

Possible Forms of Relief

- ▶ Immediate payment of damages up to \$20,000; or
- ▶ A recommended payment in excess of \$20,000 to be reviewed by the legislature; or
- ▶ Authorize suit against the state.

Legal Standards for Relief

- ▶ The Commissioner may order or recommend payment of damages if she determines the claim is a “just claim.” § 4-158 (a).
 - ▶ A “just claim” is one which in equity and justice the state should pay, provided the state has caused damage or injury or has received a benefit. § 4-141.
- ▶ The Commissioner may authorize an action against the state when she deems it “just and equitable” and the claim presents an issue of law or fact under which the state, were it a private person, could be liable. § 4-160 (a).
- ▶ In the case of a medical malpractice claim, the Commissioner shall authorize suit if the claimant submits a certificate of good faith in accordance with § 52-190a.