HJ 34

Dear George Marinelli, 3/7/11

This is David Abrahams, #241224, at MacDougall C.I. Per our conversation on March 3rd, here's my written statement/testimony to be submitted at the hearing on March 21st since I cannot attend. Please make sure the Committee gets it.

Keep me informed, please. Thanks for all your help.

Sincerely,

(DA)

David Abrahams, #241224
Claim #22053
MacDougall C.I.
1153 East St. South
Suffield, CT 06080

CLAIM #22053

I, David Abrahams, am submitting in writing my testimony/statement regarding my claim to the Judiciary Committee to be used at the public hearing scheduled for March 21, 2011. Based on my conversation with George Marinelli of the Judiciary Committee, I learned that the Department of Corrections no longer transports inmates to this location/function. As a result, on Mr. Marinelli's advice, this written statement will serve as my testimony in my absence. I'm sorry that my attendance could not be secured and apologize to the Committee for any inconvenience.

I am respectfully requesting that the Claims Commissioner's decision regarding my claim be reviewed because it was decided erroneously on incorrect facts.

The respondent never stated that the limitation period commenced in April 2006, when the claimant learned of payment by his child's mother as the Commissioner claims in his memorandum of decision on page 2. Based on this, the Commissioner incorrectly determined that the running of the statutory period for filing a claim began at this time. What the respondent stated in her position letter was: "The allegations upon which the claimant's claim to the Claims Commissioner are based were known to, and articulated by, the claimant during the earlier proceedings in the Family Support Magistrate in the 1990s & 2007. The alleged damages were known to the claimant at those times, but no claim was presented or filed with the Claims Commissioner.

Therefore, pursuant to Conn. Gen. Statute §4-148(a), the claimant's claim is untimely and should be dismissed." (pg. 4 of respondent's position letter) Obviously nothing could be done in the 1990s because my child's mother did not finish reimbursing the State its monies until 2003 according to her. That leaves 2007 as the time that the damages were known to the claimant if the respondent's position regarding the times is considered credible. 2007 was two years prior to the date (Nov. 12, 2009) this claim was filed and doesn't exceed the three year statutory period for filing a claim.

Although I found out about the reimbursement to the State on behalf of my son's mother in April 2006, this is not the date when the damage was sustained or discovered. Through correspondences with Support Enforcement, I was sent a payment history, advised that I still owed on the arrearage order, and advised to address my concerns regarding my reimbursement with Social Services in June 2006. Support Enforcement would not reveal whether my child's mother had reimbursed the State in full. They only stated that the issue of fraud was resolved.

After contacting Social Services, I received 2 letters from them, the last dated Nov. 13, 2006. Now the initial investigation was done by Social Services. Regarding the reimbursement of my money, Sardis Kharazian of Social Services now states that I must address my concerns

about my money to Support Enforcement. He further stated that it would be unrealistic for me to expect any further responses from his office. This letter was dated Nov. 13, 2006. Since the originator of the investigation was Social Services and they were giving me the "run-around" and not going to reimburse me nor respond to any more of my inquiries, it was at this point & time that the damage was sustained or discovered pursuant to G.S. §4-148(a).

The fact that I was dealing with a state agency that I assumed operated on a good faith basis governed by honesty and integrity, both my counsel Paul Haringa and myself took Colleen Michelson and the prosecutor in this support case's word when they reassured us that I would be reimbursed for any improper monies I paid. Of course this was contingent on my son's mother being convicted of fraud and reimbursing the State for monies paid out to her. This is exactly what occurred sometime thereafter. I waited patiently for reimbursement because I believed the State would act justly. There was no reason for me to take any kind of action until the damage was sustained or discovered when I received that final correspondence from Sardis Khazarian. The running of the statutory period for filing a claim began at that time less than 3 years prior to the Nov. 6, 2009 date my claim was filed. The Nov. 13, 2006 letter from Social Services was attached to my statement of claim filed Nov. 6, 2009.

Furthermore C.G.S. §4-148(b) states: The General Assembly may, by special act, authorize a person to present a claim to the Claims Commissioner after the time limitations set forth in subsection (a) of this section have expired if it deems such authorization to be just and equitable and makes an express finding that such authorization is supported by compelling equitable circumstances and would serve a public purpose. I maintain that my situation satisfys this requirement even if my claim is untimely which it is not.

The State is using its position & power as an enormous state agency to keep from me, a former taxpayer, what is rightfully mine. To try and apply a statute of limitation provision that would have had me missing the statutory period by 7 months if correctly computated is a last resort tactic that I would never expect a state agency thats suppose to protect its consumers would utilize. I have been diligently trying to resolve this matter for years but it is obvious I was misled by Colleen Michelson which resulted in a "domino effect" with the current state of events. I would have took a more active approach in pursuing my reimbursement short of harassment instead of trusting Michelson's representations. When I was not incarcerated, there was full cooperation from the State at my disposal. I was unsuccessful in trying to resolve the matter from prison

after my son's mother reimbursed the State its monies. There was minimal cooperation at best from the State's representatives once they found out I was incarcerated.

The State shouldn't be allowed to collect in full its monies from my son's mother and an additional $4,200 from me. I believe my claim is just and equitable and believe it presents an issue of law or fact which the State could be liable for if it were a private person. In the interests of Justice, I should not be denied what is rightfully owed to me and I am respectfully requesting that the General Assembly review the Commissioner's decision and grant my just claim of $4,674.80, slightly modify it, or give me permission to sue the State.

Sincerely,

David Abrahams, #241224
Claimant
MacDougall C.I.
1153 East St. South
Suffield, CT 06080