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Please Read Instructions on Reverse Side of Yellow copy
Please print in ink or type

Arkansas Claims Commission

JAN 24 2013

RECEIVED

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

Mr. Mrs. Ms. Miss
Loy Holder # 114988 Claimant

Do Not Write in These Spaces
Claim No. 13-0544-CC
Date Filed January 24, 2013
(Month) (Day) (Year)
Amount of Claim \$ 750.00
Fund DOC

State of Arkansas, Respondent
AR Dept. of Corrections

COMPLAINT

Loss of property

Loy Holder # 114988, the above named Claimant, of 7206 W. 7th Pine Bluff
(Name) (Street or R.F.D. & No.) (City)
AR, 71603 N/A County of Jefferson represented by N/A
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claimant)
of _____ (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: Arkansas Department of Correction (ADC) Amount sought: \$750

Month, day, year and place of incident or service: 10-22-2012 Ouachita River Correctional Unit in Malvern
Explanation: On 10-22-2012 I was shipped to Ouachita River Correctional Unit in Malvern upon arrival Sgt. Walter did the inventory of my property. In the course of the inventory I was told I could not have all the catalogs/magazines I had so I picked 8 to keep. Then when the address book came up I was only told this was a fire hazard and could not keep my address book which included personal, legal & business addresses. I have not said to anyone to destroy my address book, it was assumed it could be thrown away. My address book should be given back to me or pay me \$750. The addresses I have I cannot get again. I don't have one number's either they took all the information I had. I have had that address book 7 years. I even had that address book at the unit that took the address book from me. I had it ever since 2005. It was never deemed a fire hazard before and I've had that address book seven years the same address book the very same address book that is taken (stolen) from me. When I or someone else does something wrong we get punished. Where's my justice? They take my address book and get away with it that isn't right, it's wrong. PLEASE help me get my address book back or get the Ouachita River Correctional Unit in Malvern to give me seven hundred fifty dollars for stealing my address book. I have had that address book seven years. That should show everyone I have no intention of destroying my address book by fire. I want to keep it until I get out of prison. I K PLEASE HELP ME GET MY ADDRESS BOOK BACK. THANK YOU!

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?
Yes when? 10 29 2012 to whom? Grievance Procedure
(Yes or No) (Month) (Day) (Year) (Department)
and that the following action was taken thereon: Grievance has no merit

and that \$ -0- was paid thereon: (2) Has any third person or corporation an interest in this claim? No; if so, state name and address

and that the nature thereof is as follows: No Resolution to Complaint
(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)
and was acquired on _____ in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.
Loy Holder Loy Holder
(Print Claimant/Representative Name) (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Pine Bluff AR
(City) (State)
JONATHAN CHARLES SMART
NOTARY PUBLIC-STATE OF ARKANSAS
LINCOLN COUNTY
My Commission Expires 11-30-2020
Commission # 12379839
22 day of January, 2013
(Date) (Month) (Year)

My Commission Expires: 11 30 20
(Month) (Day) (Year)

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center RLW/CF

RECEIVED GRIEVANCE OFFICE

Name Loy Holder

OCT 29 2012

ADC# 114988 Brks # 1 Job Assignment UTILITY

RANDALL WILLIAMS
CORRECTIONAL FACILITY

FOR OFFICE USE ONLY
GRV. # <u>OR-12-01446</u>
Date Received: <u>11-5-12</u>
GRV. Code #: <u>505</u>

10-25-2012 (Date) STEP ONE: Informal Resolution

10-29-12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I would like my address book back PLEASE.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

On 10-22-2012 I was shipped to ORCU in Malvern where upon arrival at the unit, Sgt. Walter inventoried my property. During inventoring my property he tells me I have too many books, catalogs, magazines, legal forms, legal personal family and company addresses on sheets of writing tablet paper, my address book. He asks which books, magazines & catalogs do you want you can only have 8. So I say to him I will take these 8 and he takes all my other stuff. He said I could not have and put them in the desk or hold box. I only wanted to give him the books, magazines & catalogs not the addresses. I gave him no permission to take my address book. I have been to many units, I was even at ORCU in Malvern around 2005 to 2009. My addresses were a fire hazard they would have tried to take them then I have been to several units and they have not said my personal property was a fire hazard. I would like my personal property returned it fits in my box and is not a fire hazard. I have been at some units including ORCU and have never been told my property was a fire hazard ever. PLEASE Return my personal property. All I want is my property back (PLEASE)

Loy Holder
Inmate Signature

10-25-2012
Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be Step One and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

F. Smith 56731 [Signature]
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature

RECEIVED 10-29-12
Date Received

Describe action taken to resolve complaint, including dates: Proceed to step two DEC 03 2012

[Signature] 10-29-12
Staff Signature & Date Returned Loy Holder 10-29-2012
Inmate Signature & Date Received

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? _____ (Yes or No). Staff Who Received Step Two Grievance: _____ Date: _____ Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____ If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step Two

NOV 05 2012

IGTT#10
3GS

Attachment III

INMATE NAME: Holder, Loy A.

ADC #: 114988B

GRIEVANCE #: OR-12-01446

WARDEN/CENTER SUPERVISOR'S DECISION

Your grievance dated 10/25/2012 was received on 11/05/2012. In your grievance you complained about Sgt. Walter taking your paper tablet address book upon your arrival at ORCU on 10/22/2012. According to Sgt. Walter, you were given a choice as what to do with your excess property which consisted in part, company addresses contained in 200 sheets of paper. Sgt. Walter deemed them to be a fire hazard and you destroyed them. Based on this information I find your grievance to be without merit.

Signature of Warden/Supervisor or Designee

Title

11-28-12

Date

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INMATE'S APPEAL

DEC 03 2012

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATIVE ASSISTANT

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

I ONLY Gave Sgt. Walter Permission to get rid of the extra Catalogs & Magazines. He's the one that deemed it upon Himself to get rid of my Address Book. My Address Book consisted of Personal Address's from Family and Friends that I Can Not get Back. That is the only way I Had to get A hold of them. I don't get my Address's Back I Won't be able to Communicate with them. I Had some Attorney Address's Along with my Personal Address's and I Had Business Address's Along with the other Address's So I PLEASE Ask for to get My Address Book Back. I Have Had that same Address Book Ever since 2005 When I was at ORCU. I was Shipped Away for four Days when I came Back to ORCU and they Never took My Address Book Away or Deemed it.

Inmate Signature

114988

ADC#

11-30-2012

Date

Fire Hazard Before When I came Back then so they Shouldn't of Deemed it a Fire Hazard Now. This the Same Address Book then As it is Now, The Very same one I had in 2005 to Now 2012 Seven years I Have had that same Address Book and it was Never Deemed A Fire Hazard Before. I am Worried about my Address Book. I Have Address's in their I can't get No more, The People Have No Phone so I can't call them to get their Address's Again. I Need My Address Book PLEASE send it to me at RLW/cf.

WARDEN'S OFFICE
NOV 27 2012

INMATE NAME: Holder, Loy A.

ADC #: 114988

GRIEVANCE#:OR-12-01446

I have received your formal grievance dated 10/29/12 in reference to Sgt. Walter taking your paper tablet and address book upon your arrival at ORCU on 10/22/12.

After reviewing all supporting documentation, I have determined that according to Sgt. Walter, you were given a choice regarding your excessive amount of property and you choose to throw it away. You were given an Inmate Handbook upon arrival and told that you were only allowed 8 books and magazines. You had over 200 sheets of paper with company addresses on them and nothing of a personal nature. These excessive amounts of paper were also deemed a fire hazard and you destroyed them.

Based on the above stated information, I find no merit in your complaint.
Appeal denied.

LM7

Director

Date

1.13.13

Arkansas Claims Commission

JAN 24 2013

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LOY HOLDER (ADC 114988)

CLAIMANT

V.

NO. 13-0544-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

COMES NOW the Respondent, Arkansas Department of Correction, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

WHEREFORE, for the reasons cited above the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing, or in the alternative that the matter be held in abeyance until completion of the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

ARKANSAS STATE
CLAIMS COMMISSION

JAN 30 2013

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 28 day of January, 2012, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Loy Holder (ADC 114988)
Randall L. Williams Unit
7206 W. 7th Ave.
Pine Bluff, AR 71603

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 750.00

Claim No. 13-0544-CC

Loy Holder Claimant vs. AR Department of Corrections Respondent
State of Arkansas Respondent
Attorneys Pro se Claimant
Lisa Wilkins, Attorney Respondent
Date Filed January 24, 2013 Type of Claim Loss of property

FINDING OF FACTS

This claim was filed for loss of property in the amount of \$750.00, against Arkansas Department of Corrections.

Present at a hearing October 11, 2013, was the Claimant, pro se, and the Respondent, represented by Lisa Wilkins, Attorney.

The Claims Commission find liability on the part of the Respondent and unanimously award Claimant the amount of \$250.00.

The Claims Commission hereby unanimously awards this claim in the amount of \$250.00, and hereby directs the Claims Commission Clerk to issue a voucher in payment thereof.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission hereby unanimously awarded this claim in the amount of \$250.00 and hereby directs the Claims Commission Clerk to issue a voucher in payment thereof.

Date of Hearing October 11, 2013

Date of Disposition October 11, 2013

W. H. M. J. Chairman
Bill Jancus Commissioner
Jim Baker Commissioner

IN THE CLAIMS REVIEW SUBSOMMITTEE
OF THE ARKANSAS GENERAL ASSEMBLY

LOY HOLDER (ADC #114988)

CLAIMANT

V.

NO. 13-0544-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

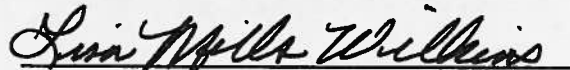
NOTICE OF APPEAL

COMES NOW the Respondent, Arkansas Department of Correction, and for its Notice of Appeal, states and alleges as follows:

Notice is hereby given that the Respondent is appealing the granting of the decision by the Arkansas State Claims Commission rendered October 11, 2013, in the above matter to the General Assembly of the State of Arkansas in accordance with Arkansas Statute 19-10-211.

Respondent hereby designates the entire record, and all proceedings, exhibits, evidence and documents introduced in evidence to be contained in the record on appeal.

Respectfully submitted,
Department of Correction Office of Counsel


LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

Arkansas
State Claims Commission

OCT 23 2013

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 22 day of October, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

LOY HOLDER (ADC #114988)
Randall L. Williams Correctional Facility
7206 West 7th Avenue
Pine Bluff, AR 71602


LISA MILLS WILKINS Ark. Bar #87190