

## **MINUTES**

### **JOINT COMMITTEE ON SPECIAL CLAIMS AGAINST THE STATE**

November 14, 2016  
Room 218-N—Statehouse

#### **Members Present**

Representative James Todd, Chairperson  
Senator Dan Kerschen, Vice-chairperson  
Senator Terry Bruce  
Senator David Haley  
Representative Craig McPherson  
Representative Kathy Wolfe Moore

#### **Member Absent**

Representative Mike Houser

#### **Staff Present**

Dylan Dear, Kansas Legislative Research Department  
Whitney Howard, Kansas Legislative Research Department  
Natalie Nelson, Kansas Legislative Research Department  
Mike Heim, Office of Revisor of Statutes  
David Wiese, Office of Revisor of Statutes  
Deb Burns, Committee Assistant

#### **Conferees**

Libby Snider, Kansas Department of Corrections  
Kathleen Billings, Kansas Public Employees Retirement System  
Mike Leitch, University of Kansas  
Loretta Townsend, Attorney  
Kerry Wasinger, Fort Hays State University

#### **Others Attending**

See Attached List.

#### **Morning Session**

Chairperson Todd called the meeting to order at 10:00 a.m.

Chairperson Todd requested and was granted a point of personal privilege. He stated his thoughts were with the people of New Zealand as they deal with the aftermath of a recent tsunami.

*Senator Bruce moved to approve the January 4, 2016, minutes; Senator Haley seconded the motion; the motion carried.*

**Claim No. 6801, Claimant, Pearl Durham**

**v. Respondent, Kansas Public Employees Retirement System (KPERS)  
due to denied membership claim in the amount of \$332,384.00**

Dylan Dear, Kansas Legislative Research Department (KLRD), provided background information on the claim: Claimant suffered an injury to her back and shoulder while at work. She was unable to return to work and was later terminated from her job. Her claim is the result of a dispute as to whether she was on Family Medical Leave Act (FMLA) leave prior to her termination, which would impact her eligibility for disability coverage. The court found in favor of KPERS.

Claimant provided additional information to the Committee *via* teleconference, along with her attorney, Loretta Townsend. Claimant stated she lost wages, medical care, and life insurance. Claimant stated she became a member of KPERS in December 2005 and was on approved FMLA leave.

**Respondent, KPERS  
represented by Kathleen Billings, Staff Attorney, KPERS**

Respondent stated the Claimant was released back to work by her physician the same day the injury occurred. She never returned to work and was ultimately placed on unpaid leave for several months. While she was on unpaid leave, her employer erroneously enrolled her as a KPERS member, even though she had not completed the then-required year of service for KPERS membership. The Claimant remained enrolled in error as a KPERS member until she was terminated for job abandonment. Almost seven years later, the Claimant contacted KPERS regarding applying for long-term disability benefits and was allowed to fill out an application while KPERS reviewed her eligibility. It was later determined the Claimant did not meet the definition of total disability and had not completed the statutorily-required year of service with her employer, therefore, she was not a KPERS member and not eligible for long-term disability benefits. KPERS recommends against payment of this claim.

Following discussion, *the Joint Committee recommended Claim No. 6801 be allowed for the amount of \$44.27.* Senator Haley abstained from making a recommendation on this claim. (See section captioned “Committee Actions and Recommendations.”)

**Claim No. 6755, Claimant, James Lee Jamerson #74123**

**v. Respondent, Kansas Department of Corrections (Department)  
due to loss of wages claim in the amount of \$666.40**

Claimant stated he was written a disciplinary report for something he did not do, was not given a fair hearing, and was found guilty and kept in segregation for 16 months. Claimant

appealed to the District Court who agreed with the Department's finding. He then appealed to the Court of Appeals who overturned the District Court's decision (noting that had the claimant been allowed to call witnesses, he would not likely have been found guilty) and mandated that Claimant receive a fair hearing. Claimant was given a rehearing and was found not guilty. Claimant states he was refunded the fees he paid for the \$20 fine and the \$176 filing fee, but states because he was kept in segregation during the appeals process he lost his jobs making \$29.40 a month, totaling \$490.40, for which he seeks restitution. Claimant stated he wants lost wages paid to him because he was wrongly accused.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated inmates do not have a property interest in specific jobs or whether they have a job at all. There is no indication corrections officials acted in bad faith in charging or convicting the Claimant. Nor did the Court order any kind of compensation or costs in the case. The Department recommends this claim be denied.

Following discussion, *the Joint Committee recommended Claim No. 6755 be denied.* (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6764, Claimant, James Lee Jamerson #74123**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$28.75**

Claimant stated this claim has been resolved.

Following discussion, *the Joint Committee recommended Claim No. 6764 be denied.* (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6765, Claimant, Thomas L. Wilson #70525**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$24.08**

Claimant stated his radio was stolen and later found by a corrections officer in the possession of another inmate. The radio was handed over to a corrections lieutenant who destroyed it after the perpetrator reported the radio was not his and was purchased by another inmate. Claimant stated there was no investigation, no disciplinary report written on the perpetrator, and the corrections officer destroyed his radio without following proper procedures established in regulations. He seeks replacement of his radio.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated investigation confirms the corrections officer involvement and contradicts the lieutenant's account of the offender taking the radio to Property. While there are concerning discrepancies by the Claimant, in the absence of any documentation that can be

relied upon now to contradict his allegations, the Department recommends approval of the claim. From the property receipt supplied with his claim, it appears that the radio is under a year old, and no depreciation would apply.

Following discussion, the Joint Committee recommended Claim No. 6765 be allowed for the amount of \$24.08. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6766, Claimant, Jackie Oliver Clay #43552**

**v. Respondent, Kansas Department of Corrections (Department)  
due to property damage claim in the amount of \$40.00**

Dylan Dear summarized the claim: Claimant reported he was stacking segregation food trays per the facility food service contractor supervisor's instructions when the stack fell. A tray hit him in the face and broke the nose piece off of his eyeglasses. There was an incident report filed. Claimant stated he purchased the eyeglasses from the facility clinic and seeks refund for his costs.

**Respondent, KDOC  
represented by Libby Snider, Legal Counsel, Department**

Respondent stated there is no indication of staff negligence. The facility provided the Claimant state-paid eyeglasses and were not purchased at the facility clinic as reported by the Claimant. Therefore, the Claimant is not eligible for refund. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6766 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6768, Claimant, Brian Manis #67511**

**v. Respondent, Kansas Department of Corrections (Department)  
due to personal injury claim in the amount of \$500,000,000.00**

Claimant stated in June 2009, while repairing fan belts at his prison job, he was sucked into a fan belt landing on his neck. His claimed injuries include degenerative disc and severe pain and numbness on his right side. He had surgery in 2015 and reports he filed a facility claim for personal injury that was denied. Claimant alleges because of his injury he has been unable to work, was denied treatment by the facility healthcare provider as well as the Department, denied access to his medical records, and claims negligence by the Department for not having a lock-out on the fans. He states he filed a facility claim in April 2016, that was denied.

**Respondent, KDOC  
represented by Libby Snider, Legal Counsel, Department**

Respondent stated staff indicated there was no record of personal injury claim by the Claimant in May 2009, and thus no investigation of the injury he now describes. Following an X-ray in July 2009, it was noted he has degenerative disc disease. Claimant's allegations do not

substantiate any negligence on the part of any Department staff. He has received ongoing medical attention for his degenerative disc disease, resulting recently in surgery and nothing in his claim establishes that the treatment received did not meet a reasonable standard of care. The Department recommends this claim be denied.

Libby Snider indicated she will investigate why Mr. Manis may have been denied an orthopedic pillow and will report the status of her investigation at the next meeting.

Following discussion, the Joint Committee recommended Claim No. 6768 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6771, Claimant, Luke Reed #38178**

**v. Respondent, Kansas Department of Corrections (Department)  
due to personal injury claim in the amount of \$2.23**

Dylan Dear summarized the claim: Claimant reported during a shakedown of his cell, the corrections officer put his finger inside Claimant's jar of chest vaporizing rub leaving a hair in the jar. Claimant feels that because the officer did not change gloves before arrival at Claimant's cell the jar in question became contaminated. Claimant wants to be reimbursed for the value of the jar of rub.

**Respondent, KDOC**

**represented by Libby Snider, Legal Counsel, Department**

Respondent stated Claimant submitted a facility claim on two separate occasions for property damage to the jar of rub, each containing conflicting information. The corrections officer reported nothing was left in the ointment. The Claimant fails to establish his loss was due to negligence by staff and recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6771 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6775, Claimant, Jermaine Cardona #100845**

**v. Respondent, Kansas Department of Corrections (Department)  
due to personal injury claim in the amount of \$38.93**

Claimant stated he was involved in a fight that resulted in the shakedown of his cell. Officers removed Claimant's two fans and a hot pot because they appeared to be altered and identified as contraband. Claimant stated the property was sanded because it had been stolen from him in the past.

**Respondent, KDOC**

**represented by Libby Snider, Legal Counsel, Department**

Respondent stated a facility investigation discovered the Claimant was charged with a disciplinary violation for the claimed property, plead guilty, paid a fine, and did not appeal. As a

result the Claimant forfeited any claim to the property and the Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6775 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6778, Claimant, Gregory Anthony O'Connor #97113**

**v. Respondent, Kansas Department of Corrections (Department)  
due to personal injury claim in the amount of \$100,000.00**

Claimant stated he asked staff that he be placed in a one-man cell because he feared for his safety. In the interview with the segregation review board, Claimant did not explain why he feared for his safety, instead asking to speak to the mental health staff about the reason and who did not arrive before he was sent back to his five-man cell, and later was attacked. He sustained several injuries, had to have stitches above his right eye, and is now placed on 23-hour lockdown in segregation for his own safety. He claims staff negligence for returning him to the environment where he subsequently was attacked only hours after they were made aware he was in danger.

**Respondent, KDOC**

**represented by Libby Snider, Legal Counsel, Department**

Respondent stated when Claimant indicated he was in fear of other inmates, he was placed in segregation for the night. At his Segregation Review Board hearing, he asked for placement inconsistent with his custody level, but he refused to provide a reason. He was told he would be returned to a multi-person cell if he did not provide a reason for an exception, and he replied, "then send me back." He was later involved in a physical altercation. He was provided medical attention and there was no evidence Claimant's injuries are the result of staff negligence. The Department recommends this claim be denied.

The Committee requested Libby Snider report back to the Committee and provide medical records for the Claimant, an incident report on the alleged attack, and why the Claimant had not been referred to a mental health contractor.

Following discussion, the Joint Committee recommended Claim No. 6778 be carried over. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6784, Claimant, Brad Starlin #61385**

**v. Respondent, Kansas Department of Corrections (Department)  
due to property loss claim in the amount of \$203.69**

Following discussion, the Joint Committee recommended Claim No. 6784 be carried over. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6774, Claimant, Brad Starlin #61385**

**v. Respondent, Kansas Department of Corrections (Department)  
due to property loss claim in the amount of \$226.08**

Following discussion, *the Joint Committee recommended Claim No. 6774 be carried over.* (See section captioned "Committee Actions and Recommendations.")

**Afternoon Session**

**Claim No. 6807, Claimant, Sharon Boese**

**v. Respondent, Fort Hays State University (FHSU)  
due to property damage claim in the amount of \$5,311.95**

Claimant stated she parked her vehicle in her assigned parking stall at FHSU. When she returned, the car was splattered with grass. After washing the car, she found the paint was chipped. She notified her supervisor the next day of the damage.

**Respondent, FHSU**

**represented by Kerry Wasinger, General Counsel, FHSU**

Respondent stated FHSU is unable to acknowledge or refute the claim for damage to the Claimant's car while parked at FHSU. Claimant did inform her supervisor the next day per her statement.

Following discussion, *the Joint Committee recommended Claim No. 6807 be denied.* (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6797, Claimant, De'Juan Lamar Knight #66546**

**v. Respondent, Kansas Department of Corrections (Department)  
due to property loss claim in the amount of \$96.00**

Dylan Dear summarized the claim: Claimant was sent to county jail to await his court appearances. He was then transferred to a different prison from the one he had previously been housed. Upon arrival he filled out all the proper property forms and waited to receive his property, but was later notified that his property had been destroyed. The property destroyed included a radio, batteries, headphones, bowls, food, personal mail, legal mail, clothing, deodorant, and toothpaste. His facility property loss claim was denied.

**Respondent, KDOC**

**represented by Libby Snider, Legal Counsel, Department**

Respondent stated the facility investigation determined the Claimant had left his property at the county jail where it was deemed unclaimed property after 30 days from his departure and subsequently destroyed. The Claimant does not dispute these findings and the Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6797 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6798, Claimant, Christopher Forbush-Willis #96841**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$111.69**

Following discussion, the Joint Committee recommended Claim No. 6798 be carried over. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6800, Claimant, Ruben Warledo #86346**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$76.95**

Claimant stated his property was packed out by facility staff after he was moved to the infirmary. His boots were later destroyed by staff after they were deemed contraband because they were claimed to be steel toed. Claimant disputes the boots as being steel toed and asserts that when he purchased them from the canteen, staff showed him the boot box read "reinforced toe, non-metallic toe." His facility property loss claim was denied.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated the facility does not dispute disposing of the boots but states they were metal not composite toe boots, as asserted by the Claimant. The Claimant failed to respond to the 30-day removal notice and his property was destroyed. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6800 be allowed for the amount of \$76.95. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6803, Claimant, Michael Strobe #58371**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to personal injury out of malice with intent to retaliate claim in the amount of \$5,000.00**

Claimant stated while on medical restrictions originating in 2011 (20 lb. lifting limit, bottom rung bunk) he was made to move his property without assistance and suffered an injury to his back despite his repeated requests for assistance from facility staff. He was sent to the emergency room for treatment and released hours later. He claims retaliation by staff for numerous grievances he had filed concerning his medical restrictions and lack of follow-up care after his injury.



**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated Claimant's allegations of conspiracy are unsubstantiated and factually inaccurate. Nothing presented in his claim establishes the treatment he received for his alleged injury did not meet a reasonable standard of care or that staff was negligent for any loss he may have suffered. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6803 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6812, Claimant, James Hunt #57847**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to personal injury claim in the amount of \$35,000.00**

Claimant stated he developed problems with his right eye. He alleges that the care provided by facility medical staff was inadequate to resolve the issue, and there was substantial delay in providing treatment and surgery after the medical condition surfaced. He claims medical staff intentionally failed to provide proper after-care and medications, which resulted in significant blindness in the right eye.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated Claimant acknowledges the fact that he filed this claim prior to his facility claim for the same alleged injury was decided. He stated neither the Warden nor the Secretary can resolve the claim because he will not accept resolution within the statutory limit of \$500 or less. He also states "if the matter proceeds to legal, staff are put on notice that a claim for punitive damages and fees will be sought in addition to the original claim." The Department requests that the Committee deny the claim without prejudice to permit the completion of the investigation and response to his facility claim, and so that the Claimant may exhaust available judicial remedies.

Following discussion, the Joint Committee recommended Claim No. 6812 be dismissed without prejudice under Rule 2 (exhaustion of administrative or judicial remedies). (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6762, Claimant, Adam Bartling #79866**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to personal injury claim in the amount of \$500.00**

Claimant stated he was walking outside the facility to the medication line when he slipped and fell on a patch of ice that was 1/2-inch thick injuring his right shoulder, resulting in limited range of motion, sharp pains when trying to move his shoulder, and reinjury of vertebrae alignment. He claims the facility failed to spread ice melt/sand sufficiently, if at all. Claimant filed a claim with Department, which was denied.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated the facility claim investigator noted medical personnel treated the Claimant for a superficial cut to his right palm, and his only pain reported that day was mild pain to the left wrist and arm. Facility staff report the Claimant has received ongoing treatment for back issues for several years. Claimant's facility claim did not match what was reported to medical staff and was denied. Because there is no showing any loss or damage was caused by the negligence of staff, the Department recommends this claim be denied without prejudice under Rule 2 and Claimant should first exhaust any administrative remedies that may be available to him.

Following discussion, the Joint Committee recommended Claim No. 6762 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6750, Claimant, Brian Christopher Shields #107518**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$55.00**

Claimant stated facility staff packed out his belongings when he was sent to segregation. When he later went to claim his property he was told he must sign the inventory sheet before he could receive his property. It was then that he discovered his two fans were missing. He claims the fans were not listed by staff on the inventory sheet. He claims staff were negligent in their responsibility for his possessions during the pack out. He seeks reimbursement for the fans plus postage and copying fees.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated there is no showing the claimed fans were among Claimant's property when it was packed or that staff ever had possession of them. His property was clearly inventoried in what appears to be a fairly detailed inventory, and he signed it without noting any discrepancies. As such, his claimed loss cannot be substantiated, and it cannot be established that any such loss is attributable to staff negligence. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6750 be dismissed without prejudice. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6761, Claimant, Dennis Perkins #50567**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$65.00**

Claimant stated he lost possession of his radio when it was stolen by another inmate while he was away from his cell at his job and later packed out with the other inmate's property. He filed a grievance and later a facility property loss claim, and both were denied.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated investigation concluded the Claimant was the victim of theft by another inmate, and staff bore no responsibility for the claimed loss. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6761 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6769, Claimant, Marlin Long #6002628**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$506.28**

Claimant stated his property sat unsecured in the office for five days after it was taken into possession by staff following his move to segregation for a charge that was later dismissed. When he was told to pick up his property, he discovered items were missing and indicated as such on the inventory property sheet. Claimant asserts staff intentionally failed to secure his property by not taking it to Property/A&D as they are instructed by rules.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated the claim investigator concluded, based on signed inventories, it appears the Claimant had received all of the items belonging to him and his alleged loss cannot be substantiated. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6769 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6770, Claimant, Angel Alvarado**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$86.69**

Dylan Dear summarized the claim: Claimant was placed on restrictions and his electronics were removed and packed up by facility staff to be placed in Central Property. When he received his level back and restrictions removed, he was summoned to Central Property to pick up his electronics and all he was given was his TV. He asked an officer about his missing remote, ear buds and headphone extension cable and was told his TV had been recovered from the possession of another inmate. He concludes that either the officer who packed his electronics or Central Property carelessly left his property out to where it was accessible to other inmates and stolen and his claimed loss is due to the negligence or omission of correctional staff.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated the fact his television was found in another inmate's possession does not support an inference of negligence where there is no showing that it was under Department control when the other inmate obtained it. In addition, the Claimant has been released to Postrelease Supervision, at which time he signed an Acknowledgment stating that he had all of his property in his possession and releasing the State of Kansas from any and all claims with regard to his property. This should bar him from pursuing this claim and the Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6770 be denied.  
(See section captioned "Committee Actions and Recommendations.")

**Claim No. 6777, Claimant, Nicholas Florentin #98591**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$358.66**

Claimant stated this claim is a follow-up to his previous claim with this Committee (Claim No. 6739), which was dismissed without prejudice due to lack of itemized loss amount of claimed items. This current claim includes an itemized accounting of the original purchase price all items claimed along with updated history of facts to this claim.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated the Claimant signed inventory forms for his property, certifying they were accurate and that he had received the listed items. Claimant did not note any items were missing on any of the forms he signed. Respondent noted the Claimant is responsible for noting any discrepancies when signing property inventory forms. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6777 be denied.  
(See section captioned "Committee Actions and Recommendations.")

**Claim No. 6782, Claimant, Micky Don Owens #94516**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$113.00**

Dylan Dear summarized the claim: Claimant states his property was packed up by facility staff but did not pack his hot pot, cooler, surge protector, deodorant, soap, and tennis shoes. His facility property loss claim was denied.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated the inventory sheet created by staff who packed out the Claimant's property was never served on the Claimant for signature, but the staff members involved confirmed they packed everything that could be identified as belonging to the Claimant, and they did not recall seeing a hot pot, cooler, or tennis shoes. A surge protector was packed and inventoried, and while the Claimant claims to have had two, policy permits only one. His claimed losses could not be substantiated, and it is not clear any such loss was the direct result of staff negligence. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6782 be allowed for the amount of \$63.14. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6783, Claimant, Matthew Campbell #6010477**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$61.71**

Claimant stated he was attacked and placed in segregation pending investigation of his attack. Another inmate witnessed a different inmate gain access to Claimant's cell and remove a fan and other items. After this time, the remaining property was removed by facility staff and his cell was locked. Claimant states his property was in the unit team office for a few hours before it was labeled and inventoried. After he was released from segregation, the only property returned to him was an mp4 player that arrived while he was in segregation. Claimant's remaining property was never returned to him so he filed a claim facility property loss claim that was denied.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated facility investigation found the Claimant's missing property in a box mislabeled with another inmates name. All claimed property was returned to the Claimant with the exception of a hotpot and sewing kit that were not located. The Department recommends this claim be denied or compensation be limited to \$36.38, the value of the two missing items.

Following discussion, the Joint Committee recommended Claim No. 6783 be allowed for the amount of \$36.38. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6799, Claimant, Grant Michael Nixon #95875**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$101.88**

Claimant stated when he was released from segregation and his property was returned to him, he immediately noticed items were missing and the next day submitted a facility property loss claim that was later denied.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated Claimant signed a property inventory sheet noting no discrepancies on the date he was packed out and sent to segregation. When that property was returned to him after his release from segregation, he signed the inventory sheets again certifying everything shown on the inventory was given to him. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6799 be denied.  
(See section captioned "Committee Actions and Recommendations.")

**Claim No. 6804, Claimant, Charles Townsend #97048**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$194.10**

Claimant stated his television was damaged by a corrections officer during a cell search. Claimant alleges staff gave him forms and he sent the TV out to ClearTech TV for repairs in March of 2016. The TV was returned to him by ClearTech TV unrepaired noting "Received Damaged or Unsealed." Once again he paid to have the TV sent to ClearTech TV for repair. After not receiving his TV back he was later told by staff the Department had terminated their contract with ClearTech in 2013 and, therefore, were not allowed to ship items into a correctional facility. He claims loss of the TV due to damage by staff, staff withholding information, and postage costs for shipping the TV.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated Claimant did not report that staff had damaged his TV, and everything presented indicates staff assisted him with the most current available information to get it repaired. The first the package was returned, the postal service apologized for damaging the box, and Department staff had no knowledge the vendor would refuse it the second time he sent the TV out. While it is unfortunate, there is no showing the Claimant's loss is the direct result of any intentional or negligent act or omission of a correctional employee. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6804 be denied.  
(See section captioned "Committee Actions and Recommendations.")

**Claim No. 6810, Claimant, Dennis Eugene Shaw III #7400**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to personal injury claim in the amount of \$500,000.00**

Dylan Dear summarized the claim: Claimant alleged that over the course of his incarceration, he has been subjected to involuntary injections of medications that have left permanent scars on his upper arms. He alleges he now suffers from paranoia because of these incidents.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated this claim based on unspecified instances of forced injections alleged to have occurred as much as 35 years ago, is untimely. His recourse was to address such instances when they occurred. Claimant urged that the claim is timely, nonetheless, because, although he is no longer receiving forced injections, he fears he might if he refuses voluntary medication. He is clearly not entitled to compensation for injury that has not occurred, and may never occur. There is no showing the Claimant has suffered any loss or injury as the direct result of negligence of the State. The Department recommends this claim be denied.

Following discussion, the Joint Committee recommended Claim No. 6810 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6789, Claimant, Natasha Genene Hodge #6008057**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to personal injury claim in the amount of \$10,000.00**

Dylan Dear summarized the claim: Claimant stated she was at work in the facility kitchen when she was assigned to the industrial meat slicer, having no prior operating experience of that machine. Claimant stated she was cut by the slicer blade, which then required stitches and a tetanus shot. Claimant now has a scar, frequent numbness, and nerve damage that may or may not be permanent. Claimant alleged the injury was a result of a lack of training by the facility food service contractor on the equipment and seeks the estimated cost of corrective surgery.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated the Claimant received prompt and continuing medical attention. Both the contractor and facility staff investigated her concerns, took appropriate steps to address deficiencies, and followed through to ensure compliance. She asserted to have filed this claim as a last resort *versus* "taking it to a court of law where documentation of the injury is required and the facility will not release my medical records." There is no showing the Claimant's injuries are the direct result of staff negligence. The Department recommends this claim be dismissed pursuant to Rule 2.

Following discussion, the Joint Committee recommended Claim No. 6789 be dismissed without prejudice under Rule 2 (exhaustion of administrative or judicial remedies). (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6776, Claimant, King Phillip Amman Reu EI #55931**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to personal injury claim in the amount of \$351,000,000.51**

Claimant stated he legally changed his name from Phillip Cheatham to his current name in January 2015. Claimant alleged the Department forces him to respond to Phillip Cheatham, which has been a source of ridicule and shame his entire life, under threat of force and duress,

and to receive food and supplies. Claimant has provided copies of the court order changing his name, a copy of his trademark of the name as his personal intellectual property, and documentation of Moorish law in support of his claim.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated Claimant's claim file includes a copy of a Form 9 communication in which he requested information to complete a legislative claim "in order that I may properly exhaust my remedies." If the Claimant intends to pursue judicial remedies, he should be required to do so before seeking remedy through the Special Claims process. Moreover, even if the Claimant's copyright is valid, the legislative claims process is not an appropriate forum to pursue an infringement claim without first exhausting available judicial remedies.

Following discussion, the Joint Committee recommended Claim No. 6776 be denied. (See section captioned "Committee Actions and Recommendations.")

**Claim No. 6792, Claimant, Larry Barker #106967**  
**v. Respondent, Kansas Department of Corrections (Department)**  
**due to property loss claim in the amount of \$90.53**

Claimant stated he ordered three books and had them sent to the facility. He then received notice the books would be sent to the Publication Review Board. Claimant stated, as of June 2016, he has received only one notice of seizure of the three books and it is beyond the six-week deadline mentioned in the original notice. Claimant stated his first amendment rights are being violated.

**Respondent, KDOC**  
**represented by Libby Snider, Legal Counsel, Department**

Respondent stated, on June 29, 2016, the Claimant was sent a Notification of Publication Seizure/Censorship regarding one of the claimed publications, he filed an appeal, the Department reaffirmed the decision, and the Claimant elected to send the publication out. On June 1, 2016, a similar notification was sent to the Claimant regarding the second claimed publication; he appealed; the decision was upheld; and the Claimant chose to have the publication mailed out. The Claimant currently is awaiting a decision to his appeal on the third claimed publication, but it appears that the publication is on the censorship list. The Claimant is not entitled to compensation for property he still owns. The Department recommended this claim be denied or carried over to permit the status of the final publication to be ascertained.

Following discussion, the Joint Committee recommended Claim No. 6792 be dismissed without prejudice. (See section captioned "Committee Actions and Recommendations.")



**Claim No. 6802, Claimant, Paulette Spencer**  
**v. Respondent, University of Kansas (KU)**  
**due to non-payment of salary claim in the amount of \$3,074.87**

Dylan Dear summarized the claim: Claimant was the victim of a phishing attack that redirected her electronic salary deposit to a third party. The e-mail was distributed through the KU e-mail system and the phishers posed at the KU Payroll Department. She seeks reimbursement for the missing wages.

**Respondent, KU**  
**represented by Mike Leitch, Legal Counsel, KU**

Respondent stated generally KU agrees with the facts stated in the claim and supports the Committee's approval and payment of the claim.

Following discussion, the Joint Committee recommended Claim No. 6802 be allowed for the amount of \$3,074.87. (See section captioned "Committee Actions and Recommendations.")

The meeting adjourned at 5:25 p.m. The next meeting of the Committee is scheduled for December 12, 2016, at 10:00 a.m.

Prepared by Deb Burns  
Edited by Dylan Dear, Whitney Howard, and  
Natalie Nelson

Approved by the Committee on:

December 12, 2016  
(Date)