

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

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CLAIMS COMMISSION
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DAMON PARHAM #413494,)
)
 Claimant,) Claim No. T20141359
)
 vs.)
)
 STATE OF TENNESSEE,)
) Regular Docket
 Defendant.)

ORDER OF DISMISSAL

This claim came before Robert N. Hibbett, Commissioner and judge of the facts and law, upon the State's Motion to Dismiss and/or for Summary Judgment. The Claimant has not responded to the motion.

The State has filed a motion to dismiss the claim arguing that Jeff Blum is an employee of the Metropolitan Government of Nashville and the Davidson County Sheriff's Department and not a state employee. The State has filed affidavits in support of its motion.

The authority of the Claims Commission to render damages is set forth by statute. As provided under Tenn. Code Ann. § 9-8-307(a)(1), the Commission has exclusive jurisdiction to determine all monetary claims

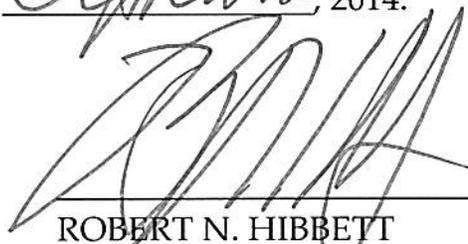
against the state based on the acts or omissions of state employees. If a claim falls outside of the categories specified in § 9-8-307(a), then the State retains its immunity from suit, and a claimant may not seek relief from the State. *Stewart v. State*, 33 S.W.3d 785, 790 (Tenn. 2000).

It appears that Jeff Blum does not meet the definition of a state employee. He is an employee of local government and not the State of Tennessee. Therefore, the claim cannot withstand the State's motion to dismiss.

IT IS, THEREFORE, ORDERED:

That the claim is respectfully dismissed.

ENTERED this 9 day of September, 2014.



ROBERT N. HIBBETT
Claims Commissioner
Sitting as the Trial Court of Record

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

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DAMON PARHAM #413494
Davidson County Sheriff's Office
P.O. Box 196383
Nashville, TN 37219

This 11th day of Sept., 2014.



PAULA SWANSON
Administrative Clerk
Tennessee Claims Commission