



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

SUBJECT: Summary of legal issues
Rickey Neal v. Department of Correction
No. 17-0528-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: November 21, 2015
Date of Claim Filed: February 8, 2017
Amount Claimed: \$5,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate argues that the ADC failed to follow proper procedure when he was charged with multiple rules violations and written a major disciplinary for "banding together" and "possession/introduction of a weapon". The inmate contends that there was no evidence to support the finding of guilt. The inmate argues that the weapon that was found (a shank) was located in a laundry bag to which he had no access. The agency instead based its finding on "mere conjecture, rumor and suspicion," according to the inmate. Because of this, the inmate now seeks damages.

Agency Response: The agency moved to dismiss. Specifically, the agency argues the inmate has failed to state facts upon which relief may be granted. Moreover, the agency argues that 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. The agency further contends that the inmate has failed to plead the necessary element of damages with any specificity.

Opinion of the Claims Commission: The commission granted the agency's motion to dismiss because the inmate failed to state a claim upon which relief can be granted. A motion for reconsideration was also denied.