

wrongful prison transfer. For the following reasons, the Tribunal grants the Defendant's motion.

1. SCCF employees are employees of Correctional Corporation of America (CCA) and not the State of Tennessee.

Our Court of Appeals has repeatedly held that CCA employees are not State employees. See *Younger v. State* 205 S.W.3d 494, 2006 Tenn. App. LEXIS 54 (citing *Martin v. State*, 2001 Tenn. App. Lexis 471). The jurisdiction of the Claims Commission extends only to actions of "state employees" as that term is defined in Tenn. Code Ann. §8-42-101(3). Tenn. Code Ann. §9-8-307(a)(1). "Any person employed on a contractual or percentage basis" is not included within the definition of "state employees." Tenn. Code Ann. §8-42-101(3). In *Younger v. State*, the Court of Appeals upheld the findings of the Claims Commission that "the proper defendant for negligence claims arising from the action of private contractors, or their employees, in operating correctional facilities is the contractor, and not the State." 205 S.W.3d at 499. Thus, because this claim does not arise from the negligence of state employees, the Claims Commission is without jurisdiction to hear the claim on this basis.

2. There is no statutory authority for jurisdiction over wrongful prison transfer.

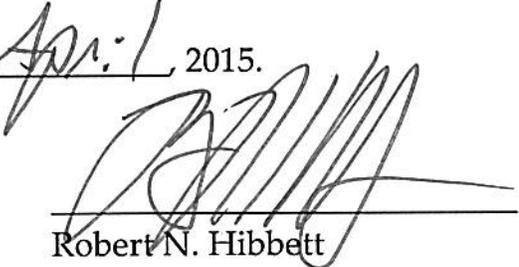
The Claims Commission is a Tribunal (Court) of exclusive jurisdiction over certain enumerated monetary claims against the State of Tennessee. The tort claims that are allowed by the General Assembly are listed under Tenn. Code Ann. 9-8-307 (a)(1). There is no category that would cover or touch upon a wrongful prison transfer. It is simply a tort or claim that does not exist under the Tennessee Code Annotated and the Claims Commission is without jurisdiction to hear a claim on this basis.

The State in its motion to dismiss also alleges the claim is barred by the one year statute of limitations. Because the Tribunal has ruled on the substance of the claim, there is no need to rule on this issue.

IT IS, THEREFORE, ORDERED:

1. That the entire claim is respectfully dismissed.
2. That this is a final judgment.

ENTERED this 23 day of April 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 27th day of April, 2015.

Paula Merrifield

PAULA MERRIFIELD
Administrative Clerk
Tennessee Claims Commission