

CLAIM NO. 21750	:	STATE OF CONNECTICUT
	:	
CHASE CORCORAN,	:	
<i>Claimant</i>	:	COMMISSIONER OF CLAIMS
	:	999 Asylum Avenue
v.	:	Hartford, CT 06106
	:	
STATE OF CONNECTICUT	:	
AND NORWICH TECHNICAL	:	
HIGH SCHOOL,	:	
<i>Respondent</i>	:	

ATTORNEY HUMBERT POLITO
TESTIMONY ON BEHALF OF CHASE CORCORAN – HJ26

My name is Bert Polito from the law firm of Polito & Quinn, LLC in Waterford, Connecticut and I represent the claimant, Chase Corcoran. We are here to ask the General Assembly under the guidance of this Committee to vacate the Claim Commissioner’s denial of this claim and authorize Chase Corcoran to sue the State.

Six years ago this week when Chase Corcoran was a 17 year old high school student, he suffered the traumatic amputation of portions of two fingers and injury to a third finger on his master hand – one finger was partially re-attached. This was a devastating loss to a young aspiring carpenter. By all accounts Chase was a good student who posed no disciplinary problems at all to any of his carpentry teachers. Chase continues to be a hardworking young man. Chase is here with me today.

In high school we were all taught to follow our teacher’s instructions. Every teacher has their own set of rules and part of schooling requires us to learn those rules and follow them—even if what one teacher instructs is different than what was taught by previous instructors. In 9th and 10th grade, Chase was taught by Mr. John Kelly, never to use his own hands to manually secure wood while the wood is being cut by a

power tool. The practice of manually securing wood with one's bare hands is especially dangerous when taught to inexperienced teenage students.

In 11th and 12th grade Chase was taught by Brian Charron who was the head of the carpentry department at Norwich Tech. Mr. Charron took junior and senior students out onto active job sites and provided instruction as the students worked. Now Chase was expected to follow Mr. Charron's instructions. As it turned out Mr. Charron taught his students, including Chase, to secure wood with their bare hands while the wood was being cut with a power tool. There is no dispute about this fact. There is also no dispute that this practice was not taught by Norwich Technical School's own curriculum or its other carpentry instructor, Mr. John Kelly in 9th and 10th grade. But Chase did not have Mr. Kelly in 12th grade. Chase was now taught by Mr. Charron and he listened to and followed Mr. Charron's instructions.

Mr. Charron described his instruction of securing wood with his bare hands as a standard practice. He acknowledged that teaching students to secure wood with their bare hands was not written in the curriculum or in instructional materials provided to Chase.

Mr. Charron even admitted that there is a safety rule which states that the students are not to secure wood with their bare hands, regardless of the wood's length, however, when asked about that rule, he responded "I don't enforce it."

On the day that Chase had his fingers amputated he was following Mr. Charron's instruction to secure wood with his bare hands. The board to be cut was approximately 12-15" long. Mr. Charron directed another student to cut v-shaped wedges off of the other end. The circular saw ran over Chase's hand amputating his fingers.

Everyone who testified in this case including Norwich Tech's other carpentry instructor, Mr. Kelly, as well as Charles Johnson, the plaintiff's expert and a graduate of Norwich Tech's carpentry program, stated without hesitation that the practice of securing wood by one's hands is not accepted and is inherently unsafe. It is not

efficient on a job site and is definitely not safe.

Instead, wood must be secured mechanically through the use of clamps, nails or screws. This is what happens on the job site and should have been taught by Mr. Charron. Had this basic safety practice been followed in this case, Chase Corcoran would not have been injured because the board in question would have been mechanically secured.

Instead, Chase followed his teacher Mr. Charron's instruction. The Respondent produced no evidence and no person to support the safety of Mr. Charron's unique rule except Mr. Charron himself.

As a father of three sons and as an instructor for the past sixteen years at UConn Law School, I know that students are taught to and expected to follow their current teachers' expectations rather than what may have been taught in the past. Chase did just that. He held wood by his bare hands which was to be cut by another student wielding a circular saw. In his Memorandum of Decision, the Claims Commissioner found Brian Charron's failure to enforce this basic safety rule "troubling". However the Commissioner concluded that Chase "was instructed as to the proper and safe way to act as a carpenter" without specifying what such teaching included and when. The Commissioner's conclusion failed to recognize that Chase was a 17 year old high school student who was expected to listen to his current teacher on the job site who was also the head of the carpentry department. If Mr. Charron had taught safety as other Norwich Tech teachers and carpentry professionals did then Chase Corcoran would not have been injured and we would not be here today.

Chase now appeals to the wisdom and common sense of this Committee and the General Assembly. In this way Chase will have the opportunity to have his claim considered by a judge and if appropriate his permanent harms and losses addressed that he suffered over five years ago.

For all these reasons we respectfully request that you vacate the Commissioner's denial of this claim and authorize the Claimant Chase Corcoran to sue the State

pursuant to C.G.S. §4-159. I believe a memorandum in support of our request has already been circulated to the Chairs and the ranking members of this committee. I am willing to answer any questions you may have and will supply any additional documentation to support this testimony today should you have any requests. On behalf of Chase Corcoran I thank you all of you for your consideration of this request.