

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)

Floyd (last name) Belinda (first name) [Redacted] (email)

[Redacted] (address) [Redacted] (city) [Redacted] (state) [Redacted] (zip) [Redacted] (primary phone)

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

2. Claimant

Ms. Floyd/Belinda (title/last name/first name or company) [Redacted] (email)

[Redacted] (address) [Redacted] (city) [Redacted] (state) [Redacted] (zip) [Redacted] (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)

AR Hwy Dept. ADOT (state agency involved)

Arkansas State Claims Commission

NOV 10 2021

4. Incident Date

10/6/21

RECEIVED

5. Claim Type

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

Took Rodney Parham Ramp to enter 430N. 1 small cone present as you turn off Rodney Parham on Ramp. I get to 430N + see 3 vehicles 300-500 yards ahead down 430N. Then came flashing ADOT truck with Wet Paint lights flashing. Traffic is heavy + I immediately have to merge on 430N.

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.

Ran over Paint + covered my truck. (see attached)

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

Yes. Too many + too much traffic to get info.

(type of state vehicle involved)

(license number)

(driver)

Did not know my

7. Check here if this claim involves personal injury.

vehicle was covered in paint till I got out of it.

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: \_\_\_\_\_

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.

Belinda Floyd  
Claimant  
Belinda Floyd

ACKNOWLEDGEMENT

State of Arkansas  
County of Pulaski

On this the 25th day of October, 2021, before me, the undersigned notary, personally appeared BELINDA FLOYD 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.

Christina Myers  
Signature of Notary Public

My Commission expires: March 24, 2025

[seal of office]



On 10/6/21, I was exiting off Rodney Parham to enter 430N. There was 1 small cone as you veer off Rodney Parham onto Ramp to start down 2 lanes that merge onto 430N. I see nothing else from Rodney Parham. As I am merging onto 430N, I see three Hwy Dept trucks 300 yds (guess) going down far right lane of 430N. Just as I get to 430N, the flashing light truck comes from under the overpass where he had a lot of traffic held up. I happen to enter 430 just as he goes passed. I immediately figure out they are painting lines + try to merge into traffic on 430N with the 2 lanes that have traffic moving heavily. This was between 2:15pm - 2:45pm. I did not notice I had gotten in the paint + it had gotten all over my truck for about 45 minutes later. I immediately ~~got~~ went to the car wash on Maumelle Blvd. I then went home + called the ARDOT office. I did what she told me to do with WD40. It was impossible to get all the paint off. I spent ~~the~~ approximately 4 hours working on it till after dark. The next morning, I drove to ARDOT headquarters, I spoke with a Hwy police who told me to contact AR State Claims commission office. I reached them by phone.

I contacted 3 collision centers to get quotes. I contacted my insurance company. They are not responsible to cover the cost. I received the claim form in the mail.

\*There are many plastic parts on the truck + paint cannot be

removed, parts will have to be replaced as most solvents take the finish off of the plastic.

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**BELINDA FLOYD**

**CLAIMANT**

**V.**

**CLAIM NO. 220652**

**ARKANSAS DEPARTMENT OF  
TRANSPORTATION**

**RESPONDENT**

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Arkansas Department of Transportation (the “Respondent”) for summary judgment as to the claim of Belinda Floyd (the “Claimant”). Claimant did not respond to the motion. Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed the instant claim on November 10, 2021, alleging that Claimant’s vehicle was damaged by Respondent’s wet road paint.
2. Respondent filed an answer and motion for summary judgment recommending payment in the amount of \$200.00, which represents the Claimant’s uninsured motorist property damage insurance deductible.
3. Claimant did not respond or object.
4. Pursuant to Rule 56(c)(2), summary judgment is appropriate when there are no genuine issues as to any material fact, and the moving party is entitled to judgment as a matter of law. *See Hisaw v. State Farm Mutual Auto Insurance Co.*, 353 Ark. 668, 122 S.W.3d 1 (2003). Summary judgment motions are subject to a shifting burden, in that once the moving party has made a *prima facie* showing of entitlement to summary judgment, “the burden then shifts to the nonmoving party to show that material questions of fact remain.” *Flentje v. First National Bank of Wynne*, 340 Ark. 563, 569, 11 S.W.3d 531, 536 (2000). Summary judgment is useful “when

there is no real issue of fact to be decided.” *Hughes Western World, Inc. v. Westmoore Manufacturing Co.*, 269 Ark. 300, 301, 601 S.W.2d 826, 826 (1980).

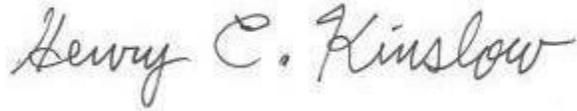
5. The Claims Commission finds that Respondent did make a *prima facie* showing in its motion that it was entitled to judgment as a matter of law as to the limited recovery available to Claimant under Ark. Code Ann. § 19-10-302.

6. By not responding, Claimant failed to demonstrate that there were any genuine issues of material fact precluding summary judgment.

7. The Claims Commission has reviewed the pleadings and agrees with Respondent that it is entitled to judgment as a matter of law on Claimant’s recoverable damages. Ark. Code Ann. § 19-10-302 limits Claimant’s recovery to the amount of out-of-pocket expenses that Claimant would have if Claimant exhausted her insurance remedies, i.e. Claimant’s deductible.

8. As such, the Claims Commission herein AWARDs Claimant \$200.00 and orders the Respondent to pay claim out of current fiscal year revenue. Claimant’s claim for any other amount is DENIED and DISMISSED.

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: March 21, 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).

**From:** [REDACTED]  
**To:** [ASCC New Claims](#)  
**Subject:** Claim no. 220652  
**Date:** Friday, May 13, 2022 12:03:21 PM

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Dear Ms. Kathryn Irby,

I am here begging the commission to hear my plea.

I have been in KY caring for an ailing parent but do want to appeal the decision made by the commission in regards to ARDOT.

This accident was no fault of mine as evident by the respondent agreeing to pay what they thought was a \$200 deductible on my insurance under uninsured motorist. However; Mrs. Sparks would not take the paperwork sent to her. Which was All I could get from my insurance company. This went on for months until I could finally get the insurance company to send me the whole policy. I knew then she was looking for a particular clause or wording in that policy per speaking with two attorneys.

It was after this, she agreed to pay the \$200. My insurance policy states the claim CANNOT be filed under uninsured motorist if it involves a state entity, therefore the claim is a collision claim with a \$500 deductible. If she had read the entire policy, she would have seen this.

I feel that under this jurisdiction where ARDOT is not required to be insured ( even though I do believe they are self insured) and cannot be sued, it is only right and pertinent that they pay the collision deductible of \$500. I should not be out any money for a destruction to my vehicle that was at no fault of mine.

I earnestly plea that the right decision is made, and the great state of AR does not work against the people of this great state.

Thank you for all you do.

Sincerely,

Belinda Floyd

Please send all correspondence to my home address, my phone or email: [REDACTED]

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**BELINDA FLOYD**

**CLAIMANT**

**V.**

**CLAIM NO. 220652**

**ARKANSAS DEPARTMENT OF  
TRANSPORTATION**

**RESPONDENT**

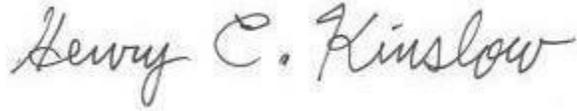
**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is email correspondence from Belinda Floyd (the “Claimant”) received on May 13, 2022. On March 21, 2022, the Claims Commission granted the motion for summary judgment filed by the Arkansas Department of Transportation (the “Respondent”) and awarded Claimant \$200.00. When Claimant did not file a notice of appeal within 40 days, as required by Ark. Code Ann. § 19-10-211(a)(1), the Claims Commission closed this claim.

However, on May 13, 2022, the Claims Commission received an email from Claimant seeking to appeal the Claims Commission’s decision. Claimant stated that she had been out of state caring for a parent.

In light of Claimant’s request to appeal, order, the Claims Commission will transmit this claim file to the Arkansas General Assembly, as Ark. Code Ann. § 19-10-211 does not permit the Claims Commission to reject an appeal for untimeliness.

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: May 13, 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).
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