

## ARKANSAS STATE CLAIMS COMMISSION

### August 2022 Minutes

The Arkansas State Claims Commission (the “Claims Commission”) held hearings on August 18–19, 2022. The August 18 hearings were held via Zoom, and the August 19 hearing was held at the Claims Commission. The following members of the Claims Commission were present:

Courtney Baird  
Henry Kinslow  
Paul Morris, chair

The following matters were heard on August 18, 2022:

***Jessica Middleton v. Department of Transformation and Shared Services***, Claim No. 200293. Claimant filed the instant claim against Respondent seeking damages for breach of contract after Respondent’s Employee Benefits Division denied coverage for a medical procedure. The Claims Commission previously granted Claimant’s motion for summary judgment with respect to the issue of liability. At the hearing on Claimant’s damages, Brandon Lacy represented Claimant, and Lauren Ballard and Jennifer Davis 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 unanimously AWARDED Claimant \$521.82 in pre-judgment interest, \$15,000.00 in attorney’s fees, and \$2,044.98 in costs, for a total of \$17,566.80.

***Tasha Hawkins v. University of Arkansas for Medical Sciences***, Claim No. 200994. Claimants filed the instant claim against Respondent seeking damages following her carpal tunnel surgery. At the hearing on the claim, Claimant orally moved to nonsuit her claim, and the Claims Commission GRANTED Claimant’s motion and dismissed Claimant’s claim without prejudice pursuant to Ark. R. Civ. Proc. 41.

***Michael Jackson v. Arkansas Division of Correction***, Claim No. 190555. Claimant filed the instant claim against Respondent seeking damages after Claimant was placed on an upper tier in violation of his medical prescription and injured himself falling on the stairs. At the hearing, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the pleadings, the evidence presented, the argument of the parties, the decision of the Claims Commission in a similar claim (*Wilkerson v. Arkansas Division of Correction*, Claim No. 180482), and the law of the State of Arkansas, the Claims Commission unanimously AWARDED Claimant \$250.00 in damages.

***James A. Wright v. Arkansas Division of Correction***, Claim No. 200298. Claimant filed the instant claim against Respondent seeking damages related to lost property. At the hearing on Respondent’s motion to strike and Claimant’s two motions for discovery, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the motions, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously DENIED Respondent’s motion to strike. Regarding Claimant’s motions for discovery, the Claims Commission advised that it would treat these as discovery requests and asked Respondent to respond to the requests pursuant to the Arkansas Rules of Civil Procedure.

***Nick Tarkington v. Arkansas Division of Correction***, Claim No. 210192. Claimant filed the instant claim against Respondent seeking damages related to the unavailability of Claimant’s digital media and Respondent’s failure to provide MP4 players for purchase. At the hearing on Respondent’s motion to dismiss, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the motion, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously GRANTED Respondent’s motion and DISMISSED Claimant’s claim without prejudice, finding that Claimant did not plead facts to support a negligence claim.

***Leundra Davis v. Arkansas Division of Correction***, Claim No. 201177. Claimant filed the instant claim against Respondent seeking damages related to lost property. At the hearing on Respondent’s renewed motion to deem admitted, Respondent’s motion to strike, and Claimant’s discovery motion, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the motions, the argument of the parties, and the law of the

State of Arkansas, the Claims Commission unanimously DENIED Respondent's motions. Regarding Claimant's discovery motion, the Claims Commission advised that it would treat these as discovery requests and asked Respondent to respond to the requests pursuant to the Arkansas Rules of Civil Procedure.

***Gwenever Wayne v. State of Arkansas***, Claim No. 190479. Claimant filed the instant claim against Respondent seeking death benefits related to the death of Claimant's husband. At the status conference, Crystal Okoro represented Claimant, and Caleb G. Conrad appeared on behalf of Respondent. Respondent confirmed that Dr. Bucolo is Respondent's only witness and that Dr. Bucolo's testimony would be presented via deposition. Claimant confirmed that Dr. Rutledge is Claimant's expert and that the other witnesses listed on Claimant's witness list include fellow firefighters. The Claims Commission noted that this claim is about medical causation and scheduled a two-hour hearing on this claim.

***Mandolin Hill, a minor, by her mother, Karen Hill v. State of Arkansas***, Claim No. 221472. Claimant filed the instant claim against Respondent seeking scholarship benefits related to the injuries suffered by Claimant's father. At the hearing, Claimant proceeded *pro se*, and Caleb G. Conrad appeared on behalf of Respondent. Based upon a review of the pleadings, the evidence presented, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously AWARDED Claimant scholarship benefits.

The following matters were heard on August 19, 2022:

***Debbie Brown, as administratrix of the Estate of Chris Brown, and Joe Brown v. Arkansas Department of Transportation***, Claim No. 200809. Claimants filed the instant claim against Respondent seeking damages related to the death of Chris Brown in a single-vehicle accident on a flooded highway. At the hearing, Brandon Lacy and Megan Henry represented Claimants, and Trella Sparks and Amanda Andrews appeared on behalf of Respondent. Based upon a review of the pleadings, the evidence presented, the argument of the parties, and the law of the State of Arkansas, the Claims Commission unanimously AWARDED the Estate a total of \$1,537,838.77, with additional awards of \$195,000.00 each to Debbie Brown and Joe Brown and \$32,500.00 each to Nathan Brown and Samantha Brown, for a total award of \$1,992,838.77.

The audit report by Legislative Audit as to the FY21 Audit was presented to the Claims Commission by director Kathryn Irby pursuant to Ark. Code Ann. § 10-4-418. As there were no findings, the Claims Commission did not take any further action with regard to the audit.

This completed all the business on the August 2022 Claims Commission docket.



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**Kathryn Irby, Director**

Date: November 14, 2022