

ARKANSAS STATE CLAIMS COMMISSION

March 2023 Minutes

The Arkansas State Claims Commission (the “Commission”) scheduled hearings for March 9–10, 2023. The Commission also scheduled a special hearing for March 2, 2023.

Special hearing scheduled for March 2, 2023

The following members of the Commission were present:

Dexter Booth
Henry Kinslow, chair
Paul Morris

1. ***Sandra McNamee v. University of Arkansas for Medical Sciences***, Claim No. 230586. Claimant filed this claim against Respondent seeking damages after Claimant was assaulted while a patient at Respondent’s facility. The parties subsequently filed a settlement agreement and a joint motion to approve the settlement agreement. At the hearing on the joint motion, Jonathan Hutto appeared on behalf of Claimant, and Sherri Robinson appeared on behalf of Respondent. Based upon a review of the pleadings and the law of the State of Arkansas, the Claims Commission unanimously granted the joint motion, approved the settlement agreement, and referred the \$252,500.00 award to the Arkansas General Assembly for review, approval, and placement on an appropriations bill.

Hearing scheduled for March 9, 2023

The following members of the Commission were present:

Courtney Baird
Henry Kinslow, chair
Sylvester Smith

1. ***Christine McAuliffe, as special administrator of the Estate of David Cains v. Arkansas Department of Human Services***, Claim No. 220374. Claimant filed this claim against Respondent seeking damages after David Cains died while restrained at the Booneville Human Development Center. At the hearing on the claim, Joshua Gillispie appeared on Claimant’s behalf, and Rich Rosen appeared on behalf of Respondent. Based upon a review of the claim file, the 27 deposition transcripts and/or summaries submitted by the parties, the witness testimony and evidence presented, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously awarded the Estate a total of \$270,000.00, with additional awards of \$45,000.00 each to Christine McAuliffe and Charlene Robinson and \$30,000.00 to Ashley Cains, for a total award of \$390,000.00.

Hearings scheduled for March 10, 2023

The following members of the Commission were present:

Courtney Baird
Henry Kinslow, chair
Sylvester Smith

1. ***Tyler Klingensmith v. Arkansas Division of Correction***, Claim No. 210664. Claimant filed this claim seeking damages related to lost property. At the hearing on the claim, Claimant did not appear. Thomas Burns appeared on behalf of Respondent. Following confirmation by Commission staff that notice of the hearing was emailed to Claimant on November 9, 2022, at the email address provided by Claimant on the complaint form, the Commission unanimously dismissed Claimant’s claim without prejudice for failure to prosecute.

2. **Malik Muntaqim v. Arkansas Division of Correction**, Claim No. 220296. [hearing removed from the docket prior to March 10]
3. **Barry Turner v. Arkansas Division of Correction**, Claim No. 180886. [hearing continued]
4. **Aaron Rutherford v. Arkansas Division of Correction**, Claim No. 230283. Claimant filed this claim seeking damages related to money being taken from his ADC trust fund account. At the hearing on the claim and the Respondent's motion for continuance, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the argument of the parties and the law of the State of Arkansas, the Commission placed the claim in abeyance for a period of 60 days and instructed the parties to notify the Commission if a resolution is reached.
5. **Roy Hoggard II v. Arkansas Division of Correction**, Claim No. 210188. Claimant filed this claim seeking damages related to Respondent's actions following Claimant's medical procedure. At the hearing on the claim, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the claim file, the witness testimony and evidence presented, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously awarded Claimant \$200.00 in damages.
6. **Billy Mack Nichols Jr. v. Arkansas Division of Correction**, Claim No. 220937. Claimant filed this claim seeking damages related to the denial of a prescribed wheelchair escort to the shower. At the hearing on the claim, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the claim file, the witness testimony and evidence presented, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously awarded Claimant \$75.00 in damages.
7. **Rhoda Washington v. Arkansas Division of Correction**, Claim No. 221385. Claimant filed this claim seeking unspecified damages related to damage to her vehicle. At the hearing on the claim, Claimant did not appear. Thomas Burns appeared on behalf of Respondent. Following confirmation by Commission staff that notice of the hearing was emailed to Claimant on December 28, 2022, at the email address provided by Claimant on the complaint form, the Commission unanimously dismissed Claimant's claim without prejudice for failure to prosecute.
8. **Ricky Scott v. Arkansas Division of Correction**, Claim No. 210588. Claimant filed this claim seeking damages related to the revocation of his hobby craft card. At the hearing on Claimant's motion to compel and motion for default judgment, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the motions and responses, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously granted Claimant's motion to compel and directed Respondent to provide responses to Claimant's discovery requests within 30 days. The Commission declined to rule on Claimant's motion for default judgment.
9. (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 March 2023 Claims Commission docket.



Kathryn Irby, Director

Date: July 21, 2023

March 2023

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>
1	221493	Robert Pesina/Moore	ADC
2	220273	Guy Hoover	UAMS
3	220436	Michael Daniels	ADC
4	221008	Jeremy Hawkins	ADC
5	230163	Raymond Crozier	ADC
6	211151	Aaron Rash	ADC
7	220134	Kendrick Story	ADC
8	230010	Jeffery Brown	ADC
9	220681	Jimmy Rowe	ADC
10	220650	Raymond Walters	ADC
11	220809	Roland Guy	ADC
12	230852	Carl Turner	ADC
13	220685	Gary Liddell	ADC
14	220793	Hart	ADC
15	220778	Hughes	ADC
16	220651	Sanders	ADC
17	220656	Caery	ADC
18	220654	Barnes	ADC
19	220674	Camden	ADC
20	220689	Graydon	ADC
21	220736	Cockburn	ADC
22	230725	Minner	ABC
23	230274	Minner	ABC
24	230637	Burton	ADOT
25	230660	Gant	ADOT
26	230697	Looney & Looney	ADOT
27	230532	Smith	ADOT
28	230822	Arkansas Department of the Military	ADOT
29	230819	Geisbauer	ADOT
30	230760	Bland	ADOT
31	230555	Simpson	ADOT
32	230628	Wilson	ADOT
33	230734	Seeger	ADOT
34	210919	Aguilar	ADOT
35	220404	Ciaccio	ADOT
36	230016	Mosley	APERS
37	230868	Citizens Bancshares of Batesville	DFA
38	230830	Halverson & Halverson	DFA
39	230869	Hilltop National Bank	DFA
40	220947	Kelly	DFA
41	230806	Kelly	DFA
42	230666	Mason & Mason	DFA
43	230839	McCarthy Group LLC	DFA
44	230895	Pardue & Pardue	DFA
45	230873	Patton	DFA
46	230891	Sloskey	DFA
47	230282	State Street Retiree Services	DFA
48	230892	Young	DFA
49	230989	Mitchell	DFA
50	230990	Mitchell	DFA
51	211071	Brighter Future Ascensus	DFA
52	230693	Presidential Mobility, Inc.	DHS
53	230237	University Press of Mississippi	ADPT
54	230918	Young	UAMS
55	230963	Lloyd	UAMS

Exhibit A

56	230962	Green	UAMS
57	201133	Peikert & Peikert	ADOT
58	220740	Williams	ADC
59	210864	Hayes	ADOT
60	211048	Jones	ADOT
61	211165	Taylor	ADOT
62	220142	Meredith	ADOT
63	220745	Louis	ADC
64	220780	Norton-Mahmoud	ADC
65	220783	Smith	ADC
66	220824	Curtis	ADC
67	220900	Bradley	ADC
68	221029	Shelton	ADC
69	220190	Dillard	ADC
70	230778	Ellis	ADC
71	220887	Whitfield	SOA
72	[CC error, there was no 72]		
73	230322	Mose	ASP
74	220383	Hayes	ADC
75	190181	Walton	ADC
76	210522	Robinson	ADC
77	220875	Nichols	ADC
78	230547	Colorado Technical University Online	ARS
79	230481	Verizon Wireless Network	DFA
80	230820	Hinson	ADOT
81	230803	Farnam	ADOT
82	230828	Sharp	ADOT
83	230792	Hargis Fuel Zone, Inc.	ADOT
84	230837	Hutchison	DFA
85	230924	Bernhard MCC	DFA
86	231009	Estate of McKinnon	ATRS
87	230991	Estate of Mitchell	DFA
88	220089	Andrews	ADC
89	220329	Reed	ADC
90	201177	Davis	ADC
91	230232 & 230369	Crain	ADC
92	230286	Ventry	ADC
93	220581	Abernathy	ADC
94	220296	Muntaqim	ADC