



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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 *Dennis Hutchinson v. Arkansas Department of Correction*
Claim No. 190087 – Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: July 31, 2017

Date of Claim Filed: July 20, 2018

Amount Claimed: \$96,800.00 yearly x 25 years

Amount Awarded: N/A

Claimant's Representative: N/A

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

Allegations of Claimant: The inmate complained about the presence of unsafe work conditions at the Correctional Industries Furniture Manufacture Plant, which resulted in him tripping over a piece of wood, falling, and landing on his right shoulder. The inmate also alleged that he was shot with a nail gun by another inmate at the Plant.

Agency Response: The agency moved to dismiss, arguing that the inmate failed to state facts upon which relief may be granted. Specifically, the agency claimed that the inmate failed to sufficiently plead the necessary element of damages because he failed to plead any rational basis for an award of damages (totaling \$2.42 million) beyond mere speculation. Additionally, the agency argued that, although the inmate filed a grievance, it was rejected as untimely filed. Because he failed to exhaust his administrative remedies and his time for doing so had expired, the agency argued that the Commission must dismiss the claim. Finally, the agency argued that this claim would be dismissed in a court of law and, therefore, the Commission should make the same decision.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss for the reasons contained in the motion. The Commission later denied the inmate's motion for reconsideration due to the inmate's failure to offer evidence that would change the Commission's prior decision.