

ARKANSAS STATE CLAIMS COMMISSION

December 2023 Minutes

The Arkansas State Claims Commission (the “Commission”) held hearings on December 7–8, 2023. These hearings were held via Zoom.

Hearings scheduled for December 7, 2023

The following members of the Commission were present:

Solomon Graves
Paul Morris, chair
Sylvester Smith

1. ***Bradey Powell v. Ark. Dept. of Transp.***, Claim No. 231375. Claimant filed this claim seeking compensation for damage to Claimant’s vehicle. At the hearing on Respondent’s motion for summary judgment and amended motion for summary judgment, Claimant failed to appear. Jay D. Wilkins appeared on behalf of Respondent. Based on Claimant’s failure to appear, the Commission voted 2–1 to dismiss Claimant’s claim without prejudice for failure to prosecute.
2. ***Michael Long v. Ark. Dept. of Transp.***, Claim No. 231177. Claimant filed this claim seeking compensation for damage to Claimant’s vehicle. At the hearing on Respondent’s motion for summary judgment and amended motion for summary judgment, Claimant failed to appear. Jay D. Wilkins appeared on behalf of Respondent. Based on Claimant’s failure to appear, the Commission voted 2–1 to dismiss Claimant’s claim without prejudice for failure to prosecute.
3. ***Danny Akins v. Ark. Dept. of Transp.***, Claim No. 231309. Claimant filed this claim seeking compensation for damage to Claimant’s vehicle. At the hearing on Respondent’s motion to dismiss, Claimant appeared *pro se*, and Jay D. Wilkins 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 granted Respondent’s motion and dismissed Claimant’s claim.
4. ***Bryan Lange v. Ark. Dept. of Transp.***, Claim No. 231320. Claimant filed this claim seeking compensation for damage to Claimant’s vehicle. At the hearing on Respondent’s motion for summary judgment and amended motion for summary judgment, Claimant failed to appear. Jay D. Wilkins appeared on behalf of Respondent. Based on Claimant’s failure to appear, the Commission voted 2–1 to dismiss Claimant’s claim without prejudice for failure to prosecute.
5. ***Yustin Jordan v. Ark. Dept. of Transp.***, Claim No. 230910. Claimant filed this claim seeking compensation for damage to Claimant’s vehicle. At the hearing on Respondent’s motion to dismiss, Jesse L. Kearney appeared on Claimant’s behalf, and Alexander Denker 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 denied Respondent’s motion and directed the parties to conduct discovery.
6. ***Katie Bishop-Nordentoft v. Ark. Dept. of Transp.***, Claim No. 231267. Claimant filed this claim seeking compensation for damage to Claimant’s vehicle. At the hearing on Respondent’s motion to dismiss, Claimant appeared *pro se*, and Jay D. Wilkins 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 denied Respondent’s motion and directed the parties to conduct discovery.
7. ***Myron Thompson v. Ark. Dept. of Transp.***, Claim No. 240005. Claimant filed this claim seeking compensation for damage to Claimant’s trailer. At the hearing on Respondent’s motion to dismiss, Claimant appeared *pro se*, and Jay D. Wilkins 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 denied Respondent’s motion and directed the parties to conduct discovery.

8. **Michael Worsham v. Ark. St. Hwy. Comm'n**, Claim No. 231172. Claimant filed this claim seeking compensation for damage to Claimant's vehicle. At the hearing, Claimant appeared *pro se*, and Jay D. Wilkins appeared on behalf of Respondent. Based upon a review of the claim file, the witness testimony, the argument of the parties, and the law of the State of Arkansas, the Commission found that Claimant is entitled to his out-of-pocket expenses (i.e., his applicable insurance deductible) pursuant to Ark. Code Ann. § 19-10-302 but that the Commission cannot make an award until Claimant has submitted a copy of his insurance declarations, filed an insurance claim, and reported back to the Commission and to Respondent about the results of such claim. As such, the Commission placed this claim into an abeyance status for 180 days.
9. **Krystal Osburn v. Ark. Dept. of Transp.**, Claim No. 230863. Claimant filed this claim seeking compensation for damage to Claimant's vehicle. At the hearing on Respondent's motion for summary judgment and amended motion for summary judgment, Claimant failed to appear. Alexander Denker appeared on behalf of Respondent. Based on Claimant's failure to appear, the Commission voted unanimously to dismiss Claimant's claim without prejudice for failure to prosecute.
10. **Mira Resch v. Ark. Dept. of Transp.**, Claim No. 230909. Claimant filed this claim seeking compensation for damage to Claimant's vehicle. At the hearing on Respondent's motion for summary judgment and amended motion for summary judgment, Claimant failed to appear. James E. Patrick II appeared on behalf of Respondent. Based on Claimant's failure to appear, the Commission voted 2-1 to dismiss Claimant's claim without prejudice for failure to prosecute.
11. **Rebecca Stephens v. Ark. Dept. of Transp.**, Claim No. 230425. Claimant filed this claim seeking compensation for damage to Claimant's vehicle. At the hearing, Claimant appeared *pro se*, and James E. Patrick II appeared on behalf of Respondent. Based upon a review of the claim file, the witness testimony, the argument of the parties, and the law of the State of Arkansas, the Commission denied Claimant's claim.
12. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered 1-67 as described on the attached spreadsheet without discussion.

Hearings scheduled for December 8, 2023

The following members of the Commission were present:

Courtney Baird
Henry Kinslow
Paul Morris, chair

1. **Candice Burnett v. Ark. Dept. of Finance and Admin.**, Claim No. 231628. Claimant filed this claim seeking damages related to an error on Claimant's title. At the hearing on Respondent's motion for summary judgment, Claimant appeared *pro se*, and Bradley B. Young appeared on behalf of Respondent. Based on a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission denied Respondent's motion and set the claim for hearing.
2. **Robert Williams v. State of Ark.**, Claim No. 231630. Claimant filed this claim seeking disability and scholarship benefits. At the hearing on Claimant's motion to reconsider the Commission's September 22, 2023, Claimant appeared *pro se*, and Lisa Wilkins Wiedower appeared on behalf of Respondent. At the outset of the hearing, Respondent changed its position on Claimant's entitlement to benefits based on the LOPFI determination. The Commission instructed its director to send a proposed order to the parties to see if the parties agreed with the proposed order. Upon agreement with the parties, the Commission entered the order awarding Claimant \$10,000 in disability benefits pursuant to Ark. Code Ann. § 21-5-704(a)(2)(A) and awarding Claimant's spouse and children scholarship benefits pursuant to Ark. Code Ann. § 6-82-503.

3. ***Mary Lynn Noble v. Ark. Dept. of Hum. Serv.***, Claim No. 220961. Claimant filed this claim related to the actions of Respondent while she was in foster care. At the hearing on various motions filed by the parties, Claimant proceeded *pro se*, and Abbey Trussell appeared on Respondent's behalf. 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 deny Claimant's motion for summary judgment, to grant Respondent's motion to dismiss, and to deny and dismiss Claimant's claim. The Commission also found that Respondent's motion to strike was moot.
4. ***Vance Lay v. Ark. Dept. of Parks, Heritage and Tourism***, Claim No. 231243. Claimant filed this claim seeking damages to his vehicle caused by a fallen tree limb. At the claim hearing, Claimant proceeded *pro se*, and Rosalyn Middleton appeared on behalf of Respondent. Based on a review of the claim file, the testimony and evidence presented, and the law of the State of Arkansas, the Commission unanimously denied the claim, finding that Respondent did not breach its duty to Claimant.
5. ***Terry Armstrong v. Ark. Dept. of Transp.***, Claim No. 221166. Claimant filed this claim seeking damages associated with a motor vehicle accident. At the claim hearing, Chris Heil appeared on behalf of Claimant, and Amanda Andrews appeared on Respondent's behalf. Based on a review of the claim file, the testimony and evidence presented, and the law of the State of Arkansas, the Commission unanimously found Respondent to be 51% at fault for Claimant's accident and awarded Claimant \$2,805 in damages.
6. ***Regions Bank Trust Dept., as special administrator of the Est. of Jinglei Yi, deceased v. Ark. Dept. of Emergency Mgmt.***, Claim No. 16-0497-CC. Claimant filed this indemnification claim related to the death of Jinglei Yi when a dispatcher failed to dispatch help. At the claim hearing, Carter C. Stein appeared on behalf of Claimant, and Brian D. Black appeared on Respondent's behalf. Based on a review of the claim file, the argument of the parties, the legislative decision in the companion claim, and the law of the State of Arkansas, the Commission awarded Claimant \$15,000.
7. (Other Agency Business) The Commission instructed its director to contact counsel for the Arkansas Department of Transportation to request that additional information be attached to motions to dismiss based on damage in construction zones, including date ranges and geographic terms of the contracts between the Arkansas Department of Transportation and the contractor.
8. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered ADC1–ADC18 as described on the attached spreadsheet without discussion.

This completed the business on the December 2023 Commission docket.



Kathryn Irby, Director

Date: April 4, 2024

December 2023

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>	
1	231646	Williams	ARS	Sent
2	240417	Karriem	SOA	Sent
3	231629	Goodson	ARDOT	Sent
4	240106	Gray	ARDOT	Sent
5	231346	Steinert	ADPHT	Sent
6	230979	Ausler	DHS	Sent
7	240309	Omega Baptist Church	ADOT	Sent
8	240484	Sherrill	ADM	Sent
9	240080	OGuinn	DHS	Sent
10	210377	Northrop Grumman	DHS	Sent
11	200280	Riggs	DHS	Sent
12	210530	Williams	ASMB	Sent
13	220411	Nichols	ADOT	Sent
14	190741	Brokaw	ASP	Sent
15	231345	Treece	ADOT	Sent
16	231606	Vaughn	ASP	Sent
17	220544	Harguess	ADOT	Sent
18	240342	Laird	UASYS	Sent
19	240403	Kaufman	ADOT	Sent
20	240397	Carter	ADOT	Sent
21	240213	Clay County Conservation District	ADA	Sent
22	240533	Flenory	ADOT	Sent
23	240313	Dean	ADOT	Sent
24	240490	Fernandez	ADOT	Sent
25	240482	Wyatt	ADOT	Sent
26	240254	Starnes	ADOT	Sent
27	240402	R. Moore	ADOT	Sent
28	231580	Koch	ADOT	Sent
29	240492	Herron	ADOT	Sent
30	240465	Farmer	ADOT	Sent
31	240305	Looper	ADOT	Sent
32	240452	T. Moore	ADOT	Sent
33	240479	Pulliam	ADOT	Sent
34	240467	Tisdale	ADOT	Sent
35	240270	Communication Plus Interpreter Services	ADWS	Sent
36	240528	Bison Builders LLC	AGFC	Sent
37	240226	Peeler	APERS	Sent
38	240227	Peeler	APERS	Sent
39	240228	Peeler	APERS	Sent
40	240229	Peeler	APERS	Sent
41	240536	Helms	ASP	Sent
42	220904	Denton & Denton	DFA	Sent
43	240367	Faulkner	DFA	Sent
44	240381	Kennon & Kennon	DFA	Sent
45	201209	Morgan Stanley Smith Barney Holdings	DFA	Sent

