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September 28, 2023

**ADMINISTRATIVE REGULATION  
NUMBER 106**

**OPR: LEGAL**

## **ALABAMA BOARD OF ADJUSTMENT CLAIMS FOR ADOC EMPLOYEES**

### **I. GENERAL**

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the policies, procedures, and responsibilities for the filing of claims with the Alabama Board of Adjustment (BOA) for losses incurred by ADOC employees.

### **II. POLICY**

It is the policy of the ADOC to receive and process BOA claims from ADOC employees in accordance with this AR.

### **III. DEFINITIONS AND ACRONYMS**

A. **Alabama Board of Adjustment (BOA)**: The Alabama Board of Adjustment is an entity created by Alabama statute empowered to hear and consider all claims for damages for personal injury, property damage, death, or contract claims against the State of Alabama or any of its agencies, commissions, boards, institutions, or departments (except those claims by State employees covered by an employee injury compensation program) where the State has a legal or moral obligation to pay in those cases where legal action against the State is barred by the doctrine of sovereign immunity.

### **IV. RESPONSIBILITIES**

A. The Commissioner is responsible for making the final determination for approval or denial of an ADOC employee's BOA claim.

B. The Legal Division is responsible for facilitating an appropriate response on behalf of the ADOC to an ADOC employee's BOA claim.

- C. The Warden/Division Director is responsible for making appropriate recommendations for approval or denial of an ADOC employee's BOA claim to the Commissioner.
- D. The Supervisor is responsible for providing appropriate certifications to an ADOC employee and making appropriate recommendations for approval or denial of an ADOC employee's BOA claim to the Warden/Division Director.
- E. All ADOC employees are responsible for completing the appropriate BOA claim forms, obtaining the necessary certifications, and submitting all documentation to their supervisor before filing any BOA claims.

**V. PROCEDURES**

- A. Employees wishing to file a BOA claim shall complete the appropriate BOA claim form (available on the BOA's website) and obtain the necessary certification before submitting these documents to their supervisor for review.
  - 1. Employee Claims for Damages for Personal Property Injuries:
    - a. No claims for injuries to an employee's personal property by any means shall be considered unless the employee submits a written certification from his/her supervisor, signed before the date of the injury, stating both that the personal property is necessary to the performance of the employee's official duties and that the ADOC did not furnish the item to the employee.
    - b. Supervisors shall not issue this certification for any items that do not have a direct use in the employee's official duties, including apparel, accessories, radios, televisions, cooking devices, health devices, decorative items, trophies, framed material, or memorabilia.
    - c. No claims for injuries to personal property shall be considered without this certification unless the injury is to the employee's personal vehicle used for official state business. In such case, a claim for damage to the employee's personal vehicle may be considered if the employee submits a written certification from his/her supervisor stating that the employee's personal vehicle was being used on official state business when the injury occurred. Such claims shall be considered only to the extent that the injury to the employee's personal vehicle exceeds any available insurance coverage.
    - d. No claims for injuries to an employee's personal vehicle while parked at the employee's work site shall be considered.

- e. No claims for injuries in the form of mechanical repairs to an employee's personal vehicle shall be considered if the employee was being paid or reimbursed for mileage for such use.

2. Employee Claims for Damages for Personal Injuries While Off Duty:

- a. No claims for injuries to an off-duty employee shall be considered unless:
  - (1) The off-duty employee was participating in an activity or event that clearly benefits the ADOC and the off-duty employee submits a written certification from his/her supervisor stating that the employee's off-duty participation was required or approved by that supervisor; or
  - (2) The off-duty employee was participating in an activity or event for inmates in ADOC custody and the off-duty employee submits a written certification from the ADOC facility or division sponsoring the activity or event stating that the off-duty employee's participation was necessary or required.
- b. No claims for injuries to an off-duty employee shall be considered if it is determined that the employee is covered by an employee injury compensation program.

3. Employee Claims for Underpayment of Wages:

- a. No claims for underpayment of wages shall be considered unless the employee submits a written certification from his/her supervisor stating both that the employee reported for and performed official duties on specific days and hours and that the employee did not receive compensation for specific days and hours.

- B. Upon receipt and review, the supervisor shall make an appropriate recommendation for approval or denial of the claim and then forward the claim, certification, and recommendation to the Warden/Division Director for review.
- C. Upon receipt and review, the Warden/Division Director shall make an appropriate recommendation for approval or denial of the claim and then forward the claim, certification, and recommendations to the Commissioner/designee for review and final determination for approval or denial of the claim.
- D. Upon receipt, review, and final determination, the Commissioner/designee will forward the claim, certification, and Commissioner's determination to the Legal Division for appropriately responding to the BOA.

**VI. DISPOSITION**

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

**VII. FORMS**

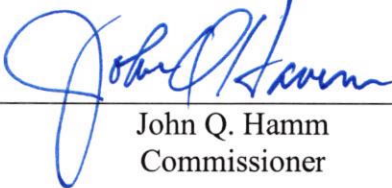
There are no forms prescribed in this AR.

**VIII. SUPERSEDES**

This Administrative Regulation supersedes AR 106, *Board of Adjustment Claims for ADOC Employees*, dated February 4, 2005, and any related changes.

**IX. PERFORMANCE**

Code of Alabama 1975 § 14-1-1.1 *et seq.*, 41-9-60 *et seq.*



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John Q. Hamm  
Commissioner