

ARKANSAS STATE CLAIMS COMMISSION
-Claim Form-

D.03b

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)

ISMAILI DRITA
(last name) (first name)

(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.

2. Claimant

ISMAILI, DRITA
(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)

ARKANSAS DEPT. OF TRANSPORTATION
(state agency involved)

4. Incident Date

November 2018

5. Claim Type

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

I'd like to re-open my case already on file w/the Arkansas Commission from December 2018 with additional information that was sent to you in 2019, but after calling - you did not have this very important letter - but spoke w/attorney from Crossland station she sent it 201

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.

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: 15,000

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.



Claimant

ACKNOWLEDGEMENT

State of Arkansas
County of Benton

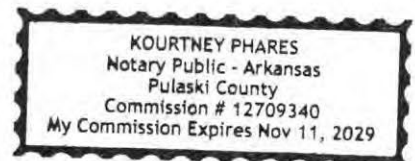
On this the 4th day of March, 2022, before me, the undersigned notary, personally appeared Drita Ismaili known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Kourtney Phares
Signature of Notary Public

My Commission expires: Nov. 11, 2029

[seal of office]



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DRITA ISMAILI

CLAIMANT

V.

CLAIM NO. 221139

**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 Drita Ismaili (the “Claimant”). Based upon a review of the motion and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed her original claim (Claim No. 190684) on December 20, 2018, seeking \$15,000.00 in damages from Respondent related to a November 30, 2018, one-car accident, in which Claimant’s vehicle was damaged. The Claims Commission granted Respondent’s motion to dismiss on May 28, 2019, and denied Claimant’s motion for reconsideration on October 29, 2019.

2. On March 31, 2022, Claimant filed the instant claim related to the same November 30, 2018, accident and submitted additional documents.

3. Respondent filed a motion to dismiss, arguing that this claim is time-barred.

4. Claimant responded, arguing that the letter from Crossland Construction is critical to this claim.

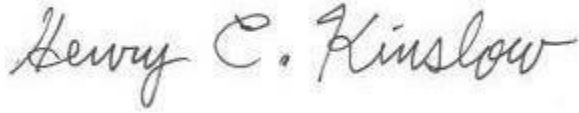
5. The Claims Commission notes that Claimant’s claim is a negligence claim and is subject to a three-year statute of limitations. Ark. Code Ann. § 16-56-105; *Hill v. Hartness*, 2017 Ark. App. 664, 536 S.W.3d 649. In this claim, the statute of limitations began running on the date

of the accident and expired three years later on November 30, 2021. Claimant's original claim was filed within the applicable time period, and the claim was closed after Claimant's motion for reconsideration was denied on October 29, 2019. Claimant's second claim was filed four months after the statute of limitations expired and, as such, is time-barred.

6. While the parties do not argue the issue of the savings statute, the Claims Commission notes that it is not applicable and cannot extend the statute of limitations because Claimant's original claim was dismissed more than a year before the statute of limitations expired. *See Ark. Code Ann. § 16-56-126.*

7. Respondent's motion to dismiss is GRANTED, and Claimant's claim is DISMISSED as outside the statute of limitations.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

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

DATE: July 18, 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: [Drita Ismaili](#)
To: [ASCC Pleadings](#)
Cc: [Sparks, Trella A.](#); [Blakley, Sharon](#); [Kathryn Irby](#)
Subject: Re: ORDER: Drita Ismaili v. ADOT, Claim No. 221139
Date: Tuesday, July 19, 2022 11:22:32 AM

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Good Morning,

I am appealing this decision based on I had provided the required information in the time frame that you have stated in your attachment (and this 3 years is the first time it has come to my attention) I have handwritten original and copy being sent to the Arkansas Dept. Of Transportation Legal Division & the Arkansas State Claims Commission as well. I will be going to the post office this evening to send these on to you. Please do not hesitate to contact me if you have any questions.

Thank you so much for your time.

Drita Ismaili
[REDACTED]

On Mon, Jul 18, 2022, 12:02 PM ASCC Pleadings <ASCCPleadings@arkansas.gov> wrote:

Ms. Ismaili and Ms. Sparks:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott

Arkansas State Claims Commission