



STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH

Legal Summary for Agenda Item E1

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Dates of Occurrences: February 12, 2014; February 19, 2014, March 5, 2014; June 10, 2015; June 17, 2015, June 24, 2015

Date of Claim Filed: December 28, 2015

Amount Claimed: \$234.38

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that while on work release at the Benton Work Release Center he was wrongfully overcharged rent in June of 2015 and was also assessed back rent he allegedly owed from February of 2014. He presented his timecards from Rineco, where he was employed, as proof of how long he was there. The inmate claims that the Benton supervisor said that it was the Pine Bluff work release office that made the mistake and that the inmate would need to take it up with that office. After filing three grievances related to the matter, his claim was denied. He now seeks damages in the form of reimbursement for his overcharged rent.

Agency Response: The agency moved to dismiss, arguing that the inmate has failed to state facts upon which relief may be granted. Specifically, the agency argues that the inmate was employed at Rineco at all relevant times and living at the work release center and that as long as he was employed and not terminated, he was assessed and was responsible for rent. The agency attached work release program documentation as exhibits to support this argument and to show that he was assessed valid rent during the relevant time periods.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss due to the reasons given in the motion. The Commission likewise denied the inmate's motion for reconsideration.



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Legal Summary for Agenda Item E2

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE
FROM: Legal Division Staff
SUBJECT: Summary of legal issues
Arthur Taylor v. Department of Correction
Denied and dismissed claim/Appealed by Claimant

Dates of Occurrence: Ongoing since 2012

Date of Claim Filed: January 29, 2016

Amount Claimed: \$20,000.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that in 1993 he was placed on certain work restrictions due to his hernia which included zero (0) hours of strenuous physical activity as well as zero (0) hours of other activities such as lifting, crawling, running, prolonged standing, or handling materials in excess of twenty (20) pounds. Because of this he was deemed physically disabled and unable to perform certain tasks. He states that these restrictions were observed and his medical condition remained stable until he was transferred to Tucker Max, wherein he was assigned kitchen duty, despite his medical condition. The inmate claims that his pleas to be reclassified or given job duties that did not aggravate his medical condition were ignored, and he has been "forced under duress" to perform job duties that aggravate his medical condition. As a result, he states that he has endured physical injury and pain. In January of 2016, his hernia dropped, which resulted in a medical emergency. The inmate claims that because of the ADC's failure to follow procedures, he has suffered pain and suffering and mental anguish. He now seeks damages as well as equitable relief. The inmate has submitted grievance documentation, medical documentation, and an ADC regulation in support of his claim.

Agency Response: The agency moved to dismiss, arguing that the inmate has failed to state facts upon which relief may be granted. Specifically, the agency argues that the inmate appeared before classification in May of 2013, June of 2014, and June of 2015. At each annual review, he was approved to work in the kitchen. The agency stated that the inmate has visited the infirmary on multiple occasions, sometimes complaining about knee pain, but never complaining about back pain. The agency further stated that he complained about a heel spur in 2014 but that nothing prevents him from working in the kitchen. The agency presented documentation showing that medical personnel were present at the classification review.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss due to the reasons given in the motion.



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Legal Summary for Agenda Item E3

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Dates of Occurrence: August 13, 2015
Date of Claim Filed: February 25, 2016
Amount Claimed: \$4,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that he was sentenced to thirty (30) days punitive isolation on July 24, 2015. On August 13, 2015, the inmate states that he was still in punitive isolation and asked ADC personnel why he was still there. He claims that he was told his name was not on the list of prisoners to be moved, and finally was able to speak to someone on August 27, 2015. He further claims that the person to whom he spoke verified that he had completed his punitive isolation time. However, by then he had been in punitive isolation for four (4) additional days. The inmate states that this was a violation of ADC policy, and that during this time he was deprived of his mattress, had to endure over 100 degree heat, could not watch the news, and was deprived of his privileges. For this he now seeks damages for the ADC's failure to follow procedure. The inmate has provided documentation and ADC directives to support his claim.

Agency Response: The agency moved to dismiss for the inmate's failure to state a claim upon which relief may be granted. The agency stated that the four (4) days the inmate was in punitive isolation over the time period described, he made no complaints to ADC personnel when his name appeared on the list of inmates to be moved until three (3) more days had elapsed, at which time he was promptly transferred. Further, the agency states that the deprivations of which the inmate complains were minimal, as he received his property back, he was seen by medical personnel during his punishment, he had no visitors to visit, and he had no money in his account to purchase an item at the commissary even if he had wanted to make a purchase.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss for the reasons set out in the motion.



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Legal Summary for Agenda Item E4

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Dates of Occurrence: August 21, 2015, through September 15, 2015
Date of Claim Filed: January 25, 2016
Amount Claimed: \$2,500.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that when he was sent to isolation due to a disciplinary violation, his laundry bag that contained all his clothes was either stolen or misplaced by laundry services. The inmate states that he complained to ADC personnel that he never received his laundry back and he did not get new boxer shorts for twenty-five (25) days. He also states that he went twenty-five (25) days without the necessary laundry to take a shower, such as a towel and washcloth. The inmate claims that he attempted to use the grievance process to remedy the situation but he was unsuccessful. The inmate submitted grievance paperwork and ADC administrative directive and rules to support his claim. He now seeks damages for the ADC's failure to follow procedure.

Agency Response: The agency moved to dismiss, arguing that the inmate has both failed to state a claim upon which relief may be granted and failed to exhaust his available remedies, which is a condition precedent to filing a claim with the commission. Further, the agency stated that inmates are not allowed to possess towels and washcloths while in isolation, and that the inmate has failed to demonstrate how missing those items precluded him from taking a shower. The agency stated that showers are offered three (3) times per week to inmates in isolation, and the inmate refused to shower on several occasions while there. Moreover, the agency stated that the inmate was able to borrow a pair of clean boxers from another inmate. Last, the agency stated that the inmate has not shown he was injured and at no point requested medical treatment for any ailment associated with not showering or wearing the same pair of boxers.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss due to the claimant's failure to respond to the motion.



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Legal Summary for Agenda Item E5

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Dates of Occurrence: February 25, 2015
Date of Claim Filed: March 9, 2016
Amount Claimed: \$1,500.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that he was placed in behavioral control because he flooded his cell; however, his personal property was not inventoried. The inmate states that he was taken off of behavioral control on March 2, 2015, and he claims he was missing a radio and legal materials. He now seeks damages for failure of the ADC to follow procedure, loss of property, and refund of expenses. The inmate has submitted grievance paperwork, property forms, and copies of ADC policy to support his claim.

Agency Response: The agency moved to dismiss, arguing that the inmate has failed to state a claim upon which relief may be granted. Specifically, the ADC argues that his property was inventoried as reflected by a signed inventory form and no radio or transcript were present.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss for the reasons set out in the motion. A motion for reconsideration was likewise denied.



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 Matthew Miller, Assistant Director
 for Legal Services
 Richard Wilson, Assistant Director
 for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Dates of Occurrence: October 7, 2015, and October 30, 2015

Date of Claim Filed: March 9, 2016

Amount Claimed: \$14,500.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that on October 7, 2015, while he was assigned to the hoe squad at Cummins, he suffered an injury while riding in a trailer being towed by a tractor that was being driven by an inmate. He states that the trailer hit a hole which caused the inmate to be thrown to the floor. The inmate claims that ADC personnel witnessed this but did not file a report, forcing the inmate to file a report himself in which he reported back, neck, and shoulder pain. Later, on October 30, 2015, the inmate claims he was injured in a similar fashion while riding in a trailer being towed by a tractor when the tractor and trailers drove into a ditch and the inmate was forced to jump from the trailer and fell into the ditch. He states that this was also witnessed by ADC personnel, and the inmate was taken to the infirmary. The inmate states that his injuries were a twisted leg and more back pain that aggravated his prior injury. He now seeks damages for personal injury, negligence, and mental anguish. The inmate has submitted ADC reports, witnesses statements, and grievance documentation to support his claims.

Agency Response: The agency moved to dismiss, arguing that the inmate has failed to exhaust his available remedies, which is a condition precedent to filing a claim with the commission. The inmate filed five medical grievances alleging lack of medical attention but did not file one stemming from the cause of his injury.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss due to the claimant's failure to respond to the motion. A motion for reconsideration was likewise denied.

NOTE: The inmate in his appeal argues that he never received the motion to dismiss. The ADC has replied with supporting documentation that he did so but does not object if this Subcommittee remands the matter back to the Commission to permit the inmate to respond to the motion.



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Legal Summary for Agenda Item E7

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Dates of Occurrence: January 10, 2016
Date of Claim Filed: April 4, 2016
Amount Claimed: \$7,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that he is on a special renal diet plan due to a medical condition in his kidneys, and he claims he has been served food that did not adhere to his dietary restrictions. He provided documentation that lists the types of food he is able to eat under a renal diet as well as ADC directives on food services. He now seeks damages for the ADC's failure to follow procedure.

Agency Response: The agency moved to dismiss, arguing that the inmate has failed to state facts upon which relief may be granted. The agency listed several times in 2016 when the inmate's physical condition was checked, with only one instance, in late February of 2016, when his blood showed high protein levels. However, the agency argued that the measurements could be skewed if not all the urine is collected and, since the inmate is in control of returning the collection bag, the results may not have been completely accurate. Moreover, the agency stated that the inmate has pointed only to one specific date -- January 10, 2016 -- when he says he was served two (2) meals that fell outside of his renal diet restrictions, and he has failed to identify any other specific dates this occurred. Further, the agency noted that while the inmate has demonstrated knowledge of what he can and cannot eat given his medical condition, the inmate in the last three (3) years (most recently in February of 2016), purchased foods from the commissary which fit into the "avoid" category.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss due to the claimant's inability to prove liability by the agency. The commission also found that the inmate is aware of his dietary restrictions.



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Legal Summary for Agenda Item E8

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Dates of Occurrence: December 31, 2015, through January 9, 2016

Date of Claim Filed: April 14, 2016

Amount Claimed: \$900.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that he was not given a forty-eight (48) hour relief from punitive restriction after serving thirty (30) days of a forty-five (45) day sentence as required by ADC policy. He now seeks damages for the ADC's failure to follow procedure in an amount of \$100.00 per day that he was denied his forty-eight (48) hour relief. The inmate has submitted records of his disciplinary hearing, copies of an ADC directive, grievance documentation, and an ADC punitive housing roster to support his claim.

Agency Response: The agency moved to dismiss, arguing that the inmate has failed to state a claim upon which relief may be granted. Specifically, the agency argues the inmate actually was restricted from the commissary, telephone, and visitation on December 31, 2015, during which time he had no visitation scheduled and made no telephone calls. The agency stated that the inmate actually received a sentence of punitive isolation on December 10, 2015, which overlapped with his punitive restriction from December 31, 2015. He was released from punitive isolation on January 9, 2016. The agency argued that the inmate was not "held over" longer than he should have been, but was merely serving two (2) sentences consecutively.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss.



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for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

SUBJECT: Summary of legal issues
Steven C. Hayes v. Department of Correction
Denied and dismissed claim/Appealed by Claimant

Dates of Occurrence: August 5, 2015
Date of Claim Filed: May 6, 2016
Amount Claimed: \$13,250.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that he was retaliated against by a mental health worker when the mental health worker filed a disciplinary against him after he filed a grievance against her because she had not responded to his request to see her about the bad side effects he was experiencing from his medication. He claims that because of the disciplinary, his class status was adversely affected. Further, he stated that he has asked repeatedly to have a new mental health worker assigned to him as he feels he can no longer work with this one. He now seeks damages for the ADC's failure to follow procedure as well as equitable relief. The inmate has submitted grievance documentation as well as an ADC regulation to support his claim.

Agency Response: The agency moved to dismiss, arguing that the inmate has failed to state facts upon which relief may be granted. Specifically, the agency argues that the inmate's disciplinary was upheld at all levels of review and that the inmate is seeking damages for failure to obtain a class promotion. The agency states that the elevation in class promotion is within the agency's discretion, and the commission does not have jurisdiction to remove the mental health worker from being assigned to the inmate. For those reasons, the agency argues that the complaint should be dismissed.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss due to the fact that that the commission does not have jurisdiction over the agency's business activities.



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Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Dates of Occurrence: November 14, 2014

Date of Claim Filed: April 27, 2016

Amount Claimed: \$850.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims that in 2014 he had his personal property sent to his family after being transferred from the Pulaski County Jail to the Malvern Unit of ADC. He states he authorized the ADC to take money from his inmate account to do this. After making parole in 2016, he asked his family to bring him his personal property that he had sent to them. However, his family said that they never received anything from the inmate. He then filed a grievance, which was dismissed as untimely. Among his property that is now missing is two pairs of shirts, jeans, and shoes. The inmate provided documentation to support his claims and now seeks damages for loss of property.

Agency Response: The agency moved to dismiss, arguing that the inmate has failed to exhaust his available remedies, which is a condition precedent to filing a claim with the commission. The agency stated that the inmate has filed thirteen (13) grievances, all of which have been exhausted, which indicates that he is aware of this process.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss due to the claimant's failure to exhaust remedies.