

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

VINCENT DARNELL PAYNE

Plaintiff

v.

SOUTHERN OHIO CORRECTIONAL FACILITY

Defendant

Case No. 2008-06610-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶ 1} On May 30, 2008, plaintiff, Vincent Darnell Payne, filed a complaint against defendant, Southern Ohio Correctional Facility. On September 9, 2008, a judge of the Court of Claims transferred this case to the administrative docket. Plaintiff alleges that the defendant has been wrongfully taking his state pay. The filing fee was waived.

{¶ 2} On November 5, 2008, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 3} “Although he does not state the circumstances giving rise to these charges, he indicates that his state pay is an issue. Defendant’s investigation of Plaintiff’s allegations indicates that his state pay is being taken for Rules Infraction Board orders.

{¶ 4} “Plaintiff’s claim should be dismissed for lack of subject matter jurisdiction because an inmate’s appeal of a Rules Infraction Board decision does not relate to civil law. The Rules Infraction Board on two occasions, with the approvals of the Warden at the Southern Ohio Correctional Facility, decided to reduce Plaintiff’s state

pay for destruction of state property, that being an officer's uniform shirt and inmate pants with a total value of \$39.83. Exhibits A, B, C, D, E, and F. This Court has repeatedly held that it has no jurisdiction over decisions of the Rules Infraction Board. Lack of subject matter jurisdiction is, therefore, applicable in this case."

{¶ 5} The plaintiff has not responded to defendant's motion to dismiss.

{¶ 6} Defendant has presented undisputed evidence that the reduction of plaintiff's state pay is the result of rulings rendered by the Rules Infraction Board.

{¶ 7} An inmate's appeal of a Rules Infraction Board decision does not relate to civil law, a proper subject for adjudication pursuant to Chapter 2743 of the Ohio Revised Code. Instead, the appeal relates to private rights and remedies involving criminal proceedings and penalties imposed by a disciplinary board. Therefore, it falls outside the court's exclusive jurisdiction. *Maynard v. Jago* (1977), 76-0581-AD.

{¶ 8} The Court of Claims does not have jurisdiction over the decisions of the Rules Infraction Board. *Chatman v. Dept. of Rehabilitation and Correction* (1985), 84-06323-AD; *Ryan v. Chillicothe Institution* (1981), 81-05181-AD; *Rierson v. Department of Rehabilitation* (1981), 80-00860-AD.

{¶ 9} Therefore, defendant's motion to dismiss is GRANTED. Plaintiff's case is DISMISSED. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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ENTRY

DRB/laa
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