

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p><b>INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE</b></p>	Grievance Number EL-26035-04	Desig./Code I/49	Date Filed 1/13/04
	Facility Elmira Correctional Facility		
	Title of Grievance Verbal And Physical Abuse		
	Director's Signature <i>T. G. Eagan</i>		Date 3/24/04

3/24/04

**GRIEVANT'S REQUEST UNANIMOUSLY DENIED WITH CLARIFICATION**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied with clarification to the extent that the matter was investigated and the issue of the complaint has been found to be without merit. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the facility administration has conducted a proper investigation and that the employees in question have gone on record to deny grievant's allegations.

CORC believes that the grievant has not substantiated his claim that he has been the victim of harassment by staff nor has sufficient evidence been produced to support such a conclusion.

CORC asserts that the employees' appropriate performance of their duties and enforcement of the rules and regulations should not be construed as harassment by the grievant.

CORC notes that the grievant was involved in a documented Use of Force on 1/4/04. The grievant was examined and treated by medical staff on this same date.

CORC notes that the grievant may write to whomever he wishes regarding the instant complaint.

CORC notes that Directive #4040, section I, states, in part, that the grievance program is not intended to support an adversary process.

Directive #4040, Section VI. Procedural Safeguards, J. states in part: ...no copies of the grievance documents may go into the employees' file without the direct written consent of the employees...

With respect to the grievant's appeal, CORC notes that the instant grievance was processed in accordance with Directive #4040, Section VIII.

rb/tv

