



Category:
Legal and Compliance

Responsible Office:
[University Counsel](#)

Procedure Title:
Small Claims \$250.01 to \$5K

Document Number:
6304

Effective Date:
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This procedure item applies to:
State-Operated Campuses

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Summary

This procedure governs the handling of small claims against the State University of New York, which are between \$250.01 and \$5,000.00.

Process

By Claimant

1. The claimant shall complete the affidavit on Page 1 of the Form, Claims for \$250.01 - \$5,000.00 ("claim form," "form" or "claim and release form"). This affidavit should include sufficient facts to indicate that the damage was the direct result of an act or omission on the part of the officer or employee of the State of New York, who was acting in the scope of his/her duties or where he/she omitted to perform a duty which was required of him/her. Where damages contain items which are lengthy or where a paid bill is available, this information should be a separate attachment to the form. When processing small claims for the cost of repairing damaged property, such as automobiles, two estimates for such repairs must be included.
2. An additional step is required for small claims involving damage caused by any licensed, registered car or truck owned by the state. Such vehicles are covered by a liability insurance policy covering fleet vehicles. For claims over \$1,500, the insurance carrier will require its own appraisal of the damages. As this must be done before the release is signed, campuses should contact University counsel's office regarding any such claim. Counsel's office will then contact the attorney general's office, which acts as the liaison with the insurance carrier, so that the carrier may arrange for its own appraisal.
3. The claimant must complete the reverse side of the form marked "Release" on all copies.
4. The "claim" on the form must be subscribed and sworn to before a notary public and the "Release" on the form must be acknowledged before a notary public with all of the blank spaces completed on all copies.

By Campus President

1. After a thorough investigation has been made, execute the affidavit on the lower half of page one of the claim form verifying the facts as stated by the claimant.
2. Sign the affidavit on the appropriate line and enter the name of the campus on all copies.
3. Forward to General Counsel's office for the signature of the Deputy General Counsel.

The claim and release form for amounts between \$250.01 and \$5,000.00 shall be completed in two (2) copies, each copy individually signed by the claimant and campus president and submitted to:

Office of General Counsel
State University of New York
State University Plaza
Albany, New York 12246

4. If the claim is for an amount in excess of \$1,000, General Counsel's office will forward the papers to the attorney general's office for their approval as well. When the forms are signed by Deputy General Counsel and by the attorney general, the forms will be returned to the campus for submission to the office of the state comptroller.

Forms

[Form A](#) - Small Claims for \$250.01 - \$5,000.00

Related Procedures

[Small Claims of \\$250.00 or Less](#)

Other Related Information

[Small Claims](#)

The following links to FindLaw's [New York State Laws](#) are provided for users' convenience; it is not the official site for the State of New York laws.

[Court of Claims Act](#)

[NYS Court of Claims Act § 8](#) (State's Waiver of Immunity from Liability)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

Authority

The following link to FindLaw's [New York State Laws](#) is provided for users' convenience; it is not the official site for the State of New York laws.

[NYS State Finance Law §8\(12-a\) & \(12-b\)](#) (Duties of the NYS Comptroller relating to claims against the state)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

History

Memorandum to campus business officers from the vice chancellor for finance and business, dated March 3, 1992.

Letter to university counsel, from assistant attorney general dated November 12, 1991.

Memorandum to campus business officers from the vice chancellor for finance and business, dated April 1, 1991.

Memorandum to presidents from the office of university counsel, dated January 28, 1983.

Letter of policy from office of attorney general, dated March 7, 1974.

Memorandum to business officers and campus presidents from the office of university counsel, dated January 23, 1969.

Appendices

There are no appendices relevant to this procedure.