IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED
OCT 20 2009
Tennessee Claims Commission
CLERK'S OFFICE

JAMES D. ANDERSON,	)	
	)	
Claimant,	)	
	)	
vs.	)	Claim No. T20091199
	)	
STATE OF TENNESSEE,	)	
	)	
Defendant.	)	

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ORDER GRANTING MOTION TO DISMISS

Claimant, James Darrel Anderson, is an inmate in the custody of the Tennessee Department of Correction ("TDOC"). Mr. Anderson's *pro se* claim for damages alleges that he was returned to prison for parole violation, refused bond and denied treatment for a ruptured disc.[1] He lists the date of the occurrence of his claim as June 2, 2004.

Currently pending before the Commission is the State's Motion to Dismiss the claim as barred by the statute of limitations. Mr. Anderson has not responded to the motion.

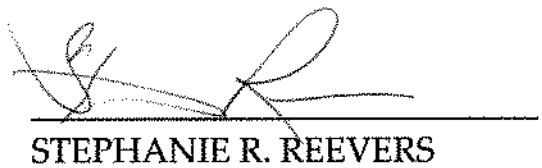
Mr. Anderson filed this action with the Division of Claims Administration on April 22, 2009. Tenn. Code Ann. § 9-8-402(a) provides

[1] Mr. Anderson's handwritten claim for damages is largely illegible.

that "[t]he claimant must give written notice of the claimant's claim to the division of claims administration as a condition precedent to recovery...." Tenn.Code Ann. § 9-8-402(a). Additionally, Tenn. Code Ann. § 9-8-402(b) states that "[t]he claim is barred unless the notice is given within the time provided by statutes of limitations applicable by the courts for similar occurrences from which the claim arises." Tenn. Code. Ann. § 9-8-402(b).

Mr. Anderson's claim is a personal tort action that must be brought within one year "after the cause of action accrued." Tenn. Code Ann. § 28-3-104. A cause of action accrues when the tort is complete, and the injury to the person has occurred. *Hunter v. Brown*, 955 S.W.2d 49, 51 (Tenn. 1997). Because Mr. Anderson did not provide the Division of Claims Administration with notice of his claim until more than one year after the accident about which he complains, it is barred by the statute of limitations. The motion is therefore granted and the claim is dismissed.

It is so **ORDERED** this the 16th day of October, 2009.



STEPHANIE R. REEVERS
Claims Commissioner

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

DAVID S. SADLOW
Attorney General's Office
P.O. Box 20207
Nashville, TN 37202-0207

JAMES D. ANDERSON
20 John Gregg Road
Hillsboro, TN 37342

This 20th day of October, 2009.

Marsha Richeson

Marsha Richeson, Administrative Clerk
Tennessee Claims Commission