

ARKANSAS STATE CLAIMS COMMISSION

October 2021 Minutes

The Arkansas State Claims Commission (the “Claims Commission”) held hearings on October 15, 2021. These hearings were held via Zoom. The following members of the Claims Commission were present:

Dexter Booth
Paul Morris, chair
Sylvester Smith

The following claims were heard:

Shawn Wilkerson v. Arkansas Division of Correction, Claim No. 180482. Claimant filed the instant claim against Respondent seeking \$6,500.00 in damages due to Respondent’s failure to house Claimant on a bottom tier per his medical restriction and Claimant’s resulting fall. At the hearing, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the pleadings, Claimant’s testimony, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously AWARDED Claimant \$125.00 for each of the three weeks that he was housed on the third tier, for a total award of \$375.00.

Dexter Harmon v. Arkansas Division of Correction, Claim No. 200169. Claimant filed the instant claim against Respondent seeking \$600.00 in damages to his MP4 player after it was dropped by an employee of Respondent. Respondent denied liability. At the hearing, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the pleadings, Claimant’s testimony, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously AWARDED Claimant \$50.00 in damages.

Marcus Fields v. Arkansas Division of Correction, Claim No. 191197. Claimant filed the instant claim against Respondent seeking \$800.00 in damages related to Respondent’s alleged failure to provide notary services for a 21-day period. At the hearing, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the pleadings, witness testimony, argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously DENIED and DISMISSED Claimant’s claim, finding that Claimant had not met his burden of proof to establish that Respondent was negligent or that Claimant was damaged.

Monthrez Davis v. Arkansas Division of Correction, Claim No. 210464. Claimant filed the instant claim against Respondent seeking \$800.00 in lost eyeglasses. Respondent moved to dismiss the claim. At the hearing on the motion to dismiss, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the motion, argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously DENIED Respondent’s motion to dismiss and instructed the parties to begin discovery.

Flynco, Inc. v. Arkansas Tech University, Claim No. 191111. Claimant filed the instant claim against Respondent seeking “not less than \$292,868.30” in damages based upon Respondent’s alleged breach of contract. At the hearing, David A. Grace appeared on Claimant’s behalf, and Thomas W. Pennington appeared on behalf of Respondent. Based upon a review of the pleadings, deposition transcripts, documents submitted, argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously AWARDED Claimant \$128,267.12 in damages related to the Remodel Contract, \$7,985.34 in damages related to the Insulation Install, and \$7,500.00 in attorney’s fees, for a total award of \$143,752.46.

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



Kathryn Irby, Director

Date: November 4, 2021