

ARKANSAS STATE CLAIMS COMMISSION

March 2021 Minutes

The Arkansas State Claims Commission (the “Claims Commission”) held hearings on March 12, 2021. These hearings were held via Zoom. The following members of the Claims Commission were present:

Courtney Baird
Paul Morris, Chair
Sylvester Smith

The following claims were heard:

Sherrie Carroll v. Arkansas Department of Human Services, Claim No. 201187. Claimant filed her claim against Respondent for property damage. At the hearing, Claimant proceeded *pro se*, and Respondent was represented by Skye Martin. At the beginning of the hearing, Respondent agreed to admit liability in the amount of \$8,052.10, representing Claimant’s lowest estimate for repair. Claimant agreed to accept this amount. As such, the Claims Commission ALLOWED this claim in the amount of \$8,052.10.

Billy Mack Nichols, Jr. v. Arkansas Division of Correction, Claim No. 190880. Claimant filed his claim seeking \$15,000 in damages related to Respondent’s refusal to fix the ventilation system in Claimant’s barracks. At the hearing, Claimant proceeded *pro se*, and Respondent was represented by Thomas Burns. Based on the pleadings, argument of the parties, and the law of the State of Arkansas, the Claims Commission found that Claimant’s claim is based upon the conditions of his confinement and alleged constitutional violations. As such, the Claims Commission DISMISSED this claim for lack of jurisdiction pursuant to Ark. Code Ann. § 19-10-204.

Covalus Ackward v. Arkansas Division of Correction, Claim No. 200002. Claimant filed his claim seeking replacement or compensation for damage to his MP4 player. At the hearing, Claimant proceeded *pro se*, and Respondent was represented by Thomas Burns. Based on the pleadings, testimony, argument of the parties, and the law of the State of Arkansas, the Claims Commission AWARDED Claimant \$50.

Aaron Cullum v. State of Arkansas, Claim No. 210224. Claimant filed his claim seeking disability and scholarship benefits related to an injury that Claimant suffered while working as a police officer. The parties were in agreement that Claimant was entitled to disability benefits, but Respondent did not recommend the awarding of scholarship benefits. Respondent also filed a motion for summary judgment prior to the hearing. At the hearing, Claimant proceeded *pro se*, and Respondent was represented by Brittany Edwards. Based on the pleadings, testimony, argument of the parties, and the law of the State of Arkansas, the Claims Commission found that the circumstances of Claimant’s accident do not support a finding that Claimant was engaged in the performance of a hazardous duty when his injuries occurred. As such, the Claims Commission AWARDED Claimant \$10,000 in disability benefits and DENIED Claimant’s claim for scholarship benefits.

Laquish Willis v. University of Arkansas for Medical Sciences, Claim No. 190670. Claimant filed her claim seeking an unspecified amount of damages after Claimant fell on Respondent’s property. At the hearing on Respondent’s motion for summary judgment, Glenn Mathis appeared on Claimant’s behalf, and Respondent was represented by Sherri L. Robinson. Based on the pleadings, argument of the parties, and the law of the State of Arkansas, the Claims Commission DENIED Respondent’s motion for summary judgment.

Following the hearings, commissioners Henry Kinslow and Dexter Booth joined the Zoom call for the consideration of other agency business.

The preliminary findings by Legislative Audit as to the FY19-20 Audit were presented to the Claims Commission by director Kathryn Irby pursuant to Ark. Code Ann. § 10-4-418. The Claims Commission reviewed the two verbal findings and actions taken by the director in revising

policies and processes to rectify the issues identified in the verbal findings. The Claims Commission did not vote to take any further action with regard to the audit.

Upon a motion by Commissioner Smith, which was seconded by Commissioner Baird, the Claims Commission unanimously voted to recategorize the Claims Commission staff (the director and four staff members) as essential, such that those employees are eligible to receive the COVID-19 vaccine as part of Group 1B. The Claims Commission found the following factors to be significant: the staff's necessary interaction with the public; the staff's presence in the office since June 2020; the staff's inability to complete all job responsibilities remotely; and the March 4, 2021, *per curiam* order of the Arkansas Supreme Court holding that the clerk and clerk's staff were essential, and the analogous positions of the director (who serves as clerk of the Claims Commission) and staff members.

This completed all of the business on the March 2021 Claims Commission docket.



Kathryn Irby, Director

Date: April 7, 2021