



OLR RESEARCH REPORT

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QUESTIONS FOR CLAIMS COMMISSIONER NOMINEE

By: Christopher Reinhart, Chief Attorney

You asked for questions for the claims commissioner nominee.

DUTIES OF THE CLAIMS COMMISSIONER

The claims commissioner hears and determines claims against the state and decides whether a claim is a “just claim.” A “just claim” is a claim, which in equity and justice the state should pay, provided the state has caused damage or injury or has received a benefit.

Certain claims are “excepted” from the jurisdiction of the claims commissioner, including (1) claims for the periodic payment of disability, pension, retirement, or other employment benefits; (2) claims that are authorized by law to be brought as lawsuits, including suits to recover similar relief arising from the same set of facts; (3) claims for which an administrative hearing procedure is established by law; (4) requests by political subdivisions of the state for the payment of grants in lieu of taxes; and (5) claims for tax refunds. If a claim filed is “excepted” by statute, the commissioner lacks jurisdiction and the claim must be dismissed.

By law, a claimant who files a claim for more than \$7,500 and who wishes to protest the claims commissioner's decision to deny it or to order the payment of \$7,500 or less may waive immediate payment and have his claim submitted to the General Assembly for review. The General Assembly can confirm the commissioner's decision, modify it, or authorize the complainant to sue the state, or return it for further proceedings.

For claims under \$5,000, the commissioner may waive a hearing and proceed upon affidavits filed by the claimant and the state agency concerned. For claims exceeding \$5,000, the claims commissioner conducts a formal hearing.

After a hearing, if the claims commissioner finds that the alleged damage or injury was caused by the state, or that the state received a benefit, and that the claim is "just and equitable" the commissioner may either award payment for claims up to \$7,500 or recommend payment of claims in excess of \$7,500 to the General Assembly.

QUESTIONS

1. How do you see your role as claims commissioner? For example, do you see yourself as a neutral unbiased decision-maker similar to a Superior Court judge or do you see your role as the state's protector?
2. Is part of your responsibility to safeguard public funds? If so, how does that affect your ability to fairly judge each case on its merits?
3. The statutes allow the claims commissioner to grant permission to sue the state when he deems it "just and equitable." What standards, principles, or rules do you use to determine whether a claim is "just and equitable"? Who has the burden of proof? Does the claimant have to produce enough evidence so you believe he or she will win a civil trial or enough so you think he or she has a chance to win a civil trial?
4. Approximately how many claims have you decided in your capacity as claims commissioner?
5. Approximately what percentage of the claims you have considered result in a payment to the claimant or in your granting permission to sue the state? Approximately what percentage of cases have you refused payment and refused permission to sue the state? Why do you think the outcomes turn out this way?

6. How many claims does your office currently have? Has the number increased or decreased in recent years?
7. How do you handle the caseload? What is your work week like?
8. How long does it take to process a claim? On average, how many hours do you or your staff spend on a claim, from the initial filing to a final decision?
9. What percentage of the claims comes from prisoners? Is this a problem?
10. What are the strengths and weaknesses of the claims commissioner law and procedures?
11. What legislative changes, if any, would you recommend to the claims commissioner law? How would your recommendations help to make the law work better? Who would the changes benefit? Who would they hurt?

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