

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE  
MIDDLE DIVISION

2015 JUN -2 A 10:01

MARTIN WALKER #107855, )  
 )  
 Claimant, ) Claim No. T20150033  
 )  
 vs. )  
 )  
 STATE OF TENNESSEE, )  
 ) Regular Docket  
 Defendant. )

ORDER OF DISMISSAL

Currently pending before the Commission is the State's Motion to Dismiss for failure to state a claim. Claimant has not responded to the motion.

Claimant alleges that he has developed carpal tunnel syndrome as a result of his job with TRICOR within Riverbend Maximum Security Prison of the Tennessee Department of Correction. He seeks compensation for his injury. The State argues that the Claimant is not a state employee and is not entitled to workers' compensation benefits. The Tribunal agrees with the State's argument and memorandum of law.

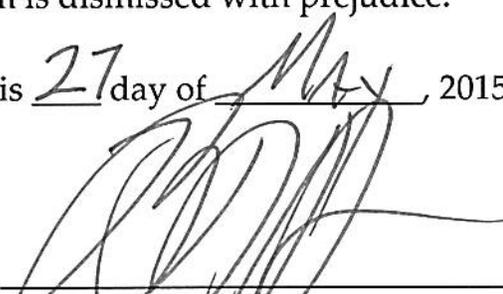
The Supreme Court of Tennessee has held that an inmate "cannot and does not make a true contract of hire with the authorities by whom he is

confined. The inducements which might be held out to him, in the form of extra food or even money, are in no sense consideration for an enforceable contract of hire." *Abrams v. Madison County Highway Dep't*, 495 S.W.2d 539 at 541 (Tenn. 1973). The statute at issue in *Abrams* was a workers' compensation statute, therefore the analysis of the instant case is the very same.

The express language of Tenn. Code Ann. §41-1-402(1) manifests a clear intention of the General Assembly to require inmates "to perform some type of work." However, there is no language in statute that directs inmates are employees of the State of Tennessee.

Therefore, the Claimant is not a state employee and is not entitled to workers' compensation benefits. Furthermore, the Claimant has not responded to the Motion to Dismiss. The claim is dismissed with prejudice.

IT IS SO ORDERED this 27 day of May, 2015.

  
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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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This 2<sup>nd</sup> day of June, 2015.

Paula Merrifield  
PAULA MERRIFIELD  
Administrative Clerk  
Tennessee Claims Commission