

ARKANSAS STATE CLAIMS COMMISSION

June 2023 Minutes

The Arkansas State Claims Commission (the “Commission”) scheduled hearings for June 15–16, 2023. The Commission also scheduled a special hearing for June 28, 2023.

Hearings scheduled for June 15, 2023

The following members of the Commission were scheduled to be present:

Courtney Baird
Paul Morris, chair
Sylvester Smith

1. ***Terry Armstrong v. Arkansas Department of Transportation***, Claim No. 221166. [continued by agreement of the parties prior to hearing]

Hearing scheduled for June 16, 2023

The following members of the Commission were scheduled to be present:

Courtney Baird
Solomon Graves
Paul Morris, chair

1. ***Andrea Young v. Arkansas Department of Transportation***, Claim No. 230629. [continued by agreement of the parties prior to hearing]
2. ***Brett Gendreau v. Arkansas Department of Transportation***, Claim No. 230165. Claimant filed this claim after his vehicle was damaged by gravel. At the hearing on Claimant’s claim and Respondent’s pending motion, Claimant failed to appear. Counsel for Respondent was present. 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. ***Roy Sanders and Latecia Glover v. Arkansas Department of Transportation***, Claim No. 230176. Claimants filed this claim after their vehicle was damaged. At the hearing on Claimants’ claim and Respondent’s pending motion, Claimants failed to appear. Counsel for Respondent was present. Following confirmation by Commission staff that the hearing letter was mailed to Claimants at the address provided by Claimants on the claim form and emailed to Claimants at an email address that Claimants used to communicate with Commission staff, the Commission unanimously voted to dismiss Claimants’ claim without prejudice for failure to prosecute.
4. ***Melinda Short v. Arkansas Department of Transportation***, Claim No. 230087. Claimant filed this claim regarding damage to her property. At the hearing on Respondent’s motion to dismiss, Claimant failed to appear. Counsel for Respondent was present. Following confirmation by Commission staff that the hearing letter was mailed to Claimant at the address provided by Claimant on her claim form, the Commission unanimously voted to dismiss Claimant’s claim without prejudice for failure to prosecute.
5. ***Nicole Jones v. Arkansas Department of Transportation***, Claim No. 230201. Claimant filed this claim regarding damage to her vehicle. At the hearing on Respondent’s motion to dismiss, Claimant appeared *pro se*, and Amanda Andrews appeared on Respondent’s behalf. This hearing was a continuance of the February 9, 2023, hearing, which was continued to allow Claimant to clarify the two incidents that caused damage to her vehicle. Based on a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously dismissed Claimant’s claim as to the first incident but found that the portion of Claimant’s claim related to the second incident should not be dismissed. The Commission also put the claim in abeyance for 90 days to allow Claimant to file a claim under her insurance.

6. ***Kenderrius Ivory v. Arkansas Department of Transportation***, Claim No. 230057. Claimant filed this claim regarding damage to his vehicle. At the hearing on the claim and Respondent's pending motion, Claimant appeared *pro se*, and Trella Sparks appeared on Respondent's behalf. The Commission unanimously voted to place this claim in abeyance for 90 days to allow Claimant to file a claim under his insurance.
7. ***Beverly Bridges v. Arkansas Department of Transportation***, Claim No. 221162. Claimant filed this claim after her vehicle was damaged by paint. At the hearing on Respondent's motion for summary judgment, Claimant failed to appear. Counsel for Respondent was present. 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.
8. ***Charles Digiacommo v. Arkansas Department of Transportation***, Claim No. 221259. Claimant filed this claim after his vehicle was damaged. At the claim hearing, Claimant failed to appear. Counsel for Respondent was present. 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.
9. ***Luther McCoy Jr. v. Arkansas Department of Transportation***, Claim No. 221431. Claimant filed this claim regarding damage to his vehicle. At the hearing on the claim, Claimant appeared *pro se*, and Trella Sparks appeared on Respondent's behalf. The Commission unanimously voted to place this claim in abeyance for 90 days to allow Claimant to file a claim under his insurance.
10. ***Tommy C. Rutherford v. Arkansas Department of Transportation***, Claim No. 200048. Claimant filed this claim after his vehicle was damaged. At the hearing on the claim and Respondent's pending motion, Claimant failed to appear. Counsel for Respondent was present. Following confirmation by Commission staff that the hearing letter was mailed to Claimant at the address provided by Claimant on his claim form, the Commission unanimously voted to dismiss Claimant's claim without prejudice for failure to prosecute.
11. ***Gerald Johnson v. Arkansas Department of Transportation***, Claim No. 221437. Claimant filed this claim seeking reimbursement for trees cut down on his property. At the hearing on the claim, Claimant appeared *pro se*, and James E. Patrick appeared on Respondent's behalf. Based on 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 Claimant's claim.
12. ***Pamela G. Harris v. Arkansas Department of Transportation***, Claim No. 230089. Claimant filed this claim after her vehicle was damaged. At the claim hearing, Claimant failed to appear. Counsel for Respondent was present. 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.
13. ***Steven Porter v. Arkansas Department of Transportation***, Claim No. 230624. Claimant filed this claim after his vehicle was damaged. At the claim hearing, Claimant failed to appear. Counsel for Respondent was present. 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.
14. ***Jaryel Jackson and Ivona Jackson v. Arkansas Department of Transportation***, Claim No. 221258. Claimants filed this claim after their vehicle was damaged by a pothole. At the claim hearing, Sheila Campbell appeared on behalf of Claimants, and Amanda Andrews appeared on Respondent's behalf. 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 awarded Claimants \$1,000, representing Claimants' collision coverage deductible.
15. ***Rebecca Stephens v. Arkansas Department of Transportation***, Claim No. 230425. Claimant filed this claim after her vehicle was damaged. At the claim hearing, Claimant appeared *pro*

se, and James Patrick appeared on Respondent's behalf. Claimant requested a continuance due to her recent release from the hospital, and Respondent objected. The Commission voted unanimously to grant Claimant's continuance request.

16. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered 1-33 and 35-102 on Exhibit A to these minutes without discussion.

Special hearing scheduled for June 28, 2023

The following members of the Commission were scheduled to be present:

Courtney Baird
Henry Kinslow
Paul Morris, chair

1. *Haley Hudson, individually and as special administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as guardian of the Carley Ray Jones and Kadey Lynn Jones v. Arkansas Department of Human Services*, Claim No. 230641. [issue necessitating the hearing was resolved by the agreement of parties, such that the special hearing was not held]

This completed all of the business on the June 2023 Commission docket.



Kathryn Irby, Director

Date: November 1, 2023

June 2023

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>
1	220336	Bethlehem Baptist Church	ADOT
2	220093	Ideal Construction	ADOT
3	230629	Young	ADOT
4	230934	Haynes	SOA
5	230733	Mann	ADOT
6	230776	Highfill	ADOT
7	230808	Litzsey	ADOT
8	230922	McNeil	ADOT
9	230846	McBryde	ADOT
10	230856	Cabrera	ADOT
11	230756	Yates	ADOT
12	230888	Ellington	ADOT
13	230887	Edwards	ADOT
14	230729	Walker	ADOT
15	230847	Tate	ADOT
16	230854	Sullivan	ADOT
17	230853	Royster	ADOT
18	230835	Fisher	ADOT
19	230833	Fincher	ADOT
20	230832	Blankenship	ADOT
21	230796	Halley	ADOT
22	230568	Carlock	ADOT
23	230826	Walker	ADOT
24	230802	Sebastian	ADOT
25	230889	Boysen	ADOT
26	230889	Dallas	ADOT
27	230877	Johnson	ADOT
28	230876	Crowder	ADOT
29	230816	Duckett	ADOT
30	230086	Fain	ADOT
31	230799	Nava, Hood, Millirons	ADPS
32	230932	Steck	ASP
33	231015	Stanley	ASP
34	230979	Ausler	DHS
35	231007	Baldwin	ADOT
36	231039	Reese	ADOT
37	230995	Braddix	ADOT
38	230999	Brown	ADOT
39	230998	Salcido	ADOT

Pulled at
hearing,
not
approved

40	231013	Lockhart	ADOT
41	231016	Donaldson	ADOT
42	231020	James	ADOT
43	231030	Crum	ADOT
44	231031	Wofford	ADOT
45	230994	Wright	ADOT
46	231036	Huckabay	ADOT
47	231040	Casey	ADOT
48	231053	Shock	ADOT
49	231032	Coleman	ADOT
50	230850	Curry	ADOT
51	230899	Martinez	ADOT
52	230923	Martinez	ADOT
53	230941	Turner	ADOT
54	230949	Keys	ADOT
55	230950	Johnson	ADOT
56	230594	Cubb	ADOT
57	230920	Watkins	ADOT
58	230772	Puckett	ADOT
59	230988	Stringfellow	ADOT
60	230958	Clark	ADOT
61	230970	Thomas	ADOT
62	230973	Parker	ADOT
63	230974	McDaniel	ADOT
64	230978	Kremer	ADOT
65	230984	McClure	ADOT
66	230938	Elliott	ADOT
67	230886	Young	UAMS
68	231054	Cook	ASP
69	230971	Brady	ADOT
70	230911	Stewart	ADOT
71	231106	Eddington	ADOT
72	231092	Bing	ADOT
73	231082	Dickerson	ADOT
74	231090	Dawson	ADOT
75	231099	Newson	ADOT
76	231100	Austin	ADOT
77	231102	Cormier	ADOT
78	231104	Shackleford	ADOT
79	231105	McDaniel	ADOT
80	231107	Duncan	ADOT
81	231087	Jones	ADOT
82	231117	Alberson	ADOT
83	231135	Oaks	ADOT
84	231081	Gaddy	ADOT
85	231002	Wise	ADOT
86	230758	Brown	ADOT

87	231172	Worsham	ADOT
88	231073	Sutterfield	ADOT
89	231091	Clark	ADOT
90	230085	James dba Red Eye Supply	ADOT
91	230513	Smith	ADOT
92	231435	Agilent Technologies	DFA
	231210,		
	231211,		
93	231212,	Cano	DFA
	231213,		
	231214		
94	230616 and 230617	Howard	DFA
95	231248	Taylor	UALR
96	231512 and 231513	Martin	DFA
97	231388 and 231389	Padilla	DFA
98	231497	Frizzell & O'Neal	DFA
99	231502 and 231503	Umana	DFA
100	221540	Cellco Partnership	DOH
101	231385	Squires & Squires	DFA
102	231447	Coker	SOA