



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

SUBJECT: Summary of legal issues
Carl Turner v. Department of Correction
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: September 15, 2017
Date of Claim Filed: October 27, 2017
Amount Claimed: \$3,500.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate alleges that the ADC improperly destroyed his personal property – a photograph of his daughter. He alleges that ADC failed to follow procedure and was negligent in doing so, and now he seeks damages for those claims as well as for personal injury and the return of the photograph.

Agency Response: The agency moved to dismiss arguing several grounds. First, that the inmate has failed to state facts upon which relief may be granted. Specifically, the agency states that the inmate has failed to specifically plead or explain exactly what procedure the ADC failed to follow or to explain how he was able to provide a copy of the photograph to attach to his complaint. The agency also argues that that inmate failed to complete the administrative grievance procedure, which is a condition precedent before filing a complaint of this nature with the commission. Last, the agency argues that the inmate is seeking the return of the photograph, which is beyond the jurisdiction of the commission.

Opinion of the Claims Commission: The commission dismissed the claim due to the fact that the inmate failed to first exhaust all of his administrative remedies, resulting in the commission not having jurisdiction to hear the claim. A motion for reconsideration was likewise denied.