

# ARKANSAS STATE CLAIMS COMMISSION

## FREQUENTLY ASKED QUESTIONS

- 1. Will I need an attorney to file a claim?** No, an attorney is not required. An individual is permitted to represent himself or herself (otherwise known as proceeding *pro se*) but may retain an attorney to represent him or her. However, under Arkansas law, an individual proceeding *pro se* is held to the same standards as an attorney.
- 2. Is there a fee for filing a claim?** No.
- 3. Do I have to hire a process server to serve the claim on the state agency?** No. Once the Claims Commission determines that a claim meets all filing requirements, the Claims Commission will transmit the claim to the agency.
- 4. Is a claim like a lawsuit?** In some ways, yes. Using this analogy, the Claims Commission is akin to a judge or jury, the claimant is similar to a plaintiff, and the respondent agency is like a defendant.
- 5. Can I fax my claim form to you?** If you would like to fax a pleading to the Claims Commission, it is your responsibility to confirm with the Claims Commission that the fax has been received. A “sent” message from your fax machine is not sufficient to demonstrate that the fax has been received by the Claims Commission.
- 6. After I file my claim, how long does it normally take for the claim to be resolved?** It depends. After submitting your claim, it is reviewed by Claims Commission staff to determine whether it meets all filing requirements. If it does meet all filing requirements, the Claims Commission then sends the claim to the agency. The agency has 30 days from the date of receipt to file an answer. If the agency admits liability, then the claim can usually be completed (including payment) within several weeks after the filing of the agency’s answer. If the agency denies liability, the claim may take much longer.
- 7. If an agency files a motion, do I have to respond?** If a claimant fails to respond to a motion, the motion may be granted based upon the claimant’s failure to respond. Also, see Question No. 1 regarding an individual proceeding *pro se*. If an individual elects to represent himself or herself, that individual is held to the same standards as an attorney.
- 8. My claim was dismissed – what are my options?** Please see the text box at the end of the order. Please also review Ark. Code Ann. § 19-10-211.
- 9. I found an old check from the State or a state agency. Can it be reissued?** Please see our Claim Submission page to file a claim for reissuance of a warrant.
- 10. If the Claims Commission awards me money, how long until I receive it?** If the claim is contested (meaning that the agency did not admit liability), the award will be held for 40 days to determine whether any party will file a motion for reconsideration or appeal pursuant to Ark. Code Ann. § 19-10-211. If no post-judgment motions or notices of appeal are filed, and if the award amount is \$15,000 or less, the award amount will be paid. If the award amount is more than \$15,000, it will have to be approved by the Arkansas General Assembly and added to an appropriations bill in the next fiscal or regular session.