

ARKANSAS STATE CLAIMS COMMISSION
MOTOR VEHICLE ACCIDENT REPORT FORM

Arkansas

State Claims Commission

MAR 24 2020

SECTION I
CLAIMANT

Leon Collins

State Claims Commission

ADDRESS

RECEIVED

MAR 19 2020

ZIP CODE

CITY & STATE

DATE OF ACCIDENT:

TIME:

RECEIVED

MOTOR VEHICLE DAMAGED:

TYPE IMPALA

MAKE Chevy

YEAR 2006

DRIVEN BY: Leon Collins

ADDRESS

Give a brief description of accident, showing how accident happened, exact loss and extent of damage to car.

hit a pot hole on 318 Phillips County Road

SECTION IIHas this vehicle been repaired? Yes () No () If repairs have been made, give the following information: Amount \$ _____ . Have you paid for the repairs? Yes () No () NOTE: Attach a copy of repair bill.

If repairs have not been made, list three estimates below and attach copies of each of them.

NAME	ADDRESS	AMOUNT
1. ther are price of parts detach		\$
2. don't know	every body want me to bring it to them	
3. and want's To charge for Estimates don't have money		

*******SECTION III**Was vehicle covered by Insurance? Yes () No () Liability Only ()Comprehensive: Yes () No () What is your deductible? \$ None

Collision: Yes () No () What is your deductible? \$ None

NAME OF INSURANCE CARRIER ADDRESS

SECTION IV

Type of State Vehicle involved _____ License No. _____

Driver _____ Property of which State Agency _____

If accident was investigated by the State Police, give name of investigating

officer: _____ If investigation was made by some other agency,

give name and title of officer making the investigation: _____

SECTION V

The undersigned states on oath that he/she is familiar with the matters and things set forth in the above statement, and that he/she verily believes that they are true.

THOMAS JACKSON II
Notary Public - Arkansas
Phillips County
Commission # 12364530
My Commission Expires Feb 21, 2028

(Notary Seal)

Sworn to and subscribed before me at _____

Leon Collins Leon Collins
Signature of Claimant

West Helena Arkansas

West Helena Arkansas

on this 22 day of March

City, State

month

2020

year

2020
Notary Public

My Commission Expires 2/21/2028

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEON COLLINS

CLAIMANT

V.

CLAIM NO. 200951

**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 Leon Collins (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. The Claims Commission has jurisdiction to hear this claim pursuant to Ark. Code Ann. § 19-10-204(a).

2. Claimant filed the instant claim, alleging that Claimant’s vehicle was damaged after hitting a pothole on a state highway.

3. Respondent filed a motion to dismiss, arguing that Claimant failed to show that Respondent had prior knowledge of a pothole yet failed to respond within a reasonable amount of time to repair it. Respondent seeks dismissal pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure.

4. Claimant responded to the motion, arguing:

It is not my problem that the road[s] are not safe even the bridge is not safe it is falling and I own a home there and I have a child and we travel that road Please help for saf[e]ty Thanks.

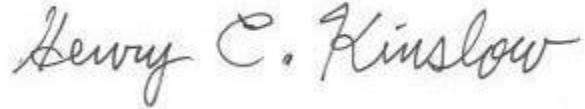
5. In reviewing this motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be

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)).

6. The Claims Commission agrees with Respondent that dismissal of this claim is proper. Claimant did not allege any facts regarding Respondent’s prior knowledge of a pothole or failure to repair it within a reasonable amount of time. Respondent is unable to monitor every part of the nearly 16,000 miles of state highways at all times. Respondent is also unable to monitor every section of the nearly 16,000 miles of state highways that have had a pothole at one time. As stated by Respondent in the motion to dismiss, encountering a pothole is a risk assumed by the public in general as a part of travel. In the absence of evidence that Respondent had prior knowledge of the pothole that caused Claimant’s damage and failed to repair it in a reasonable amount of time, the existence of a pothole is insufficient to establish liability.

7. As such, Respondent’s Motion to dismiss is GRANTED, and Claimant’s claim is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

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

DATE: July 1, 2020

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: [Leon Collins](#)
To: [ASCC Pleadings](#)
Subject: Appeal
Date: Wednesday, July 8, 2020 3:13:23 PM

I Leon Collins is requesting for an appeal.