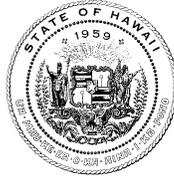


NEIL ABERCROMBIE
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**REPORT ON RECOMMENDATIONS FOR DENIAL OF
CLAIMS FOR LEGISLATIVE RELIEF**

Pursuant to Section 37-77, Hawaii Revised Statutes

Fiscal Year 2012 – 2013

Submitted to the Twenty-Seventh State Legislature
Regular Session of 2014

AUTHORITY AND BACKGROUND

Section 37-77, Hawaii Revised Statutes, requires the Attorney General to report annually to the Legislature on the claims for which a recommendation for denial is made. This reporting requirement is contrasted with the Attorney General's obligation under the same statutory authority to submit a bill to the Legislature that contains all of the claims for which payment is recommended.

A listing and summary of the claim is provided in the report section below. The claim this year is filed by a Department of Education (DOE) teacher. The claim involves damage to or theft of employee property. The claim is for vandalism to an employee vehicle parked on school property. In this case, DOE officials have recommended that the claim be denied because of the absence of DOE negligence. The Attorney General's recommendation for denying this claim is based on a determination that no state employee negligence has been found.

There are no strong policy reasons for the Legislature to appropriate funds to pay these claims. State employees, like other individuals, usually have, or may obtain, insurance to cover the risks involved. Absent compelling policy justification, state liability for damages should only attach where the negligence of a state employee has been established.

As required by section 37-77, Hawaii Revised Statutes, the data and documents supporting the claims below are maintained in the Tort Litigation Division, Department of the Attorney General, and are available for inspection by the Legislature.

SUMMARY OF CLAIMS DURING 2013 FOR WHICH DENIAL IS RECOMMENDED

Claimant: Mary Kate Patton

Amount Claimed: \$1546.43

Ms. Patton, a special education teacher at Kamaile Academy, claims her vehicle was vandalized and camera and iPod were stolen while parked in the school parking lot.