

Office of the Claims Commissioner

At a Glance

Christy Scott, Claims Commissioner

Established—1959

Statutory authority—Chapter 53 and § 54-102uu of the General Statutes

Office location—450 Columbus Boulevard, Suite 203, Hartford, CT 06103

Statutory Authority

The ancient legal concept of sovereign immunity provides that the state cannot be sued for monetary damages. Unless the legislature consents, the state cannot be held liable for any damage or injury it causes, or for the cost of any goods, services or benefits received by the state.

The Connecticut Constitution provides in section 4 of Article Eleventh that: “Claims against the state shall be resolved in such manner as may be provided by law.” Pursuant to that constitutional provision, the legislature established a procedure for resolution of claims against the state in Chapter 53 of the General Statutes. That chapter requires claims against the state to be presented to a Claims Commissioner who is appointed by the Governor with the advice and consent of the General Assembly.

A claimant may seek an award of damages from the Claims Commissioner or may request that the Commissioner grant authorization to sue the state in Superior Court. If the claimant seeks a monetary award, the Claims Commissioner must decide whether the claim is a “just claim,” which in equity and justice the state should pay, provided that the state has caused damage or injury, or received a benefit. If the Commissioner determines that the claim is a “just claim,” the Commissioner may either award payment in an amount up to \$35,000 or recommend payment in excess of \$35,000 to the General Assembly. If the claimant seeks authorization to sue the state, the Commissioner must determine whether the claim presents an issue of law or fact under which the state, were it a private person, could be liable and whether authorization to sue is just and equitable. Appeals from decisions of the Commissioner are made to the General Assembly.

Certain claims for damages are statutorily excluded from the Claims Commissioner’s jurisdiction, either because legislation exists that waives the state’s immunity for that type of claim, or because another forum exists in which the claim can be considered. For example, the Claims Commissioner lacks jurisdiction over certain claims related to defective highways and bridges; public works contracts; operation of state-owned vehicles; employment benefits; payment of grants in lieu of taxes; and tax refunds. The Claims Commissioner also may not consider claims upon which suit otherwise is authorized by law, including suits to recover similar relief arising from the same set of facts, and claims for which an administrative hearing procedure otherwise is established by law.

In 2008, the General Assembly expanded the Claims Commissioner’s jurisdiction to include review of claims for compensation for wrongful incarceration. Section 54-102uu of the

General Statutes authorizes the Commissioner to award compensation to individuals who have been wrongfully incarcerated and who meet certain statutory eligibility criteria.

Public Service

Summary of Fiscal Year 2021 Claims Activity

- During FY 2021, the Commissioner received 414 new claims. A total of 23 of those new claims were adjudicated or disposed of in FY 2021. A total of 175 total claims were adjudicated in FY 2021.
- Of the 414 new claims filed in FY 2021, 157 were filed by inmates. Of the 175 claims adjudicated during this year, 64 were claims which arose while the claimant was an inmate and in the custody of the Department of Correction.
- The Commissioner entered awards for claims adjudicated in FY 2021 totaling \$89,383.53 for 28 claims where the award did not exceed \$35,000.00. Seven additional claimants were granted permission to sue the state.
- The Commissioner also awarded \$9,567,708.00 for 2 wrongful incarceration claims in which the claimant was found eligible for an award.

Improvements/Achievements Fiscal Year 2021

In fiscal year 2021, the Office of the Claims Commissioner focused on ensuring that the strains placed on our resources by the pandemic did not impact our accessibility and efficiency for claimants. To that end, we significantly decreased the average amount of time required to process a new claim and we improved our response times for inquiries from parties, responding to most inquiries on the same business day as received.

In addition, legislation enacted during the 2021 legislative session provides a mechanism by which the Commissioner may grant permission to sue without holding an evidentiary hearing for certain claims and clarifies that permission to sue is deemed granted in medical malpractice claims once a legally sufficient good faith certificate is filed. Both of these changes support the office's ongoing efforts to resolve claims more efficiently and fairly, and thereby to eliminate the longstanding backlog and streamline the claims process generally.