

ARKANSAS STATE CLAIMS COMMISSION

January 2022 Minutes

The Arkansas State Claims Commission (the “Claims Commission”) held hearings on January 13–14, 2022. These hearings were held via Zoom. The following members of the Claims Commission were present:

Courtney Baird
Henry Kinslow
Paul Morris, Chair

The following claims were heard on January 13, 2022:

Jessica Middleton v. Department of Transformation and Shared Services, Claim No. 200293. Claimant filed her claim contesting the denial of insurance benefits related to a medical procedure. Following an April 2021 hearing, the Claims Commission granted Claimant’s motion for summary judgment as to liability and gave the parties time to try to agree on the amount of damages. Claimant subsequently filed a motion for entry of judgment and attorney’s fees and a motion to exclude proposed testimony and exhibits. At the hearing on the motions, Brandon Lacy appeared on behalf of Claimant, and Lauren Ballard and Jennifer Davis appeared on Respondent’s behalf. The Claims Commission unanimously voted to hold the motions and encouraged the parties to try to resolve the issue of damages. The Claims Commission also found that a hearing on damages should be scheduled to be held in approximately six months.

Benjamin Desjardin v. Arkansas Division of Correction, Claim No. 210616. Claimant filed the instant claim against Respondent seeking damages related to the loss of his Sony radio and Koss headphones. At the hearing on the claim and Respondent’s motion for summary judgment, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the pleadings and testimony, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously DENIED Respondent’s motion for summary judgment and AWARDED Claimant \$62.66, which represents the cost of his Sony radio and Koss headphones.

Tasha Hawkins v. University of Arkansas for Medical Sciences, Claim No. 200994. Claimant filed her claim seeking \$100,000.00 in damages regarding an injury to her hand following carpal tunnel surgery. At the hearing on Respondent’s motion for summary judgment, Claimant proceeded *pro se*, and Sherri L. Robinson appeared on behalf of Respondent. Based on the pleadings, the argument of the parties, and the law of Arkansas, the Claims Commission unanimously DENIED Respondent’s motion for summary judgment and directed that the claim should be set for hearing.

Pamala Norton v. Arkansas Department of Transportation, Claim No. 211236. Claimant filed her claim seeking \$61,000,000.00 in damages related to an accident involving Claimant’s husband, which resulted in her husband’s death. At the hearing on Respondent’s motions to dismiss and to hold Claimant’s claim in abeyance, Claimant proceeded *pro se*, and Steven W. Abed appeared on behalf of Respondent. Claimant stated at the hearing that she would prefer for the claim to be placed in abeyance. As such, the Claims Commission placed the claim in abeyance for six months but noted that unless Claimant files documentation indicating compliance with Ark. Code Ann. § 19-10-208(e) by the end of the abeyance period, the Claims Commission will dismiss Claimant’s claim for lack of standing.

Sylvia Kelley v. State of Arkansas, Claim No. 220200. Claimant filed her claim seeking \$200,000.00 in death benefits related to the death of Claimant’s husband. At the hearing on the claim, Claimant proceeded *pro se*, and Rosalyn Middleton appeared on behalf of Respondent. Based upon a review of the pleadings, unrefuted testimony, and the law of the State of Arkansas, the Claims Commission unanimously AWARDED Claimant \$200,000.00. The Claims Commission did not award scholarship benefits based upon Claimant’s statement at the hearing that she was not seeking scholarship benefits.

The following claims were heard on January 14, 2022:

Mitchell Wine v. Arkansas Alcohol Beverage Control, Claim No. 200293. Claimant filed his claim seeking damages following Claimant's unsuccessful application for a medical marijuana dispensary license. At the hearing on Respondent's renewed motion to dismiss, Respondent's motion for summary judgment, Claimant's motion to disqualify, Claimant's requests for deposition subpoenas, Claimant's motion for immediate hearing, and Respondent's motion for sanctions, Claimant proceeded *pro se*, and Maryna O. Jackson appeared on Respondent's behalf. The Claims Commission unanimously DENIED Respondent's renewed motion to dismiss, DENIED Claimant's motion to disqualify, GRANTED Respondent's motion for summary judgment, and DENIED and DISMISSED Claimant's claim. The Claims Commission also found that any other pending motions were rendered moot.

Gwenever Wayne v. State of Arkansas, Claim No. 190479. Claimant filed her claim seeking death benefits and scholarship benefits following the death of Claimant's husband. At the hearing on Claimant's motions to compel, Claimant was represented by Crystal Okoro, and Vincent P. France appeared on behalf of Respondent. Based upon a review of the pleadings, the argument of the parties, and the law of the State of Arkansas, the Claims Commission GRANTED IN PART and DENIED IN PART Claimant's motions, finding that Respondent had 30 days to advise whether it intended to call Dr. Bucolo or anyone else as a witness at the hearing and that, if Respondent did intend to call Dr. Bucolo or anyone else, Claimant was entitled to depose that person or persons.

Sharon Hacker v. Department of Transformation and Shared Services; Arkansas State Bank Department; Department of Commerce; and Arkansas Development Finance Authority, Claim No. 210974. Claimant filed her claim seeking \$12,500.00 in damages after she fell on the stairs at the Commerce Building during a power outage. At the hearing on the motions to dismiss filed by each respondent agency, Claimant proceeded *pro se*, Lauren Ballard and Jennifer Elkins appeared on behalf of the Department of Transformation and Shared Services (TSS), Eric Roberts appeared on behalf of the Arkansas State Bank Department (the "State Bank"), Steven Porch appeared on behalf of the Department of Commerce (DOC), and Caleb Conrad appeared on behalf of the Arkansas Development Finance Authority (ADFA). Based upon a review of the pleadings and motions, the argument of the parties, and the law of the State of Arkansas, the Claims Commission GRANTED the motions to dismiss filed by DOC and the State Bank and DISMISSED Claimant's claims against those parties. The Claims Commission placed the claim in abeyance for a period of six months to allow Claimant to investigate whether she had filed a claim with the Workers Compensation Commission and whether such claim has been formally adjudicated. The Claims Commission will hold the motions to dismiss filed by TSS and ADFA while the claim is in abeyance.

This completed all of the business on the January 2022 Claims Commission docket.



Kathryn Irby, Director

Date: March 4, 2022