

ARKANSAS STATE CLAIMS COMMISSION

March 2024 Minutes

The Arkansas State Claims Commission (the “Commission”) held hearings on March 1, 2024, and March 7–8, 2024. The March 1 hearings were held via Zoom, and the March 7–8 hearings were held in person at the Commission’s offices.

Hearings scheduled for March 1, 2024 (rescheduled from February 23, 2024)

The following members of the Commission were present:

Dee Holcomb  
Solomon Graves  
Henry Kinslow, chair  
Sylvester Smith

Note: Commissioner Holcomb attended the hearings to observe, not as a member of the hearing panel.

1. ***Christine McAuliffe, as Special Adm’r of the Est. of David Cains v. Ark. Dept. of Hum. Svcs.***, Claim No. 220374. Claimant filed this wrongful death claim after Mr. Cains died at the Booneville Human Development Center. At the hearing on Claimant’s motion to reconsider the Commission’s July 1, 2023, order, Josh Gillispie appeared on Claimant’s behalf, and Abbey Trussell 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 denied the motion for reconsideration, such that the July 1, 2023, order remains in effect.
2. ***Idamarie Soto Diaz v. Ark. Dept. of Finance and Admin.***, Claim No. 230477. Claimant filed this claim after she was injured. At the hearing on Respondent’s motion for summary judgment, John Pike appeared on Claimant’s behalf, and Michael Harmon and Brad Young appeared on behalf of Respondent. The Commission did not hear argument on the pending motion but instead voted unanimously to place the claim in abeyance to allow Claimant to exhaust her remedies against the owner of the property.
3. ***Sebrena Westcott v. Univ. of Ark. for Medical Sciences***, Claim No. 190008. Claimant filed her claim after she suffered injuries from tripping on a rug in Respondent’s emergency room. At the claim hearing, Charsie Gordon appeared on Claimant’s behalf, and Sherri Robinson 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 found that Respondent was liable for Claimant’s injuries. The Commission awarded Claimant \$55,000 in lost wages, \$2,576.78 in remaining medical bill balances, and \$30,000 in pain and suffering, for a total award of \$87,576.78. The Commission will submit this award to the Arkansas General Assembly for review, approval, and placement on an appropriation bill pursuant to Ark. Code Ann. § 19-10-215(b).

Hearings scheduled for March 7, 2024

The following members of the Commission were present:

Solomon Graves  
Henry Kinslow  
Paul Morris, chair

1. ***Shannon Forrest, Sp. Adm’r of the Est. of Melissa Forrest v. Ark. Dept. of Transp.***, Claim No. 210930. Claimant filed this wrongful death after Melissa Forrest in a collision with a dump truck owned and operated by Respondent. At the claim hearing, David A. Couch appeared on Claimant’s behalf, and Amanda Andrews and Alexander Denker 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 Claimant's claim based on the apportionment of fault to Ms. Forrest.

2. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered A1-14, B1-7, C1-14 on the attached list without discussion.

Hearings scheduled for March 8, 2024

The following members of the Commission were present:

Dee Holcomb  
Henry Kinslow  
Paul Morris, chair

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 claim seeking damages for the death of Mr. Jones. At the claim hearing, Jeff Priebe appeared on Claimant's behalf, and Jordan Broyles and Justin Brascher 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 find Respondent liable for the death of Mr. Jones and awarded \$300,000 in damages (\$100,000 to Mr. Jones' Estate for loss of life damages, \$100,000 to Mr. Jones' Estate for Mr. Jones' pain and suffering and mental anguish, and \$100,000 in mental anguish damages to Mr. Jones' wife). The Commission will submit this award to the Arkansas General Assembly for review, approval, and placement on an appropriation bill pursuant to Ark. Code Ann. § 19-10-215(b).
2. ***Arthur Carson v. Univ. of Ark. for Medical Sciences***, Claim No. 230927. Claimant filed this claim seeking \$40,000 in damages from Claimant's slip-and-fall on Respondent's property. At the claim hearing, Claimant proceeded *pro se*, and Sherri Robinson 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 found that Claimant had not met his burden of proof and denied Claimant's claim.

This completed the business on the March 2024 Commission docket.



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**Kathryn Irby, Director**

Date: December 2, 2024

March 2024

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>	
A1	230271	Turbeville	AFC	Sent
A2	240134	Bank of America	ADA	Sent
A3	240896	Counts	ARDOT	Sent
A4	240620	Henderson	ARDOT	Sent
A5	240869	Daniel	ARDOT	Sent
A6	241382	Allison	DFA	Sent
A7	241378	Brewster and Brewster	DFA	Sent
A8	241380	Crippen	DFA	Sent
A9	231059	TPO-Lithko PI	DFA	Sent
A10	240318	Lowes Home Ctr Inc	DHS	Sent
A11	240924	Arnold	UAMS	Sent
A12	240948	Davis	UAMS	Sent
A13	240941	Graves	UAMS	Sent
A14	241164	Harris	ASP	Sent
B1	240750	Charles	ADC	Sent
B2	240827	Elmore	ADC	Sent
B3	230965	Maxwell	ADC	Sent
B4	230010	Brown	ADC	Sent
B5	230739	Gray	ADC	Sent
B6	230761	Lewis	ADC	Sent
B7	240120	Obama	ADC	Sent
C1	240894	Kauffman	ARDOT	Sent
C2	240116	Miller	ARDOT	Sent
C3	180951	Miner	ATU	Sent
C4	240898	Cummings	ARDOT	Sent
C5	240815	Gibson	ARDOT	Sent
C6	240919	G&C Tharaldson DynastyTrust II	DFA	Sent
C7	240974	Hannah	AOS	Sent
C8	16-0497-CC	Regions Bank	ADEM	Sent
C9	240908	Stewart	WCC	Sent
C10	240670	Deering	ADPHT	Sent
C11	240803	Morgan	SOA	Sent
C12	240969	Keeter	DHS	Sent
C13	231026	Sanders	ASP	Sent
C14	240613	Sanders	SOA	Sent