

## ARKANSAS STATE CLAIMS COMMISSION

### November 2023 Minutes

The Arkansas State Claims Commission (the "Commission") scheduled hearings for November 8, 2023, as well as a special hearing on November 2, 2023. These hearings were held via Zoom. The following members of the Commission were present for both days:

Courtney Baird  
Henry Kinslow  
Paul Morris, chair

#### Special hearing scheduled for November 2, 2023

1. ***Mary Ann Jones, as special administrator of the Estate of Oscar Odell "Bill" Jones, deceased, and on behalf of the wrongful death beneficiaries of Oscar Odell "Bill" Jones v. Ark. Dept. of Veterans Affairs***, Claim No. 200817. Claimant filed this wrongful death claim seeking damages. The hearing on this claim was originally scheduled for November 9, 2023. The Commission scheduled a special hearing to address Respondent's motion to continue the hearing. At the special hearing, Jeff Priebe appeared on behalf of Claimant, and Justin Brascher appeared on Respondent's behalf. The Commission unanimously voted to grant Respondent's continuance request and rescheduled the claim hearing for March 8, 2024.

#### Hearings scheduled for November 8, 2023

1. ***Janet Henze v. Univ. of Ark. for Medical Sciences***, Claim No. 231615. Claimant filed this claim related to her medical care. At the hearing on Respondent's motion to dismiss, Claimant failed to appear. Sherri Robinson appeared on behalf of Respondent. Following confirmation by Commission staff that the hearing letter was emailed to Claimant at the email address provided by Claimant on her claim form, the Commission unanimously voted to dismiss Claimant's claim without prejudice for failure to prosecute.
2. ***John Jackson v. State of Ark.***, Claim No. 231376. Claimant filed this claim for disability and scholarship benefits. At the hearing on Respondent's motion to dismiss and motion to substitute counsel, Claimant failed to appear. Lisa Wilkins Wiedower appeared on behalf of Respondent. The Commission unanimously voted to grant Respondent's motion to substitute counsel. However, following confirmation by Commission staff that the hearing letter was emailed to Claimant at the email address provided by Claimant on his claim form, the Commission unanimously voted to dismiss Claimant's claim without prejudice for failure to prosecute.
3. ***Antonio Ausler v. Ark. Dept. of Human Services***, Claim No. 230979. Claimant filed this claim related to abuse suffered as a child. At the hearing on Respondent's motion to dismiss Claimant's claim, as well as the briefing requested by the Commission, Claimant appeared *pro se*, and Brent Gasper appeared on behalf of Respondent. Based upon a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously voted to grant Respondent's motion but to give Claimant fourteen days to file an amended complaint. Should Claimant not file an amended complaint within fourteen days, the Commission directed that the claim be dismissed.
4. ***Mary Lynn Noble v. Dept. of Human Services***, Claim No. 220961. Claimant filed this claim related to Respondent's involvement in her foster care. At the hearing on various motions, as well as the briefing requested by the Commission, Claimant was unable to join the Zoom hearing with audio. Abbey Trussell appeared on Respondent's behalf. Due to Claimant's technology issues, the Commission unanimously voted to continue the hearing. The Commission stated that, at the next hearing, it is Claimant's responsibility to have a telephone or computer set up to participate and that, if Claimant fails to do so, Claimant's claim will be dismissed for failure to prosecute.

5. *Catherine Canu and Matthew Canu, individually and as next friends, parents, and guardians of Andrew Canu v. Ark. School for the Deaf*, Claim No. 181020. Claimants filed the instant claim regarding injuries suffered by A.C. while a boarding student at Respondent's facility. At the claim hearing, Jessica Virden Mallet appeared on Claimants' behalf, and Trey Cooper appeared on behalf of Respondent. Based upon a review of the claim file, the testimony and evidence presented by the parties, and the law of the State of Arkansas, the Commission unanimously voted to deny Claimants' claim.
6. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered 1–60 and ADC1–ADC28 as described on the attached spreadsheet without discussion.

This completed the business on the November 2023 Commission docket.



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**Kathryn Irby, Director**

Date: March 29, 2024

November 2023

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>		
<b>NON-ADC</b>					
1	240341	Brookland Finance Center	ASP	KI	Sent
2	240298	Robertson	ARDOT	KI	Sent
3	240122	Johnson	ARDOT	KI	Sent
4	240348	Savage	ARDOT	KI	Sent
5	240300	Wesson	ARDOT	KI	Sent
6	240301	Kyzer	ARDOT	KI	Sent
7	240115	Miller	ARDOT	KI	Sent
8	240330	Marr	ARDOT	KI	Sent
9	240056	Green	ARDOT	KI	Sent
10	240307	Overton	ARDOT	KI	Sent
11	240315	Sarten	ARDOT	KI	Sent
12	240376	Wyckoff	ASP	KI	Sent
13	230927	Carson	UAMS	KI	Sent
14	240639	ADC Central Office Employee Association	ADC	SH	Sent
15	240640	ADC Cenrtal Office Employee Association	ADC	SH	Sent
16	240267	Evans	ARDOT	SH	Sent
17	240325	Kincaid	ARDOT	SH	Sent
18	240156	Pike	ARDOT	SH	Sent
19	240291	Hutchins	ARDOT	SH	Sent
20	240025	Capaul	ARDOT	SH	Sent
21	240294	Leggitt	ARDOT	SH	Sent
22	240289	Stewart	ARDOT	SH	Sent
23	240956	Martinez	ASP	SH	Sent
24	240368	Acosta & Terrazas	DFA	SH	Sent
25	240499	Beavers & Beavers	DFA	SH	Sent
26	240389	Bell	DFA	SH	Sent
27	240508	Bunting & Bunting	DFA	SH	Sent
28	240502	Campbell & Campbell	DFA	SH	Sent
29	240351	Carter & Carter	DFA	SH	Sent
30	240129	D. Cornish & Estate of G. Cornish	DFA	SH	Sent
31	240503	Davis	DFA	SH	Sent
32	240498	Dixon	DFA	SH	Sent
33	240512	Estate of Shankle	DFA	SH	Sent
34	240582	Fisher	DFA	SH	Sent
35	240321	Grigsby	DFA	SH	Sent
36	240501	Joyce	DFA	SH	Sent
37	240561	Linzy	DFA	SH	Sent
38	240564	Knuckols & Knuckols	DFA	SH	Sent
39	240428	Perez	DFA	SH	Sent
40	240597	Smith	DFA	SH	Sent
41	230053	Teague	DFA	SH	Sent
42	240442	Toll	DFA	SH	Sent
43	240556	Webster	DFA	SH	Sent
44	240504	Gutter Protection Products of America	DFS-SUT	SH	Sent
45	240505	VFW Post 2242	DFA-SUT	SH	Sent
46	240324	Anema	DHS	SH	Sent
47	240409	Centers for Youth and Families	DHS	SH	Sent
48	240412	Centers for Youth and Families	DHS	SH	Sent
49	240447	Centers for Youth and Families	DHS	SH	Sent
50	231582	Windstream Holdings, Inc.	DIS	SH	Sent
51	240401	Gay	UAMS	SH	Sent
52	240517	Bailey & Bailey	ARDOT	SH	Sent
53	240406	Gullett	ARDOT	KI	Sent
54	240181	Moss	ARDOT	KI	Sent
55	240393	Wise	ARDOT	KI	Sent
56	240451	Farabee	ARDOT	KI	Sent
57	240413	Collins	ARDOT	KI	Sent
58	240425	McKinney	ASP	KI	Sent
59	240280	Seres	ADM	KI	Sent
60	240295	York	ASP	SH	Sent

ADC

1	240628	Foster	ADC	MT	Sent
2	221169	Woodard	ADC	MT	Sent
3	221160	Laughlin	ADC	MT	Sent
4	231350	McMullin	ADC	MT	Sent
5	231460	Scoby	ADC	MT	Sent
6	231529	Kelley	ADC	MT	Sent
7	210522	Robinson	ADC	MT	Sent
8	231563	Ruiz	ADC	MT	Sent
9	230749	Morgan	ADC	MT	Sent
10	230771	Williams	ADC	MT	Sent
11	220456	Pinder	ADC	MT	Sent
12	220691	Pinder	ADC	MT	Sent
13	221205	Thompson	ADC	MT	Sent
14	230735	Hutchinson	ADC	MT	Sent
15	231570	White	ADC	MT	Sent
16	231651	Addison	ADC	MT	Sent
17	231569	Muhummad	ADC	MT	Sent
18	240163	Stockton	ADC	MT	Sent
19	240164	Stockton	ADC	MT	Sent
20	240211	Stockton	ADC	MT	Sent
21	240233	Stockton	ADC	MT	Sent
22	240234	Stockton	ADC	MT	Sent
23	240266	Stockton	ADC	MT	Sent
24	240285	Stockton	ADC	MT	Sent
25	240264	Doering	ADC	MT	Sent
26	240265	Doering	ADC	MT	Sent
27	240310	Doering	ADC	MT	Sent
28	240378	Stockton	ADC	MT	Sent