

ARKANSAS STATE CLAIMS COMMISSION

September 2023 Minutes

The Arkansas State Claims Commission (the “Commission”) scheduled hearings for September 22, 2023.

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

Courtney Baird
Paul Morris, chair
Sylvester Smith

1. ***Barry Turner v. Arkansas Division of Correction***, Claim No. 180886. Claimant filed this claim seeking damages related to lost property (the “Lost Property Claim”) and alleged violations of procedures regarding 48-hour relief periods from punitive segregation (the “Punitive Segregation Claim”). 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, and the law of the State of Arkansas, the Commission awarded Claimant \$595.00 in damages for his Lost Property Claim and dismissed Claimant’s Punitive Segregation Claim.
2. ***Billy Brooks v. Arkansas Division of Correction***, Claim No. 220455. Claimant filed this claim seeking damages related to denial of yard call. At the hearing on Respondent’s motion to deem admitted its requests for admission propounded to Claimant and Claimant’s “Motion of Requests for all Records of Yard Call and Employees on Duty and Reasons Not Given for Yard or Required Rights from 1-2021 to 11-21[.]” 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 gave Claimant twenty (20) days from the date of the order to submit properly amended responses to the requests for admission and directed Respondent to provide Claimant’s yard call records from January 2021 to November 2021 within thirty (30) days of the date.
3. ***Billy Brooks v. Arkansas Division of Correction***, Claim No. 220981. Claimant filed this claim seeking damages related to sewer water dripping into his cell. At the hearing on Respondent’s motion to deem admitted its requests for admission propounded to Claimant, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the motion and response, the argument of the parties, and the law of the State of Arkansas, the Commission gave Claimant twenty (20) days from the date of the order to submit properly amended responses to the requests for admission.
4. ***Malary Dulaney v. Arkansas Division of Correction***, Claim No. 211283. Claimant filed this claim seeking damages related to Respondent’s alleged failure to provide reimbursement for property damaged by another inmate. At the hearing on Claimant’s motion to compel, motion to submit subpoenas and motions for judgment and order, as well as Respondent’s motion seeking to deem admitted its requests for admission propounded to Claimant and motion for sanctions, 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 granted Claimant’s motion to compel in part and directed Respondent to produce certain documents, denied Respondent’s motion to deem requests for admission admitted, denied Claimant’s motion to submit subpoenas, denied Respondent’s motion for sanctions and denied Claimant’s motions for judgment and order.
5. ***Leundra Davis v. Arkansas Division of Correction***, Claim No. 201177. Claimant filed this claim seeking damages related to lost property. 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, and the law of the State of Arkansas, the Commission awarded Claimant \$241.00 in damages.
6. ***Michael Todd v. Arkansas Division of Correction***, Claim No. 221393. Claimant filed this claim seeking damages related to another inmate stabbing him. 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, and the law of the State of Arkansas, the Commission awarded Claimant \$7,503.00 in damages. The Commission also denied Respondent's motion for protective order as moot and denied Claimant's motion to subpoena documents.

7. ***Clifton Thompson v. Arkansas Division of Correction***, Claim No. 220857. Claimant filed this claim seeking damages related to Respondent's mailroom employees destroying Claimant's family photos. At the hearing on Respondent's motion to deem admitted its requests for admission propounded to Claimant and motion for protective order, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the motion and response, the argument of the parties, and the law of the State of Arkansas, the Commission gave Claimant twenty (20) days from the date of the order to submit properly amended responses to the requests for admission and granted Respondent's motion for protective order. The Commission deemed Claimant's requests for admission directed to Respondent and directed Respondent to respond to the requests for admission within thirty (30) days of the order.
8. ***John Noonan v. Arkansas Division of Correction***, Claim No. 220738. Claimant filed this claim seeking damages related his stimulus payments from the federal government. At the hearing on Respondent's motion for summary judgment, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the motion and response, the argument of the parties, and the law of the State of Arkansas, the Commission dismissed Claimant's claim.
9. ***Patrick Sherman v. Arkansas Division of Correction***, Claim No. 230131. Claimant filed this claim on July 28, 2022. On September 20, 2022, the Commission requested briefs from the parties on the issue of whether Claimant's four most recent claim filings (Claim Nos. 230131, 230132, 230133, and 230388) constituted an abuse of process pursuant to Ark. Code Ann. § 19-10-221. At the hearing on the abuse of process issue, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the parties' briefs, the argument of the parties, the records of the Commission, and the law of the State of Arkansas, the Commission dismissed Claimant's claim pursuant to Ark. Code Ann. § 19-10-221.
10. ***Patrick Sherman v. Arkansas Division of Correction***, Claim No. 230132. Claimant filed this claim on July 28, 2022. On September 20, 2022, the Commission requested briefs from the parties on the issue of whether Claimant's four most recent claim filings (Claim Nos. 230131, 230132, 230133, and 230388) constituted an abuse of process pursuant to Ark. Code Ann. § 19-10-221. At the hearing on the abuse of process issue, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the parties' briefs, the argument of the parties, the records of the Commission, and the law of the State of Arkansas, the Commission dismissed Claimant's claim pursuant to Ark. Code Ann. § 19-10-221.
11. ***Patrick Sherman v. Arkansas Division of Correction***, Claim No. 230133. Claimant filed this claim on July 28, 2022. On September 20, 2022, the Commission requested briefs from the parties on the issue of whether Claimant's four most recent claim filings (Claim Nos. 230131, 230132, 230133, and 230388) constituted an abuse of process pursuant to Ark. Code Ann. § 19-10-221. At the hearing on the abuse of process issue, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the parties' briefs, the argument of the parties, the records of the Commission, and the law of the State of Arkansas, the Commission dismissed Claimant's claim pursuant to Ark. Code Ann. § 19-10-221.
12. ***Patrick Sherman v. Arkansas Division of Correction***, Claim No. 230388. Claimant filed this claim on September 17, 2022. On September 20, 2022, the Commission requested briefs from the parties on the issue of whether Claimant's four most recent claim filings (Claim Nos. 230131, 230132, 230133, and 230388) constituted an abuse of process pursuant to Ark. Code Ann. § 19-10-221. At the hearing on the abuse of process issue, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the parties' briefs, the argument of the parties, the records of the Commission, and the law of the

State of Arkansas, the Commission dismissed Claimant's claim pursuant to Ark. Code Ann. § 19-10-221.

13. ***Kwasi McKinney v. Arkansas Division of Correction***, Claim No. 200909. Claimant filed this claim seeking damages related to lost property. At the hearing on damages, 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, and the law of the State of Arkansas, the Commission awarded Claimant \$3,155.29 in damages.
14. ***Corey Hupp v. Arkansas Division of Correction***, Claim No. 221041. Claimant filed this claim seeking damages related to Respondent's employee allegedly violating policy, which resulted in Claimant being beaten and injured by other inmates. At the hearing on motion for reconsideration of the Commission's July 26, 2022, order dismissing the claim, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon the review of claim file, the motion and response, the argument of the parties, and the law of the State of Arkansas, the Commission denied Claimant's motion for reconsideration.
15. ***Bart Woodard v. Arkansas Division of Correction***, Claim No. 221169. Claimant filed this claim seeking damages related to Respondent's alleged omissions that resulted in another inmate raping Claimant multiple times from February 2020 to July 2020. At the hearing on Claimant's request for an exhibit filed by Respondent, which was marked Submitted in camera: DO NOT RELEASE TO INMATE[,]" Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Claimant viewed the exhibit during the hearing and agreed that his pending "petition for default judgment..." and "motion to prevent further delay..." were moot. Based upon the review of claim file, the argument and agreement of the parties, and the law of the State of Arkansas, the Commission denied Claimant's "petition for default judgment..." and "motion to prevent further delay..." as moot.
16. ***Roy Hoggard v. Arkansas Division of Correction***, Claim No. 220385. Claimant filed this claim seeking damages related destroyed photographs. At the hearing on Claimant's motion for summary judgment and Respondent's motion to strike, 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 denied Claimant's motion for summary judgment and denied Respondent's motion to strike.
17. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered 1-168, 170-197, ADC1-ADC19, and ADC21-ADC34 as described on the attached spreadsheet without discussion.

This completed the business on the September 2023 Commission docket.



Kathryn Irby, Director

Date: January 5, 2024

35	231324	Bonds	ARDOT	KI	Sent
36	231404	Williams	ARDOT	KI	Sent
37	231485	Wilson	DHS	KI	Sent
38	231437	Holmes	ARDOT	KI	Sent
39	231436	Quinn	ARDOT	KI	Sent
40	231427	Ray	ARDOT	KI	Sent
41	231421	Berk	ARDOT	KI	Sent
42	231420	Driggers	ARDOT	KI	Sent
43	231408	Wright and Hodges	ARDOT	KI	Sent
44	231405	Matthews	ASP	KI	Sent
45	231444	Smith	ARDOT	KI	Sent
46	231468	Hayes Grant	ARDOT	KI	Sent
47	231467	State Farm	ARDOT	KI	Sent
48	231463	Haggerty	ARDOT	KI	Sent
49	231462	Lawhon	ARDOT	KI	Sent
50	231457	Lawhon	ARDOT	KI	Sent
51	231470	Ridgeway	ARDOT	KI	Sent
52	231401	Crandall	ARDOT	KI	Sent
53	230400	Spicer	ARDOT	KI	Sent
54	231317	Washington	ARDOT	KI	Sent
55	231342	Hicks	ARDOT	KI	Sent
56	231392	Luton	ARDOT	KI	Sent
57	231393	Francl	ARDOT	KI	Sent
58	231394	Mendez	ARDOT	KI	Sent
59	231292	Gyamena	ARDOT	KI	Sent
60	230832	Blankenship	ARDOT	KI	Sent
61	231170	Mason	ARDOT	KI	Sent
62	240028	Lopez	ARDOT	KI	Sent
63	240157	Sigel	UAMS	KI	Sent
64	231542	Centers for Youth & Families	DHS	KI	Sent
65	231605	Hall	ARDOT	KI	Sent
66	231543	Bradley	ARDOT	KI	Sent
67	231045	Noren	ARDOT	KI	Sent
68	231650	Thomas	ARDOT	KI	Sent
69	240103	Rogers	ARDOT	SH	Sent
70	240063	Moore	ARDOT	SH	Sent
71	240076	Caudill	ARDOT	SH	Sent
72	231673	Reynolds	ARDOT	SH	Sent
73	231596	Dewey	ARDOT	SH	Sent

74	231532	Parton	ARDOT	SH	Sent
75	231598	Strickland	ARDOT	SH	Sent
76	231658	Lowry	ARDOT	SH	Sent
77	231708	Bartlett	ARDOT	SH	Sent
78	240126	Ward	ARDOT	SH	Sent
79	240027	Brannan	ARDOT	SH	Sent
80	240061	Cano	ARDOT	SH	Sent
81	240024	Bean	ARDOT	SH	Sent
82	240051	Stephens	ARDOT	SH	Sent
83	220267	Benton	UAMS	SH	Sent
84	231694	Clayton	UAMS	SH	Sent
85	220043	Gathright	UAMS	SH	Sent
86	220467	Hunt	UAMS	SH	Sent
87	220319	Maxwell	UAMS	SH	Sent
88	231293	White	UAMS	SH	Sent
89	231618	Trulsrud	UAMS	SH	Sent
90	240182	Wilson	UAMS	SH	Sent
91	220468	Clark	UAMS	SH	Sent
92	240290	Elliott	UAMS	SH	Sent
93	231127	Sacrey	UAMS	SH	Sent
94	240197	Westrock Coffee Roasting, LLC	ADPHT	SH	Sent
95	240198	Westrock Coffee Roasting, LLC	ADPHT	SH	Sent
96	240195	Westrock Coffee Roasting, LLC	ADPHT	SH	Sent
97	240196	Westrock Coffee Roasting, LLC	ADPHT	SH	Sent
98	240200	Westrock Coffee Roasting, LLC	ADPHT	SH	Sent
99	240207	ASU	DOH	SH	Sent
100	240218 & 240219	Evans	APERS	SH	Sent
101	240072	Brickwood	ADPHT	SH	Sent
102	240113	Seymour	ASP	SH	Sent
103	231585	Shoemaker	ASP	SH	Sent
104	230933	Ellis	DHS	SH	Sent
105	240117	Anderson	DHS	SH	Sent
106	231188	Montgomery County	DFA-OCSE	SH	Sent
107	240094 & 240095 & 240096	Riggs	DFA	SH	Sent
108	231386 & 231387	Riggs	DFA	SH	Sent
109	230825	Montgomery	DFA	SH	Sent
110	231514	Coddington	DFA	SH	Sent
111	240143 & 240144	Statler	DFA	SH	Sent
112	240167	Rubbermaid Incorporated	DFA	SH	Sent

113	240088	Haynes	DFA	SH	Sent
114	231506	Kinley & Kinley	DFA	SH	Sent
115	240087	Weathers & Weathers	DFA	SH	Sent
116	240172	Morales & Rivera	DFA	SH	Sent
117	240137	Anderson	DFA	SH	Sent
118	240142	Allen	DFA	SH	Sent
119	240082	Johnson	DFA	SH	Sent
120	240138	Woodruff	DFA	SH	Sent
121	240176	Gunn	DFA	SH	Sent
122	240205	Brannan	DFA	SH	Sent
123	240131	Udofot & Udofot	DFA	SH	Sent
124	240130	Stayton	DFA	SH	Sent
125	231443	Burchfield	ADOT	KI	Sent
126	231449	Geico	ADOT	KI	Sent
127	231430	Allard	ADOT	KI	Sent
128	231480	Hilton	ADOT	KI	Sent
129	231482	Fox	ADOT	KI	Sent
130	231487	Xiong	ADOT	KI	Sent
131	231492	Moore	ADOT	KI	Sent
132	231493	Dooley	ADOT	KI	Sent
133	231495	Blackburn	ADOT	KI	Sent
134	231496	Sailor	ADOT	KI	Sent
135	231551	Smith	ADOT	KI	Sent
136	231546	Wilson	ADOT	KI	Sent
137	231560	Pickett	ADOT	KI	Sent
138	231552	Massalay	ADOT	KI	Sent
139	231527	Csog	ADOT	KI	Sent
140	231589	Salome	ADOT	KI	Sent
141	231022	Harris	ADOT	KI	Sent
142	230854	Sullivan	ADOT	KI	Sent
143	231327	Horn	ADOT	KI	Sent
144	231296	Sutherland	ADOT	KI	Sent
145	231037	Interinsurance Exchange	ADOT	KI	Sent
146	231616	Raatz	ADOT	KI	Sent
147	231621	Youngblood	ADOT	KI	Sent
148	231631	McCoy	ADOT	KI	Sent
149	231655	Palmer	ADOT	KI	Sent
150	231657	Mason	ADOT	KI	Sent
151	231620	Mays	ASP	KI	Sent

152	231688	Muffoletto	ADOT	KI	Sent
153	231672	Wright	ADOT	KI	Sent
154	231685	Young	ADOT	KI	Sent
155	231686	Williams	ADOT	KI	Sent
156	231693	Gaines	ADOT	KI	Sent
157	231679	Jacobs	ADOT	KI	Sent
158	231645	French	ADOT	KI	Sent
159	231635	Brown	ADOT	KI	Sent
160	231619	Dear	ADOT	KI	Sent
161	230129	Lewis	ADOT	KI	Sent
162	231066	Shelter	ADOT	KI	Sent
163	231592	Bedard	ADOT	KI	Sent
164	231595	Campbell	ADOT	KI	Sent
165	231594	Waters	ADOT	KI	Sent
166	231561	Tarry	ADOT	KI	Sent
167	231536	Sparks	ADOT	KI	Sent
168	231531	Brown	ADOT	KI	Sent
169		PULLED			
170	231705	McGee	ADOT	KI	Sent
171	230971	Brady	ADOT	KI	Sent
172	231305	Watson	ADOT	KI	Sent
173	240040	Kaufmann	UAMS	KI	Sent
174	240029	Horne	ADOT	KI	Sent
175	240021	Wilson	ADOT	KI	Sent
176	240020	Coffman	ADOT	KI	Sent
177	240003	Meeks	ADOT	KI	Sent
178	240044	Pearson	ADOT	KI	Sent
179	231391	Hall	ADOT	KI	Sent
180	231528	VanGorden	ADOT	KI	Sent
181	231707	Hood	ADOT	KI	Sent
182	231565	Hoffman	ADOT	KI	Sent
183	231626	Bass	ADOT	KI	Sent
184	231632	Bob Barker Company, Inc.	ACC	KI	Sent
185	231633	Bob Barker Company, Inc.	ACC	KI	Sent
186	231634	Bob Barker Company, Inc.	ACC	KI	Sent
187	231663	Scoby	SOA	SH	Sent
188	210984	Fletcher	ADOT	KI	Sent
189	180443	Simmons	ADOT	KI	Sent
190	190168	Buazard	UAMS	KI	Sent

191	200134	Luhrs	UAMS	KI	Sent
192	09-0679-CC	Harlan	UAMS	KI	Sent
193	09-0680-CC	Harlan	UAMS	KI	Sent
194	231069	Kelley	ARDOT	KI	Sent
195	240299	Prieto	ASP	SH	Sent
196	200280	Riggs	DHS	KI	Sent
197	230477	Diaz	DFA	KI	Sent

ADC

1	240066	Williams	ADC	MT	Sent
2	231669	Epperson	ADC	MT	Sent
3	240132	Wilmoth	ADC	MT	Sent
4	231697	Woodard	ADC	MT	Sent
5	240308	Cummins	ADC	MT	Sent
6	200682	Burgess	ADC	MT	Sent
7	211045	Crawford	ADC	MT	Sent
8	181013	Fields	ADC	MT	Sent
9	210409	Green	ADC	MT	Sent
10	200573	Hayes	ADC	MT	Sent
11	220311	Langley	ADC	MT	Sent
12	230125	Hall	ADC	MT	Sent
13	230392	Hall	ADC	MT	Sent
14	230928	Smith	ADC	MT	Sent
15	231021	Carter	ADC	MT	Sent
16	221007	Allen	ADC	MT	Sent
17	230865	Hoover	ADC	MT	Sent
18	231049	Buchanan	ADC	MT	Sent
19	231313	Parker	ADC	MT	Sent
20		PULLED			
21	231101	Tavron	ADC	MT	Sent
22	230780	Cornelison	ADC	MT	Sent
23	220212	Murdock	ADC	MT	Sent
24	230610	Forrest	ADC	MT	Sent
25	231358	Starr	ADC	MT	Sent
26	231349	Eirvin	ADC	MT	Sent
27	231458	Ferguson	ADC	MT	Sent
28	231434	Addison	ADC	MT	Sent
29	231472	Givens	ADC	MT	Sent

