



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 legal issues
Brian Hicks v. Department of Correction
No. 17-0722-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: April 27, 2017
Date of Claim Filed: May 16, 2017
Amount Claimed: \$2,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate argues that his sheet and pillow were stolen from him and that he reported this to ADC personnel. The inmate states he was then issued a new sheet and pillow. However, his cell was later searched and ADC personnel found an extra sheet and pillow, which was taken by ADC personnel as excessive property. The inmate received a disciplinary for possessing excessive property and sentenced to twenty (20) days of restrictions for the phone, visitations, and commissary privileges. He now seeks damages of one hundred dollars (\$100) per day he was sentenced to restrictions.

Agency Response: The agency moved to dismiss arguing two grounds. First, the agency argues the inmate has failed to state facts upon which relief may be granted. Specifically, he seeks an award for damages without pleading any basis for an award of damages. Second, the inmate is requesting that the commission provide relief from the disciplinary process, which the commission lacks jurisdiction to do. The agency argues 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 because the inmate is attempting to make the commission a part of the disciplinary process, which is beyond the scope of the commission. A motion for reconsideration was also denied.