



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

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

Date of Occurrence: September 22, 2017
Date of Claim Filed: January 31, 2018
Amount Claimed: \$8,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate alleges that while working in the fields at the ADC a crop duster flew over him and sprayed him with a substance. The inmate contends that the ADC personnel that were present at the time said it was only smoke. However, the inmate argues that later on he developed trouble breathing. He states he now takes a prescription medicine. The inmate now seeks damages for personal injury and negligence.

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 any basis for an award of damages beyond mere speculation. Damages are, the agency contends, an essential element of a tort claim. Second, the agency argues that the inmate has failed to establish the necessary elements for a negligence claim, specifically his lack of showing an injury resulting from the alleged crop dust spray.

Opinion of the Claims Commission: The commission granted the agency's motion to dismiss due to the inmate's lack of facts sufficient to state a negligence claim against the agency. Further, the commission found that the inmate has not established how the agency would be liable for any injuries.