



QUESTIONS FOR CLAIMS COMMISSIONER NOMINEE

By: Christopher Reinhart, Chief Attorney

ISSUE

You asked for questions for the claims commissioner nominee.

DUTIES OF THE CLAIMS COMMISSIONER

In most cases, someone who wishes to sue the state must file a claim with the claims commissioner. Except in limited circumstances, the commissioner holds a hearing on each claim. The commissioner can issue a decision to (1) deny or dismiss a claim, (2) grant permission to sue the state, (3) grant a claimant an award of up to \$20,000, or (4) recommend that the General Assembly approve an award of a higher amount.

A claimant who filed a claim for more than \$20,000 can ask the General Assembly to review the commissioner's decision to deny or dismiss the claim or award a lesser amount. The General Assembly must review claims where the commissioner recommends an award greater than \$20,000.

For each claim submitted to the General Assembly, the legislature may confirm the commissioner's decision or recommendation, order payment of a specific amount, deny payment, or authorize the claimant to sue the state (CGS §§ 4-141, et seq.).

The law also includes specific provisions for filing claims with the commissioner for compensation because of wrongful incarceration. A person can file such a claim if he or she (1) was convicted in state court and is innocent of the crime, (2) served time in prison, and (3) had the conviction overturned on grounds of innocence or a ground consistent with innocence (CGS § 54-102uu).

For more information on the claims process, see OLR Report 2014-R-0082.



QUESTIONS

1. What in your background prepares you to serve as the claims commissioner?
2. How do you view the role of the claims commissioner? For example, do you see the position as a neutral unbiased decision-maker similar to a Superior Court judge or as the state's protector?
3. Is part of the commissioner's responsibility to safeguard public funds? If so, how does that affect the ability to fairly judge each case on its merits?
4. The statutes allow the claims commissioner to grant permission to sue the state when it is "just and equitable." What standards, principles, or rules would you use to determine whether a claim is "just and equitable"?
5. Currently, the commissioner's office has a backlog of claims and many have not been decided within the statutory deadlines. How do you plan to deal with this backlog?
6. How long do you think it should take to process a claim? What timeframe do you think is appropriate to dispose of claims? What timeframe do you think provides justice to a claimant?
7. The statutes authorize the claims commissioner to compensate someone for his or her wrongful incarceration (CGS § 54-102uu). Some have debated the "innocence" requirement under this statute. How do you interpret the statute? When do you think it is appropriate for the state to compensate someone for wrongful incarceration?
8. What do you think is the appropriate level of compensation for someone wrongfully incarcerated?
9. What do you see as the strengths and weaknesses of the claims commissioner law and procedures? Would you recommend any changes? How would your recommendations help to make the law work better? Who would the changes benefit? Who would they hurt?
10. Do you think there are too many frivolous claims filed? Are claims from inmates particularly an issue? Should there be additional requirements or restrictions on filing claims?

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