

ARKANSAS STATE CLAIMS COMMISSION

July 2020 Minutes

On July 17, 2020, the Arkansas State Claims Commission (the “Claims Commission”) held hearings in the Claims Commission Hearing Room, 101 East Capitol Avenue, Suite 410, Little Rock, Arkansas.

Dexter Booth, Commissioner
Paul Morris, Chair Commissioner
Sylvester Smith, Commissioner

Birch Tree Communities, Inc. v. Arkansas Division of Correction, Claim No. 190636. Claimant filed its claim seeking damages related to Respondent’s full grease traps, which allowed sewage to overflow into Claimant’s building. At the virtual hearing on the motion to dismiss, Ralph Ohm appeared on behalf of Claimant. Thomas Burns represented Respondent. Based on the pleadings, the argument of the parties, and the law of Arkansas, the Claims Commission denied Respondent’s motion to dismiss.

Brenda Miner v. Arkansas Tech University, Claim No. 180951. Claimant filed her claim seeking damages related to Respondent’s breach of its contract with the Russellville Public School District. At the virtual hearing on Claimant’s motion to compel discovery, Jon R. Sanford represented Claimant. Thomas W. Pennington appeared on behalf of Respondent. Following the hearing, Respondent submitted a proposed exemplar document that it would produce to Claimant, but Claimant stated that it was not adequate. However, based on the pleadings, the argument of the parties, and the law of Arkansas, the Claims Commission found Respondent’s proposal to be sufficient and directed Respondent to produce the documents within ten business days. Given the ruling, the Claims Commission granted Claimant’s motion to compel in part.

Lorraine Hatcher v. Arkansas Department of Human Services, Claim No. 200668. Claimant filed her claim seeking \$1,125.00 in damages based upon Respondent’s failure to pay Claimant the pay increase associated with her promotion. At the hearing, Claimant was represented by Pamela Perry. Shanice Johnson appeared on behalf of Respondent. At the beginning of the hearing, the parties notified the Claims Commission of their agreement that Claimant is owed \$848.64 in unpaid wages. Based on the pleadings, testimony and evidence presented, the argument of the parties, and the law of Arkansas, the Claims Commission found that Claimant is entitled to double the wages due under Ark. Code Ann. § 11-4-405, as well as \$350.00 in attorney’s fees under Ark. Code Ann. § 16-22-308, for a total award of \$2,047.28.

This completed all of the business on the July 2020 Claims Commission docket.



Kathryn Irby, Director

Date: September 4, 2020