1/19/05

GRIEVANT'S REQUEST UNANIMOUSLY DENIED

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the Superintendent's decision was amended and reissued on 1/13/05.

CORC asserts that Directive #4040, Section V, A, 1, indicates that inmates must submit a complaint to the clerk within fourteen calendar days of an alleged occurrence. Exceptions to this time limit may be approved by the IGP Supervisor based on mitigating circumstances explaining why the grievance wasn't filed within the time limit and any additional period of delay. CORC notes that the IGP Supervisor reviewed the grievant's documentation and determined that the grievant has not provided mitigating circumstances to substantiate filing an untimely grievance.

CORC notes that the grievant's mitigating circumstances presented included the names of staff who were allegedly involved in the grievant's missing property. CORC asserts that the names of staff are irrelevant. Staff were easily identifiable at the time of incident, due to the type of event the grievant described, i.e. transfer of property during transfer. Furthermore, the grievant is not alleging that staff acted in an inappropriate or harassing manner.

CORC notes that the grievant sought to file an addendum to a grievance SHG-17355-00, which was answered by CORC on 2/21/01. CORC asserts that there is no provision for updating a previously filed grievance. Additionally, CORC notes that the grievant had previously filed a personal property claim on his alleged lost property. CORC asserts that the grievant had the opportunity to appeal this claim in accordance with Directive #2733, Section II. B.

smd/jd