

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas State Claims Commission

DEC 16 2013

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

- Mr. Mrs. Ms. Miss

Roger Bradford #078948 Claimant

vs.

State of Arkansas, Respondent Dept. of Correction

Do Not Write in These Spaces Claim No. 14-0476-CC Date Filed December 16, 2013 Amount of Claim \$ 3000.00 Fund DOC

COMPLAINT

Failure to Follow Procedure

Roger Bradford #078948, the above named Claimant, of P.O. Box 180, Brickeys, AR 72320-0181 County of LEE represented by NIA

of (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: ARK. Dept. of Correction Amount sought: \$ 3,000

Month, day, year and place of incident or service: 6-29-013

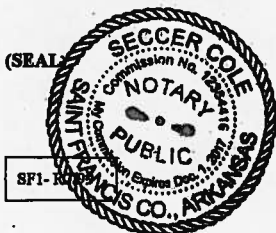
Explanation: ON 7-7-013 I SUBMITTED AN INFORMAL RESOLUTION PURSUANT TO AID 10.01.0 REQUESTING A STOL IN MY CELL AND AS REQUIRED BY SECTION (G). ON 7-25-013, I RECEIVED A RESPONSE FROM WARDEN BUAL REFUSING ME A STOL IN MY CELL. I FURTHER APPEALED TO CHIEF DEPUTY DIRECTOR MAY, WHO RECEIVED MY APPEAL AND ON 9-10-013 CHIEF DEPUTY DIRECTOR MAY DENIED MY APPEAL AND SUBSEQUENTLY DENIED ME A STOL IN MY CELL. WHEREFORE ALL OF THE ABOVE NAMED A.D.C. OFFICIALS INCLUDING SGT. B. WOODARD HAS DENIED ME OF THE BASIC LEVEL OF CONDITIONS THAT APPLIES TO PRISONERS IN A.S. IN VIOLATION OF AID 10.01.0 SECTION (G). SEE PERTINENT POLICY SECTION ATTACHED.

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? 9 12 013; to whom? MR. LARRY MAY, CHIEF DEPUTY DIRECTOR, ARK. DEPT. OF CORRECTIONS; and that the following action was taken thereon: GRIEVANCE NO. EAM13-02210, APPEAL DENIED SEE GRIEVANCE # EAM13-02210 ATTACHED.

and that \$ N/A was paid thereon: (2) Has any third person or corporation an interest in this claim? N/A; if so, state name and address and that the nature thereof is as follows: N/A; and was acquired on N/A, 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. ROGER BRADFORD (Print Claimant/Representative Name) Roger Bradford (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Brickey, AR (City) (State) on this 18 day of NOV, 2013 (Date) (Month) (Year) Seces Coll (Notary Public) My Commission Expires: Dec 01 2017 (Month) (Day) (Year)



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD (ADC #078948)

CLAIMANT

V.

NO. 14-0476-CC

Arkansas Claims Commission

DEC 23 2013

ARKANSAS DEPARTMENT OF CORRECTION

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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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 19 day of December, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

ROGER BRADFORD (ADC #078948)

EARU

P. O. BOX 180

BRICKEYS, AR 72320-0180

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD (ADC #078948)

RECEIVED
CLAIMANT

V.

NO. 14-0476

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT


RESPONDENT'S MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:

1. Claimant filed a claim for failure to follow policy based on his failure to be allowed to have a stool in his cell. He alleges a violation of his 5th, 14th, and due process of the law rights. He seeks damages of \$3000.00.
2. Claimant has filed in the wrong venue and his relief sought cannot be granted under ARCP Rule 12(b)(3).
3. Claimant has filed this matter in the wrong court. Any allegation of due process or constitutional violation cannot be filed in the claims commission according to the rules of the Arkansas State Claims Commission and the matter should be dismissed. See Exhibit "A".

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim should be dismissed.

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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 9 day of January 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

ROGER BRADFORD (ADC #078948)
EAMU
P. O. Box 180
BRICKEYS, AR 72320-0180


LISA MILLS WILKINS Ark. Bar #87190

ARKANSAS STATE CLAIMS COMMISSION

FILING A CLAIM

ALL ADMINISTRATIVE REMEDIES SET BY THE DEPARTMENT OF CORRECTION MUST BE EXHAUSTED BEFORE A CLAIM CAN BE FILED.

- More than one claim may be filed on one claim form as long as the total number of claims does not exceed three (3).
- The Claims Commission does not send out more than one (1) claim form at a time.
- Keep the yellow copy of the complaint form for your records. The original white complaint form must be submitted to this office.

YOU MUST ENCLOSE:

- 1) Copies of the most complete and relevant Unit Level Grievance Form(s) relating to your claim(s)
- 2) Warden/Center Supervisor Decision and Deputy/Assistant Director's Decision on your most relevant grievance to your claim(s)
- 3) Inventory sheets, pertinent policy sections, and any other supporting documentation with your claim(s)

These documents listed above are REQUIRED for your claim(s).

Any claim sent without the required documents will not be set up and you will be ask to supply the needed documents which will delay your claim in being processed.

All claims must be plainly written or plainly printed in INK. Claims may also be plainly typed.

Any correspondence written to this office must be readable.

Any grievance forms submitted to this office must be readable.

Any claims or supporting documentation submitted that cannot be read by this office will be returned without being set up.

Documentation must be front-sided only. No two-sided material.

Do NOT send your claim to the Respondent. The Claims Commission will provide the Respondent with a copy of your claim once it has been received and assigned a claim number.

If your supporting documentation for your claim exceeds six (6) pages then you must submit:

- ONE original complaint form and supporting documents
- FOUR (4) additional copies (sets)

If your supporting documentation for your claim exceeds six (6) pages and you would like a file-marked copy of your claim sent back to you then you must submit:

- ONE original complaint form and supporting documents
- FIVE (5) additional copies (sets)

This documentation will become the property of the Claims Commission when submitted with your claim(s). If you want a copy for your records, be sure to retain one before sending any information to this office. We will NOT make copies for your records.

Claims can only be filed against State Agencies. We will not accept claims against any other party.

Third party vendors such as Corizon cannot be filed with this office.

Civil Rights or Constitutional issues cannot be filed with this office.

Due process issues cannot be filed with this office.



Exhibit

A

4

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 3,000.00

Claim No. 14-0476-CC

Roger Bradford, #078948 Claimant Pro se Claimant
vs. Attorneys
Department of Correction Respondent Lisa Wilkins, Attorney Respondent
State of Arkansas
Date Filed December 14, 2013 Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's Motion to Dismiss," solely for Claimant's failure to respond. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's Motion to Dismiss," solely for Claimant's failure to respond. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing February 13, 2014

Date of Disposition February 13, 2014

Pat Moran Chairman
Bill Lamm Commissioner
Richard May Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD PROSE

V. CLAIM NO. 14-0476-CC

ARK. DEPT. OF CORRECTIONS

Arkansas
State Claims Commission
MAR 17 2014

Claimant

RECEIVED

Respondent

MOTION FOR RECONSIDERATION OF THE ARK. STATE CLAIMS COMMISSION
FINAL DECISION ENTERED ON 2-13-014, DENYING AND DISMISSING CLAIM NO.

14-0476-CC ~~AND FOR CAUSE DO HEREBY ALLEGE AND STATE THE FOLLOWING FACTS:~~

~~AND FOR CAUSE DO HEREBY ALLEGE AND STATE THE FOLLOWING FACTS:~~

1. THAT THE ARK. CLAIMS COMMISSION FINAL DECISION ENTERED ON 2-13-014 IS VOID FOR WANT OF DUE PROCESS OF THE LAW IN VIOLATION OF ARK CLAIMS COMM. RULE 2.4, AR. R. CIV. P. (12)(B) 1 THRU 8, AND CLAIMANT'S 5TH, AND 14TH, AMENDS FEDERAL RIGHTS WHEREAS THE ARK. CLAIMS COMMISSION LACKED SUBJECT MATTER JURISDICTION TO GRANT RESPONDENT'S MOTION TO DISMISS BECAUSE RESPONDENT FILED AN ANSWER ON 12-19-013, AND SUBSEQUENT TO FILING AN ANSWER TO THE COMPLAINT RESPONDENT FILED A MOTION TO DISMISS IN VIOLATION OF ARK. CLAIMS COMMISSION RULE 2.4 WHICH PROVIDES THAT ALL MOTIONS SHALL BE FILED WITHIN (30) DAYS UPON SERVICE OF THE COMPLAINT AND AR. R. CIV. P. (12)(B) 1 THRU 8 WHICH PROVIDES THAT ANY MOTION TO DISMISS A COMPLAINT FILED PURSUANT TO AR. R. CIV. P. (12)(B) 1 THRU 8 SHALL BE MADE BEFORE PLEADING TO A COMPLAINT.

2. That the ARK. Claims Commission Final Decision Entered on 2-13-014 ~~Denying~~ Denying And Dismissing Claim No. 14-0476-cc IS Void FOR Want OF Due Process OF the LAW IN Violation OF Claimant's 5th, And 14th, Amend's Federal Rights Because the Final Decision Was Procured UPON the ARK. Claims Commission By Fraud When the Respondent Represented to the ARK. Claims Commission that Respondent Served UPON Claimant A copy OF Respondent's motion to Dismiss Claim No. 14-0476-cc When In Fact Claimant Never ~~Received~~ Received Actual OR Constructive Notice Personally FROM the ARK. Claims Comm. The U.S. Postal Service, the EARU OR EARMAX mail Room Personnel, NOR the EARU OR EAR MAX Administrative OR Security Personnel, And that this Fraudulent Act OR Information By Respondent Caused the ARK. State Claims Commission to Enter The Final Decision ON 2-13-014, Denying And Dismissing Claim NO. 14-0476-CC SOLELY FOR the Reason OF Claimant's Failure to Respond to Respondent's motion to Dismiss.

3. That the ARK. Claims Commission Final Decision Entered ON 2-13-014 IS Void FOR Want OF Due Process OF the LAW IN Violation OF ARK. Claims Commission Rule 3.1, And Claimant's 5th, And 14th, Amend's Federal Rights Because Claimant Was Denied the Right to Be Present At the Hearing Held ON 2-13-014, And Claimant Did Not make ANY ORAL, OR WRITTEN Waiver OF his Right to Be Present At the hearing. And the ARK. Claims Commission NEVER served Claimant ANY Notice OF the hearing held ON 2-13-014, AS Required BY ARK. Claims Commission Rule 3.1, And Claimant SPECIFICALLY Requested to Be Present At ANY hearing In A letter to the ARK. Claims Commission Received ON 1-8-014.

4. That the ARK. Claims Commission Final Decision Entered on 2-13-014 Denying And Dismissing Claim No. 14-0476-cc IS Void For Want of Due Process OF the LAW IN VIOLATION OF ARK. Claims Commission Rule (5.2), ~~Ark. A.C.A. Sec. 25-15-210 (C)~~ ARK. R. Civ. P. (41)(B) And Claimant's 5th, And 14th, Amend's Federal Rights Because the ARK. State Claims Commission Lacked Subject matter Jurisdiction to Dismiss CLAIM No. 14-0476-cc When Claimant had Not ~~Failed to Follow ANY~~ Failed to Follow ANY ORDERS SERVED UPON him By the ARK. State Claims Commission Concerning Any motion By Respondent to Dismiss CLAIM No. 14-0476-cc, And Claimant had Not Received Any order Personally OR BY U.S. Mail ~~From the ARK. Claims Commission~~ From the ARK. Claims Commission Notifying him of ANY motion By the Respondent to Dismiss AS Required By A.C.A. Sec. 25-15-210 (C).

5. That the ARK. State Claims Commission Final Decision Entered on 2-13-014 Denying And Dismissing Claim No. 14-0476-cc IS Void For Want of Due Process OF the law IN VIOLATION OF A.C.A. Sec. 25-15-210 (B)(2) And Claimant's 5th, And 14th, Amend's Federal Rights, Whereas the ARK. Claims Commission Lacked Subject matter JURisdiction to Grant Respondent's motion to Dismiss CLAIM No. 14-0476-cc Because the A.D.O.C. Final Decision Failed to Include Findings OF Facts And Conclusion OF LAW AS Required By A.C.A. Sec. 25-15-210 (B)(2).

Wherefore CLAIMANT PRAYS:

- (A) That the ARK. state CLAIMS Commission Grant his motion For Reconsideration.
- (B) That the ARK. state CLAIMS Commission ^{Grant, Claimant's} PRAYER For monetary Relief.
- (C) That the ARK. state CLAIMS Commission Grant Claimant A Hearing And Order CLAIMANT'S Presence At the hearing.
- (D) That the ARK. state CLAIMS Commission Grant Claimant Any And All Other Relief that he MAY Be Entitled to.

AFFIDAVIT

I, Roger BRADFORD states Under OATH that I have Read the Foregoing Motion For Reconsideration And the FACTS Stated In the motion ARE TRUE, CORRECT, AND Complete to the Best of my Knowledge And BELIEF.

Sworn to Before me A Notary Public on this 13 DAY OF MARCH 014.
My Comm: Expires Dec. 01-2017



Seccer Cole
NOTARY PUBLIC

Certificate of Service

I Roger BRADFORD Do hereby Declare Under the Penalty of perjury Pursuant to 28 U.S.C. 1746 that I have turned over my motion For Reconsideration to Prison officials to mail to MR Norman Hodges At 101 E. CAPITOL AVE Suite 410 Little Rock, AR 72201-3823, And to Ms. JISA MILL WILKINS At P.O. BOX 8707 Pine Bluff, AR 71611, to PLACE A COPY OF the same In the EAM MAX Internal Institutional MAIL BOX With 1st CLASS Postage Prepaid on this 13 DAY OF MARCH 014.

cc. MR. Norman Hodges
Ms. JISA mills Wilkens

Roger Bradford
No. 078948
P.O. BOX 180
Brickeys, AR
72320-0180

P. 4 OF 4

PROSE

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 3,000.00

Claim No. 14-0476-CC

Roger Bradford, #078948 Claimant Attorneys
vs. Pro se Claimant

Department of Correction Respondent Lisa Wilkins, Attorney Respondent
State of Arkansas

Date Filed December 16, 2013 Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration." Both the complaint and the "Motion for Reconsideration" raised constitutional issues which are not permitted before the Claims Commission. Therefore, this claim is before the wrong venue. This claim will remain dismissed. At the request of the Claimant, this claim will be referred to the Arkansas General Assembly.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration." Both the complaint and the "Motion for Reconsideration" raised constitutional issues which are not permitted before the Claims Commission. Therefore, this claim is before the wrong venue. This claim will remain dismissed. At the request of the Claimant, this claim will be referred to the Arkansas General Assembly.

Date of Hearing April 10, 2014

Date of Disposition April 10, 2014

Husar Chairman
Patman Commissioner
Bill Lancaster Commissioner