fires that were set in his barracks causing him not to be able to breathe due to his asthma. He states that he was left in his cell while the fire and smoke were suffocating him even after he told ADC personnel about his asthma. The inmate contends that even after fighting his way through the smoke and almost passing out three (3) times, ADC personnel accused him of “faking and lying” about his condition. He now seeks damages for “pain and suffering”, “not saving [him]”, and “leaving [him] for dead”.

Agency Response: The agency moved to dismiss, arguing the inmate has failed to state facts upon which relief may be granted. Specifically, the agency states that although the inmate assigns a dollar amount to damage, he does not plead any basis for that amount, which is required as damages is an element of a negligence claim. The agency argues that he has also failed to lay out facts that would support a negligence claim in general. As such, the agency asserts that the claim should be dismissed.

Opinion of the Claims Commission: The commission granted the agency's motion to dismiss because the inmate failed to state facts that would support a claim of negligence. A motion for reconsideration was likewise dismissed.