



## STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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**TO:** CLAIMS REVIEW SUBCOMMITTEE

**FROM:** Legal Division Staff

**SUBJECT:** Summary of legal issues  
*Frank Turner v. Department of Correction*  
*No. 17-0540-CC*  
*Denied and dismissed claim/Appealed by Claimant*

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Date of Occurrence: October 4, 2016, through October 25, 2016

Date of Claim Filed: February 13, 2017

Amount Claimed: \$2,100.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate claims that he was falsely imprisoned, first in an isolation cell and then in the Varner Supermax, due to a false investigation by a nameless "high-ranking prison official for no apparent reasons whatsoever and without any supporting documentation". The inmate further contends that he received no "investigation notification papers" despite agency policy that requires that notice. The inmate contends that he was unfairly targeted and that there was no precipitating event that should have required he be investigated. The inmate pursued this matter through the grievance process and the Warden found that he was "locked up...without any supporting documentation." This finding was accepted by the Assistant Director. The inmate now seeks damages of one hundred dollars (\$100) per day for every day he was falsely imprisoned.

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 contends that the inmate successfully resolved this issue through the grievance process and has since been made whole. Further, the agency argues that if this claim were presented in a court of law, it would be dismissed and that that inmate's allegations are conclusory. Moreover, the agency argues that the inmate has failed to sufficiently plead damages beyond mere speculation, a necessary element of the claim.

Opinion of the Claims Commission: The commission granted the agency's motion to dismiss because the inmate utilized the grievance process and obtained the relief he sought. Further, the inmate was not damaged. A motion for reconsideration was likewise denied.