

## ARKANSAS STATE CLAIMS COMMISSION

-Claim Form-

Please note that all sections must be completed, or this form will be returned to you, which will delay the processing of your claim.

1. Claimant's Legal Counsel - ☒ (If representing yourself (Pro Se) please check this box and proceed to section 2)

(last name)

(first name)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

Arkansas Bar Number \_\_\_\_\_

If not licensed to practice law in Arkansas, please  
Contact the Claims Commission for more information.

Arkansas

State Claims Commi

AUG 14 2021

## 2. Claimant

(title/last name/first name or company)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

3. State Agency Involved: (must be an Arkansas state agency. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities)

(state agency involved)

## 4. Incident Date

7-2-21 Arkansas Highway Department

## 5. Claim Type

Please provide a brief explanation of your claim. If additional space is required, please attach additional statements to this form.

Damaged my vehicle on unrepaired section of road

- 5a. Check here if this claim involves damage to a motor vehicle. ☒

- 5b. Check here if this claim involves damage to property other than a motor vehicle. ☐

All property damage claims require a copy of your insurance declarations covering the property or motor vehicle at the time of damage.

I did not have insurance covering my property/motor vehicle at the time of damage. ☒

All property damage claims require ONE of the following (please attach):

1. Invoice(s) documenting repair costs, OR
2. Three (3) estimates for repair of the damaged property, OR
3. An explanation why repair bill(s) or estimate(s) cannot be provided.

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6. Was a state vehicle involved? (If Yes, please complete the following section)

(type of state vehicle involved) \_\_\_\_\_ (license number) \_\_\_\_\_ (driver) \_\_\_\_\_

7. Check here if this claim involves personal injury.

All personal injury claims require a copy of your medical insurance information and relevant medical bills in place at the time of the incident.

I do not have health insurance ☐

8. Amount Sought: \_\_\_\_\_

SION

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Andrew Martin  
Claimant

ACKNOWLEDGEMENT

State of AR  
County of Pulaski

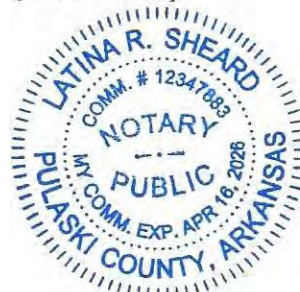
On this the 14th day of July, 2021, before me, the undersigned notary, personally appeared Andrew Martin known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Signature]  
Signature of Notary Public

My Commission expires: 04-16-2026

[seal of office]



**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**ANDREW MARTIN**

**CLAIMANT**

**V.**

**CLAIM NO. 220058**

**ARKANSAS DEPARTMENT OF  
TRANSPORTATION**

**RESPONDENT**

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by the Arkansas Department of Transportation (the “Respondent”) to dismiss the claim of Andrew Martin (the “Claimant”). Based upon a review of Respondent’s motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed the instant claim, alleging that Claimant’s vehicle was damaged on “an unrepaired section of road.”

2. Respondent filed a motion to dismiss, arguing, *inter alia*, that Claimant has failed to state a claim against Respondent upon which relief can be granted. Respondent seeks dismissal pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure.

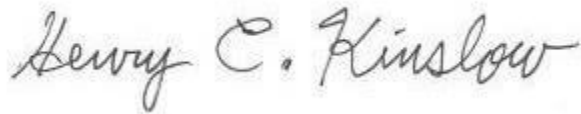
3. Claimant did not file a response.

4. In reviewing this motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at \*6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. The Claims Commission agrees with Respondent that dismissal of this claim is proper. Claimant did not allege any specific facts related to Respondent. In the absence of any allegations against Respondent, the Claims Commission must dismiss the claim. The fact that Claimant's vehicle was damaged is not, by itself, sufficient to demonstrate a claim against Respondent.

6. As such, Respondent's Motion to dismiss is GRANTED, and Claimant's claim is DISMISSED pursuant to Ark. R. Civ. Proc. 12(b)(6) without prejudice.

IT IS SO ORDERED.



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ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird  
Dexter Booth  
Henry Kinslow, Co-Chair  
Paul Morris, Co-Chair  
Sylvester Smith

DATE: January 12, 2022

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

Feb-08 -22

I, am Filing this appeal to give you a better reason why. I didn't and couldn't give you 3 estimates. And also to ask that you please Reconsider my claim. I could not afford 3 estimates because the car wasn't running and tow charges Ran up to 1200 and which I couldn't afford

Andrew Martin

Claim# 220058

Arkansas  
State Claims Commission

FEB 18 2022

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