

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
WESTERN DIVISION

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IN CLAIMS COMMISSION
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SANDRA WESTBROOKS,

Claimant,

v.

CLAIM NO. T20131604
Regular Docket

STATE OF TENNESSEE,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

This claim comes before the Claims Commission on the motion of the Defendant to dismiss this claim for lack of subject matter jurisdiction. Claimant has filed no opposing affidavits or pleadings.

Claimant, Sandra Westbrook, filed a claim with the Division of Claims Administration on June 6, 2013. Her claim was denied on September 10, 2013. Claimant filed her Notice of Appeal and formal complaint on December 6, 2013.

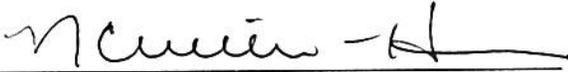
Claimant's claim alleges that she suffered personal injuries in an automobile accident with a van driven by an employee of the Southwest Human Resources Agency. (Complaint of Claimant, para. 7)

Defendant filed a *Motion to Dismiss* and *Memorandum of Law in Support of Motion to Dismiss* on or about January 2, 2014. Claimant has filed no response to Defendant's motion. Rule 0310-1-1-.01(5)(c) of The Rules of The

Tennessee Claims Commission provides that "Each party opposing a motion shall serve and file a response no later than fifteen (15) days after service of the motion, except that in case of motions for summary judgment the time shall be thirty (30) days after service of the motion. **Failure to file a response shall indicate that there is no opposition to the motion.**"

Substantively, the State's *Motion to Dismiss* is well taken. Defendant correctly avers that the Claims Commission has no jurisdiction over actions alleging negligence by employees of human resource agencies. See *Johnson v. South Central Resource Agency*, 926 S.W.2d 951 (Tenn. Ct. App. 1996). Instead, Human Resource Agencies are governmental entities subject to suit in circuit court under the Governmental Tort Liability Act (GTLA). § 29-20-102(3)(A), Tenn. Code Ann.

IT IS THEREFORE ORDERED that this claim be **DISMISSED**.



NANCY C. MILLER-HERRON
COMMISSIONER

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Order has been forwarded to the following via hand-delivery or U.S. mail, postage prepaid:

Ms. Sherry M. Percival, Esq.
219 North Parkway, Suite 1
Jackson, TN 37205

Ms. Laura Miller, Esq.
Assistant Deputy Attorney General
Civil Rights and Claims Division
P.O. Box 20207
Nashville, TN 37202-0207

This the 13th day of February, 2014



PAULA SWANSON, CLERK
Tennessee Claims Commission