

ARKANSAS STATE CLAIMS COMMISSION

February 2023 Minutes

The Arkansas State Claims Commission (the “Commission”) scheduled hearings for February 9, 2023.

Hearing scheduled for February 9, 2023

The following members of the Commission were present:

Dexter Booth
Henry Kinslow
Paul Morris, chair

1. ***Melinda Short v. Arkansas Department of Transportation***, Claim No. 230087. Claimant filed this claim against Respondent seeking damages related to flooding on her property. At the hearing on Respondent’s motion to dismiss, Evin E. Walker appeared on Respondent’s behalf. Claimant called the Commission offices several times prior to the start of the Zoom hearing, stating that she was unable to join. Due to Claimant’s technology issues, the Commission continued the hearing. The Commission stated in its order that, since Claimant had previously notified the Commission staff that she could not attend a hearing in Little Rock, it was Claimant’s responsibility to be present in a location where she had Internet service or a telephone to dial in for the rescheduled hearing date and that, if Claimant failed to do so, Claimant’s claim will be dismissed for failure to prosecute.
2. ***Nicole Jones v. Arkansas Department of Transportation***, Claim No. 230201. Claimant filed this claim against Respondent regarding damage to her vehicle. At the hearing on Respondent’s motion to dismiss, Claimant proceeded *pro se*, and Evin E. Walker appeared on Respondent’s behalf. Due to some confusion regarding whether Claimant had another claim or additional supporting documents, the Commission continued the hearing to a later date to allow Claimant to submit any claims or documents.
3. ***Don Earnest v. Arkansas Department of Transportation***, Claim No. 230415. Claimant filed this claim against Respondent regarding damage to his vehicle. At the hearing on Respondent’s motion to dismiss, Claimant did not appear. Evin E. Walker appeared on behalf of Respondent. Following confirmation by Commission staff that notice of the hearing was emailed to Claimant on January 11, 2023, at the email address provided by Claimant on the complaint form, the Commission unanimously dismissed Claimant’s claim without prejudice for failure to prosecute.
4. ***Chandra Griffin v. Arkansas Department of Transportation***, Claim No. 230364. Claimant filed this claim against Respondent regarding damage to her vehicle. At the hearing on Respondent’s motion to dismiss, Claimant did not appear. Evin E. Walker appeared on behalf of Respondent. Following confirmation by Commission staff that notice of the hearing was emailed to Claimant on January 11, 2023, at the email address provided by Claimant on the complaint form, the Commission unanimously dismissed Claimant’s claim without prejudice for failure to prosecute.
5. ***Blake Baskin v. Arkansas Department of Parks, Heritage and Tourism***, Claim No. 230021. Claimant filed this claim against Respondent regarding damage to his vehicle. At the hearing on Respondent’s motion to dismiss, Claimant did not appear. Andrew Middlebrooks appeared on behalf of Respondent. Following confirmation by Commission staff that notice of the hearing was emailed to Claimant on January 11, 2023, at the email address provided by Claimant on the complaint form, the Commission unanimously dismissed Claimant’s claim without prejudice for failure to prosecute.
6. ***Sue Castleberry v. Arkansas Department of Finance and Administration***, Claim No. 221152. Claimant filed this claim against Respondent seeking damages for personal injuries sustained by Claimant in a motor vehicle accident with a vehicle owned and operated by Respondent. At the hearing on Claimant’s motion for reconsideration of the Commission’s September 1, 2022, order dismissing Claimant’s claim, Bobby Martin appeared on Claimant’s behalf, and Evelyn

Gomez appeared on behalf of Respondent. Based upon a review of the claim file and pending motion, the argument of the parties, and the law of the State of Arkansas, the Commission granted Claimant's motion for reconsideration and amended its September 1, 2022, order to deny Respondent's motion to dismiss and to place the claim in abeyance pending resolution of the underlying litigation.

7. ***LaJessica Mayo Crenshaw v. Arkansas State Police***, Claim No. 221049. Claimant filed this claim against Respondent seeking damages for personal injuries sustained by Claimant in a motor vehicle accident with a vehicle owned and operated by Respondent. At the hearing on Respondent's second motion to hold claim in abeyance, Nathan Buttars appeared on Claimant's behalf, and Tess Bradford appeared on behalf of Respondent. Based upon a review of the claim file and pending motion, the argument of the parties, and the law of the State of Arkansas, the Commission denied Respondent's motion.
8. ***Ricky Wilson v. Arkansas Parole Board***, Claim No. 220698. Claimant filed this claim against Respondent seeking damages related to the wrongful revocation of Claimant's parole and Claimant's subsequent imprisonment. At the hearing on Respondent's motion to dismiss, as well as Claimant's motion to extend time to respond and Respondent's motion to continue the hearing originally set for September 15, 2022, Jake Holmes appeared on Claimant's behalf, and Andrew Middlebrooks appeared on behalf of Respondent. Based upon a review of the claim file and pending motions, the argument of the parties, and the law of the State of Arkansas, the Commission dismissed the claim *sua sponte* for lack of jurisdiction and found the pending motions to be moot.
9. ***Haley Hudson, individually and as special administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as guardian of Carley Ray Jones and Kadey Lynn Jones v. Arkansas Department of Human Services***, Claim No. 230641. Claimant filed this claim against Respondent seeking damages related to the death of Ms. Ashcraft following a motor vehicle accident with a vehicle owned and operated by Respondent. At the hearing on Respondent's motion to cure a defective complaint and for a more definite statement, Jim Jackson appeared on Claimant's behalf, and Brent P. Gasper appeared on behalf of Respondent. Based upon a review of the claim file and pending motion, the argument of the parties, and the law of the State of Arkansas, the Commission denied Respondent's motion as moot in light of the filing of Claimant's amended complaint and directed Respondent to answer the amended complaint within 30 days of the hearing.
10. ***Rhonda Springer v. State of Arkansas***, Claim No. 230757. Claimant filed this claim against Respondent seeking benefits related to the death of Cpl. Michael Ray Springer of the Arkansas State Police. At the hearing on the claim, Claimant proceeded *pro se*, and Roslyn Middleton appeared on behalf of Respondent. Based upon a review of the claim file, Claimant's testimony, and the law of the State of Arkansas, the Commission awarded Claimant \$200,000.00 in death benefits pursuant to Ark. Code Ann. §§ 21-5-704(a)(1)(A) and 21-5-705(a)(1)(B)(i). Given Claimant's statement that she is not seeking scholarship benefits and the evidence that Cpl. Springer's children are over the age of 23 years, the Commission did not award any scholarship benefits.
11. ***Sebrena Westcott v. University of Arkansas for Medical Sciences***, Claim No. 190008. Claimant filed this claim against Respondent seeking damages after Claimant tripped on a rug in the doorway of Respondent's emergency room and sustained injuries. At the hearing on Respondent's motion for summary judgment, Charsie Gordon appeared on Claimant's behalf, and Sherri L. Robinson appeared on behalf of Respondent. Based upon a review of the claim file and pending motion, the argument of the parties, and the law of the State of Arkansas, the Commission denied Respondent's motion for summary judgment,.
12. ***Cheryl Shoemaker v. University of Arkansas for Medical Sciences***, Claim No. 221181. Claimant filed this claim against Respondent seeking damages related to a medical procedure. At the hearing on Respondent's motion to dismiss, Claimant did not appear. Sherri L. Robinson appeared on behalf of Respondent. Following confirmation by Commission staff that notice of the hearing was emailed to Claimant on January 31, 2023, at the email address provided by Claimant on the complaint form, the Commission unanimously dismissed Claimant's claim without prejudice for failure to prosecute.

- 13. *Lakeysia Wilson v. Arkansas Department of Human Services***, Claim No. 230267. Claimant filed this claim against Respondent seeking damages related to salary issues. At the hearing on Respondent's motion to dismiss, Claimant proceeded *pro se*, and Chris McNeal appeared on behalf of Respondent. Based upon a review of the claim file and pending motion, the argument of the parties, and the law of the State of Arkansas, the Commission granted Respondent's motion in part as to any merit increase payments that Claimant may have been entitled to prior to August 26, 2019, and any additional salary that Claimant may have been entitled to prior to August 26, 2020. The Commission also granted Respondent's motion to dismiss Claimant's claim related to the Equal Pay Act.
- 14. (Other Agency Business)** The Commission reviewed and approved the entry of proposed orders numbered 1-94 on Exhibit A to these minutes without discussion.

This completed all of the business on the February 2023 Claims Commission docket.



Kathryn Irby, Director

Date: May 31, 2023

February 2023

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>
1	230327	Hamner	ADC & ACC
2	220533	Hovezak	ADOT
3	220830	Muntaqim	ADC
4	220212	Murdock	ADC
5	230714	Sanders	ADC
6	230906	Childs	ADC
	220436, moved this to March		
7	Dropbox		
8	221108	Allen	ADC
9	230928	Smith	ADC
10	230124, 230125, 230392, 230591	George Hall	ADC
11	221393 & 230137	Todd	ADC
12	230735	Hutchinson	ADC
13	230359	Killough	ASP
14	220387	Reed	ADC
15	220388	Malone	ADC
16	220389	Sparkman	ADC
17	220390	Harris	ADC
18	220392	Jones	ADC
19	220395	Paige	ADC
20	220401	Carroll	ADC
21	220403	Bayler	ADC
22	220406	Wright	ADC
23	220413	Newman	ADC
24	220421	Bragg	ADC
25	220423	Murray	ADC
26	220430	Jackson	ADC
27	220439	Livingston	ADC
28	220440	Walton	ADC
29	220441	Williams	ADC
30	220445	Brown	ADC
31	220448	Bull	ADC
32	220449	Hufford	ADC
33	220450	Phillips	ADC
34	220501	Pusha	ADC
35	220513	Gist	ADC
36	230900	Yarbrough	ASP
37	221201	Proctor	ADC & APB
38	230413	Wright	ADOT
39	220516	Woods	ADC
40	220517	Billingsley	ADC
41	220526	Walker	ADC
42	220519	Ritchie	ADC
43	220535	Schaal	ADC
44	220536	Hill	ADC

Exhibit A

45	220537	Keys	ADC
46	220538	Jones	ADC
47	220539	Rouzer	ADC
48	220541	Hamilton	ADC
49	220542	Muhammad	ADC
50	220552	Myrick	ADC
51	220556 & 230337	Vanderbilt	ADC
52	220558	Vera	ADC
53	220564	Miller	ADC
54	220565	Denham	ADC
55	220566	Wilkinson	ADC
56	220567	Thornberry	ADC
57	220570	Medlock	ADC
58	220571	Talley	ADC
59	220572	Davis	ADC
60	220575	Vanzant	ADC
61	220584	Atteberry	ADC
62	220587	Buckley	ADC
63	220588	Davidson	ADC
64	220589	Byrne	ADC
65	220590	Periman	ADC
66	220629	Ewing	ADC
67	220630	Washington	ADC
68	220643	Johnson	ADC
69	220647	Williams	ADC
70	220648	Walker	ADC
71	220649	Langley	ADC
72	230268	Hall	SOA
73	230793	Moorman	SOA