

ARKANSAS STATE CLAIMS COMMISSION

January 2024 Minutes

The Arkansas State Claims Commission (the “Commission”) held hearings on January 18–19, 2024. These hearings were held via Zoom.

Hearings scheduled for January 18, 2024

The following members of the Commission were present:

Henry Kinslow  
Paul Morris, chair  
Sylvester Smith

1. ***Tony Williams v. Ark. Div. of Correction***, Claim No. 201142. Claimant filed this claim seeking damages related to a damaged model semi-truck and Casio calculator. 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 \$90.00 in damages.
2. ***Ricky Scott v. Ark. Div. of Correction***, Claim No. 210588. Claimant filed this claim seeking damages related to the revocation of his hobby craft card. At the status conference, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. Claimant argued that Respondent had not responded to certain discovery requests. Based upon the review of claim file, the argument of the parties, and the law of the State of Arkansas, the Commission found that Claimant’s request for production Request A was moot and that Requests B, C, E and G required no further production. The Commission also instructed that Respondent provide information or produce documents with respect to Request D within twenty days of the order.
3. ***Malary Dulaney v. Ark. Div. 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 Respondent’s motions for protective order and various discovery related motions filed by Claimant, 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 Respondent’s October 10, 2023, motion for protective order and instructed that Respondent did not have to respond to discovery improperly directed to an individual; the Commission granted Respondent’s December 8, 2023 motion for protective order and directed Respondent to submit unredacted items referenced in the motion for protective order to the Commission for *in camera* review so that the Commission may determine whether the items should be filed under seal; and the Commission denied as moot Claimant’s request for Respondent’s motion to dismiss, “Inter Alia to Motion for Protection Order and Dismissal,” motion for default judgment and sanctions, and amended motion for discovery sanctions.
4. ***Andrew Walker v. Ark. Div. of Correction***, Claim No. 210002. Claimant filed this claim seeking damages related to the allegation that one of Respondent’s employees failed to secure the unit, which allowed a group of inmates to attack Claimant. At the hearing on Respondent’s motion to deem admitted its requests for admission propounded to Claimant and Claimant’s motion for ruling, 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 Respondent’s motion to deem admitted and denied as moot Claimant’s motion for ruling.
5. ***Willie Jones v. Ark. Div. of Correction***, Claim No. 211057. Claimant filed this claim seeking damages related to his allegation that Respondent did not honor his “low tier/no stairs” medical script which led to Claimant being injured when he fell on stairs. At the hearing on the claim, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. The Commission continued the hearing upon Claimant request.

6. ***Otha Benson v. Ark. Div. of Correction***, Claim No. 210966. Claimant filed this claim seeking damages related to his request for crime lab records. 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 granted Respondent's motion for summary judgment and dismissed the claim.
7. ***Donald Hawley v. Ark. Div. of Correction***, Claim No. 221235. Claimant filed this claim seeking damages related 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 \$100.00 in damages.
8. ***Nathan Chism v. Ark. Div. of Correction***, Claim No. 220688. Claimant filed this claim seeking damages related to the loss of pages of a letter. At the hearing on Claimant's motion to compel, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. At the hearing, Claimant withdrew his motion to compel. 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 noted that Claimant's motion was also moot because there were no pending motions or discovery requests in this claim at the time the motion was filed.
9. ***Nathan Chism v. Ark. Div. of Correction***, Claim No. 230699. Claimant filed this claim seeking damages related to missing commissary items. At the hearing on Respondent's motion to deem admitted its requests for admission propounded to Claimant and Claimant's motion to compel, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. At the hearing, Claimant withdrew his motion to compel. 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 Respondent's motion to deem admitted as moot.
10. ***Nathan Chism v. Ark. Div. of Correction***, Claim No. 230715. Claimant filed this claim seeking damages related to the rejection of a book. At the hearing on Respondent's motion to deem admitted its requests for admission propounded to Claimant and Claimant's motion to compel, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. At the hearing, Claimant withdrew his motion to compel. 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 Respondent's motion to deem admitted as moot.
11. ***Nathan Chism v. Ark. Div. of Correction***, Claim No. 230716. Claimant filed this claim seeking damages related to missing commissary items. At the hearing on Respondent's motion to deem admitted its requests for admission propounded to Claimant and Claimant's motion to compel, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. At the hearing, Claimant withdrew his motion to compel. 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 Respondent's motion to deem admitted as moot.
12. ***Nathan Chism v. Ark. Div. of Correction***, Claim No. 230750. Claimant filed this claim seeking damages related to being charged for first class postage. At the hearing on Respondent's motion to deem admitted its requests for admission propounded to Claimant and Claimant's motion to compel, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. At the hearing, Claimant withdrew his motion to compel. 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 Respondent's motion to deem admitted as moot.
13. ***Nathan Chism v. Ark. Div. of Correction***, Claim No. 230751. Claimant filed this claim seeking damages related to the rejection of a book. At the hearing on Respondent's motion to deem admitted its requests for admission propounded to Claimant and Claimant's motion to compel, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. At the hearing, Claimant withdrew his motion to compel. 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 Respondent's motion to deem admitted as moot.

14. ***Nathan Chism v. Ark. Div. of Correction***, Claim No. 230752. Claimant filed this claim seeking damages related to missing and broken property. At the hearing on Respondent's motion to deem admitted its requests for admission propounded to Claimant and Claimant's motion to compel, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. At the hearing, Claimant withdrew his motion to compel. Based upon the review of claim file, the motion and response, the argument of the parties, the Commission denied Respondent's motion to deem admitted as moot.
15. ***Nathan Chism v. Ark. Div. of Correction***, Claim No. 231411. Claimant filed this claim seeking damages related to denial of beverages. At the hearing on Respondent's motion to dismiss and Claimant's motion to compel, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent. At the hearing, Claimant withdrew his motion to compel. 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 granted Respondent's motion to dismiss.
16. ***Michael Muhammad v. Ark. Div. of Correction***, Claim No. 220081. 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 \$158.77 in damages.
17. ***Michael Johnson v. Ark. Div. of Correction***, Claim No. 190816. Claimant filed this claim seeking damages related an incident where Claimant was attacked and injured by another inmate. At the hearing on Respondent's motion to deem admitted its requests for admission propounded to Claimant, Respondent's motion to dismiss, and various motions filed by Claimant, 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, the Commission granted Respondent's motion to deem admitted and placed the claim in abeyance for 60 days to permit Respondent to file a motion for summary judgment, denied Claimant's motion for order and summary judgment, denied as moot Claimant's motion for additional days to respond, denied Claimant's motions seeking injunctive relief, denied Claimant's motion for appointment of counsel, denied as moot Claimant's request for deposition, and denied Claimant's motion for jury trial. The Commission declined to rule on any other motions including Respondent's motion to dismiss.
18. ***Courtney Smith v. Ark. Div. of Correction***, Claim No. 230688. Claimant filed this claim seeking damages related to the loss of property designated as contraband in a disciplinary. At the hearing on Respondent's motion to dismiss and various motions filed by Claimant, 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, the Commission granted Respondent's motion to dismiss and denied any other pending motions as moot.
19. ***George Hall v. Ark. Div. of Correction***, Claim No. 230124. Claimant filed this claim seeking damages related to denial of yard call. At the hearing on Respondent's motion for summary judgment and motion for protective order and Claimant's "Motion for Limine and Hearing[.]" 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, the Commission granted Respondent's motion for summary judgment and denied any other pending motions as moot.
20. ***Dillan Worthen v. Ark. Div. of Correction***, Claim No. 211195. [Hearing not heard, removed from docket by Commission prior to January 18, 2024]
21. ***Raymond Crozier v. Ark. Div. of Correction***, Claim No. 230163. [Hearing not heard, removed from docket by Commission prior to January 18, 2024]
22. ***Michael Todd v. Ark. Div. of Correction***, Claim No. 221393. [Hearing not heard, removed from docket by Commission prior to January 18, 2024]
23. ***Barry Turner v. Ark. Div. of Correction***, Claim No. 180886. [Hearing not heard, removed from docket by Commission prior to January 18, 2024]

24. ***Darrell Williams v. Ark. Div. of Correction***, Claim No. 220838. [Hearing not heard, removed from docket by Commission prior to January 18, 2024]
25. ***Leundra Davis v. Ark. Div. of Correction***, Claim No. 201177. [Hearing not heard, removed from docket by Commission prior to January 18, 2024]
26. ***Kwasi McKinney v. Ark. Div. of Correction***, Claim No. 200909. [Hearing not heard, removed from docket by Commission prior to January 18, 2024]
27. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered A1–A39, B1–B15, C1–C23, and C25–C56 on Exhibit A to these minutes without discussion. A40 and C38 were pulled by Commission staff prior to entry.

Hearings scheduled for January 19, 2024

The following members of the Commission were present:

Solomon Graves  
Henry Kinslow  
Paul Morris, chair

1. ***Robert Steinbuch v. Univ. of Ark. at Little Rock***, Claim No. 230404. Claimant filed this claim seeking damages from not being awarded a professorship by Respondent. At the hearing on various pending motions, Claimant and Chris Corbitt appeared on behalf of Claimant, and Mindy Pipkin 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 denied Respondent's motion to prohibit the filing of further amended complaints as moot, denied Claimant's motion to disqualify without prejudice, granted Respondent's motion to dismiss, and found that Respondent's motion to strike was mooted by the granting of the motion to dismiss.
2. ***Sebrena Westcott v. Univ. of Ark. for Med. Sci.***, Claim No. 190008. [Claim rescheduled at Claimant's request on January 18, 2024, due to weather issues]
3. ***Shannon Forrest, as special adm'r of the Est. of Melissa Forrest v. Ark. Dept. of Transp.***, Claim No. 210930. Claimant filed this wrongful death claim against Respondent following the death of Melissa Forrest in a collision with Respondent's dump truck. At the pretrial conference, David A. Couch appeared on Claimant's behalf, and Amanda Andrews and Alexander Denker appeared on behalf of Respondent. The Commission confirmed that Claimant's motion *in limine* had been withdrawn, such that the Commission need not decide the motion. The Commission also discussed witness and exhibit issues with the parties. No order was issued by the Commission following the conference, although the pretrial conference was referenced in the hearing order entered by the Commission on December 2, 2024.
4. ***Joseph Davis v. Ark. Game and Fish Comm'n***, Claim No. 240065. Claimant filed this claim seeking damages related to the purchase of one of Respondent's vehicles at auction. At the hearing on Respondent's motion to dismiss, Claimant proceeded *pro se* via telephone, and Jim Goodhart 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 to dismiss.
5. ***Pearlene Dear v. Ark. Dept. of Hum. Serv.***, Claim No. 200848. Claimant filed this claim after slipping and falling on Respondent's premises. The claim was later placed in abeyance at Claimant's request pending resolution of an underlying lawsuit. In July 2023, the Commission issued a 41(b) notice. Claimant responded, and Respondent objected to Claimant's response. At the hearing on the 41(b) notice, Shalondra Pickford represented Claimant, and Jennifer Janis 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 found that Claimant had not presented good cause why this claim should remain on the Commission's docket and dismissed Claimant's claim for failure to prosecute.

- 6. *Pamela C. Watson v. State of Ark.***, Claim No. 240236. Claimant filed this claim seeking death benefits and scholarship benefits following the passing of her husband, Chief Everette Lee Watson of the Calvert Township Volunteer Fire Department. At the claim hearing, Claimant proceeded *pro se*, and Lisa Wilkins Wiedower appeared on behalf of Respondent. Based upon a review of the claim file, the testimony and evidence presented by the parties, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously found that Claimant was entitled to \$50,000 of death benefits pursuant to Ark. Code Ann. § 21-5-704(a)(1)(A). The Commission denied Claimant's claim for additional death benefits and scholarship benefits.

This completed the business on the January 2024 Commission docket.



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**Kathryn Irby, Director**

Date: December 2, 2024

January 2024

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>	
A1	240665	Thompson	ASP	Sent
A2	240048	Swindle	UAMS	Sent
A3	240611	Howard Memorial Hospital	DOH	Sent
A4	240747	Knighen	ADWS	Sent
A5	230914	Mead	SOA	Sent
A6	240719	Rebsamen Enterprises	ABC	Sent
A7	240616	Boggs	ADOT	Sent
A8	240651	Galler	ADOT	Sent
A9	240755	Abbott	ADOT	Sent
A10	240612	Little	ADOT	Sent
A11	240727	Peugh	ADOT	Sent
A12	240634	Vargas	ADOT	Sent
A13	240524	Winchester	ADOT	Sent
A14	230955	Clevenger	ADOT	Sent
A15	240541	Westrock Coffee Roasting, LLC	ADPHT	Sent
A16	240311	Advance Auto Parts	AGFC	Sent
A17	240312	Advance Auto Parts	AGFC	Sent
A18	240410	South Arkansas Community College	ARS	Sent
A19	240384	Banks	DFA	Sent
A20	240779	Barr	DFA	Sent
A21	230870	Breazeale & Breazeale	DFA	Sent
A22	210551	Carrier	DFA	Sent
A23	240782	Chacon	DFA	Sent
A24	240583	Hays & Hays	DFA	Sent
A25	240777	Kemp & Kemp	DFA	Sent
A26	240783	Mary Fuller GST Trust	DFA	Sent
A27	240497	Mason	DFA	Sent
A28	240091	Perez-Osornio	DFA	Sent
A29	240831	Sadanandan	DFA	Sent
A30	240563	Stevenson & Stevenson	DFA	Sent
A31	240844	Watson	DFA	Sent
A32	240511	Woodley & Woodley	DFA	Sent
A33	240641	Shero USA, LLC	DFA-WT	Sent
A34	240601	Colmant	DHS	Sent
A35	230340	Blacklaw	UAMS	Sent
A36	240906	Gorham	UAMS	Sent
A37	240907	Smallridge	UAMS	Sent
A38	231568	Christensen	SOA	Sent
A39	231567	McCammon	SOA	Sent
A40	231051	Valasquez	ASP	PULLED
B1	211195	Worthen	ADC	Sent
B2	240334	Phillips	ADC	Sent
B3	230163	Crozier	ADC	Sent
B4	240423	Stiggers	ADC	Sent
B5	240659	McDaniel	ADC	Sent
B6	231021	Carter	ADC	Sent
B7	240895	Felty	ADC	Sent
B8	240628	Foster	ADC	Sent
B9	240734	Auton	ADC	Sent
B10	231610	Holliday	ADC	Sent
B11	221393	Todd	ADC	Sent
B12	180886	Turner	ADC	Sent
B13	220838	Williams	ADC	Sent
B14	201177	Davis	ADC	Sent
B15	200909	McKinney	ADC	Sent
C1	240617	Smith	ADOT & ASP	Sent
C2	240493	Gaddy	ADOT	Sent
C3	240619	Cash	UAMS	Sent
C4	230629	Young	ADOT	Sent
C5	240489	Vaughn	ADOT	Sent
C6	240531	Lauer	ADM	Sent
C7	240542 through 240546	Westrock	ADPT	Sent
C8	240679	Gay	SOA	Sent
C9	231247	Hall	ASP	Sent
C10	240118	Wilkins	ADOT	Sent
C11	240459	Mills	ADOT	Sent

C12	240050	Gibson	ADOT	Sent
C13	240666	Penrod	DHS	Sent
C14	240662	Neal	ASP	Sent
C15	240592	Perez	ADOT	Sent
C16	220544	Harguess	ADOT	Sent
C17	240114	Simmons Bank	DFA	Sent
C18	240040	Kaufmann	UAMS	Sent
C19	240553	Randall	ADOT	Sent
C20	240551	Sexton	ADOT	Sent
C21	240527	Halton	ADOT	Sent
C22	231546	Wilson	ADOT	Sent
C23	240575	Waters	ADOT	Sent
C24		SKIPPED		
C25	240538	Heiple	ADOT	Sent
C26	240573	McMaster Sears	ADOT	Sent
C27	240519	Kengla	ADOT	Sent
C28	240570	Trent	ADOT	Sent
C29	240574	Wells	ADOT	Sent
C30	230948	Jackson	ADOT	Sent
C31	231345	Treece	ADOT	Sent
C32	240340	Hatfield Ready Mix, Inc.	ADOT	Sent
C33	240399	Erven	ADOT	Sent
C34	240327	Pace and Hammock	ASP	Sent
C35	240610	Dickson	ADOT	Sent
C36	240624	Banks	ADOT	Sent
C37	240613	Sanders	SOA	Sent
C38	240699	Hilson	ADOT	PULLED
C39	240738	Jensen	ADOT	Sent
C40	240740	Nichols	ADOT	Sent
C41	240718	Riggan	ADOT	Sent
C42	221173	Biomat USA, Inc	DFA	Sent
C43	240649	Wilson	AMVC	Sent
C44	240626	Rone	ARDOT	Sent
C45	240635	Double M Farms and Matt Miles	ARDOT	Sent
C46	240630	Cagle	ARDOT	Sent
C47	240658	Jackson	ARDOT	Sent
C48	240667	Wilson	ARDOT	Sent
C49	240677	Metcalf	ARDOT	Sent
C50	240686	Campbell	ARDOT	Sent
C51	240687	Mashburn	ARDOT	Sent
C52	240694	Senko	ARDOT	Sent
C53	240288	Williams	ARDOT	Sent
C54	240708	Eggerson	ARDOT	Sent
C55	240709	Wilson	ARDOT	Sent
C56	230718	A Quality Staffing	DHS	Sent