

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE  
WESTERN DIVISION

FILED

GRADY BROWN,

Claimant

v.

STATE OF TENNESSEE,

Defendant.

Claim No. 20-081-003

APR 01 2009

Tennessee Claims Commission  
CLERK'S OFFICE

4081-003 ✓  
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**ORDER OF DISMISSAL**

This matter is before the Commission of the Defendant's *Motion to Dismiss* under Tenn. R. Civ. P. 12.02(1) and (6) for lack of subject matter jurisdiction. However, because Claimant has presented matters outside of the pleadings, the Commission will treat the motion as one for summary judgment.

Pursuant to §9-8-307(a)(1)(L), Tenn. Code Ann. (Supp. 2008), the Commission has jurisdiction over "actions for breach of a written contract between the claimant and the state which was executed by one (1) or more state officers or employees with authority to execute the contract." Claimant, a former employee of the Tennessee Department of Environment and Conservation, avers that he was not

compensated for work he performed at a higher level of classification than the level at which he was employed. However, the Claimant has failed to present evidence that of a written contract signed by a state officer with the authority to execute it.

Furthermore, to the extent that the Claimant may be asserting the existence of an implied provision or one that was part of an oral contract, the Commission does not have jurisdiction over claims involving breach of oral or implied contracts.

Since the Commission previously dismissed Claimant's claims pursuant to §9-8-307(a)(1)(N) for negligent deprivation of statutory rights and §9-8-307(a)(1)(K) for workers' compensation benefits, Defendant's motion to dismiss this claim and/or for summary judgment must now be **GRANTED**. Claimant's claim is hereby **DISMISSED**.

**IT IS SO ORDERED.**



**NANCY C. MILLER-HERRON**  
Commissioner

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been forwarded via first-class mail, postage prepaid, this 1<sup>st</sup> day of April, 2009, to the following:

Mr. Grady H. Brown, #417252  
Unit JB-201  
HCCF  
P.O. Box 549  
Whiteville, TN 38075-0549

Mr. Michael Markham, Esq.  
Assistant Attorney General  
Office of the Attorney General  
P. O. Box 20207  
Nashville, Tennessee 37202-0207

  
**MARSHA RICHESON, Clerk**  
Tennessee Claims Commission