



## STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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**TO:** CLAIMS REVIEW SUBCOMMITTEE

**FROM:** Legal Division Staff

**SUBJECT:** Summary of *James Whitney v. Arkansas Department of Correction*,  
Claim No. 17-0689-CC – Denied and dismissed claim/Appealed by  
Claimant

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Date of Occurrence: November 13, 2016, through January 31, 2017

Date of Claim Filed: May 3, 2017

Amount Claimed: \$15,000.00

Amount Awarded: N/A

Claimant's Representative: N/A

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

Allegations of Claimant: The inmate argued that employees of ADC violated the agency's policies by inventorying his property outside of his presence, which resulted in the loss of his property, including his prescription eyeglasses. The inmate claimed that he suffered migraines as a result of not having them. The inmate sought \$15,000.00 in damages.

Agency Response: The agency filed a motion for summary judgment, arguing that there were no genuine issues as to any material fact, and that the agency was entitled to judgment as a matter of law. Specifically, ADC maintained that the fully signed copy of the F-841 (ADC Inmate Personal Property Inventory Record) showed that the inmate was in possession of all of his items except for those items confiscated as contraband. Additionally, ADC asserted that the inmate did not need prescription eyeglasses, as the inmate contended. In support of its argument, ADC referred to the inmate's Health Classification and Restrictions, which stated that the inmate had no impairment in vision.

Opinion of the Claims Commission: The Commission granted the agency's motion for summary judgment, finding that the agency made a prima facie showing of entitlement to summary judgment and that the inmate failed to meet his burden of showing that material questions of fact remain, as he did not respond to the motion. A motion for reconsideration was also denied.