

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED
THE CLAIMS COMMISSION
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QUINTON CAGE #242918,)
) Claim No. T20152888
 Claimant,)
)
 vs.)
)
 STATE OF TENNESSEE,)
) Regular Docket
 Defendant.)

ORDER OF DISMISSAL

This claim came on before Robert N. Hibbett, Commissioner and judge of the facts and the law, upon the State's Motion to Dismiss for lack of subject matter jurisdiction. The Claimant has filed a response.

The authority of the Claims Commission to render damages is set forth by statute. As provided under Tenn. Code Ann. § 9-8-307(a)(1), the Commission has exclusive jurisdiction to determine all monetary claims against the state based on the acts or omissions of state employees. If a claim falls outside of the categories specified in § 9-8-307(a), then the State retains its immunity from suit, and a claimant may not seek relief from the State. *Stewart v. State*, 33 S.W.3d 785, 790 (Tenn. 2000).

Although the Claimant alleges that this is a negligence claim, this claim shall be treated as allegations of constitutional violations. The State has filed a Motion to Dismiss declaring that the Claims Commission does not have subject matter jurisdiction to hear a claim for violation of constitutional rights.

The Tribunal agrees with the State's arguments as stated in its memorandum of law concerning subject matter jurisdiction. It is clear that the Claims Commission does not have jurisdiction over constitutional violations. When the Claims Commission was first enacted it did have constitutional claims jurisdiction. However, in 1989, the General Assembly deleted constitutional claims from those authorized by statute in Tennessee Code Annotated, Section 9-8-307(a)(1)(N). (See also *Shell v. State*, 893 S.W.2d 416 (Tenn. 1995).

Therefore, because this claim is for the violation of constitutional rights, the Tribunal respectfully dismisses the claim.

IT IS SO ORDERED this 23 day of December, 2015.



ROBERT N. HIBBETT
Claims Commissioner
Sitting as the Trial Court of Record

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

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This 28th day of Dec., 2015.

Paula Merrifield

PAULA MERRIFIELD
Administrative Clerk
Tennessee Claims Commission