

(501)682-1619
(501)682-2823 FAX



arclaimscommission.arkansas.gov
ascc.new.claims@arkansas.gov

101 EAST CAPITOL AVENUE, SUITE 410
LITTLE ROCK, ARKANSAS 72201-3823

CLAIM FORM

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)

Ms. Howard Jerdnell [redacted]

(title/last name/first name or company) (email)
[redacted] [redacted] [redacted] [redacted] [redacted]

(address) (city) (state) (zip) (primary phone)

2. Claimant's Legal Counsel - (If representing yourself (Pro Se) please check this box and proceed to section 2)

(last name) (first name) (email)

(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.*

3. State Agency Involved (If this section is not completed this claim will be returned as deficient).

The agency(ies) involved must be Arkansas state agencies. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities.

Arkansas Department of Transportation

(state agency involved)

4. Incident Date

12/3/2021

5. Claim Type

Negligence--Property Damage

Please provide the location of the incident and an explanation of your claim. If additional space is required please attach additional pages for your statements to this form.

Location of Incident

Explanation of Incident

On Friday December 3rd 2021 about 2:50pm I was driving southbound in the center lane on I-430

between colonel glenn and stagecoach exits, when a white pick up truck ran over a huge piece of plywood that flew and damaged my SVU.

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.

Please do not include a copy of your insurance card.
You may obtain a copy of your insurance declaration from your insurance agent.

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 in place at the time of the incident.

I do not have health insurance

8. Amount Sought: \$4,152.00 _____

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERDNELL HOWARD

CLAIMANT

V.

CLAIM NO. 220727

**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 Jerdnell Howard (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. Claimant filed the instant claim, alleging that Claimant’s vehicle was damaged by a piece of plywood in the roadway.

2. Respondent filed a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure, arguing that dismissal is appropriate because Claimant did not allege any negligence or wrongdoing on the part of Respondent.

3. Claimant did not respond to the motion.

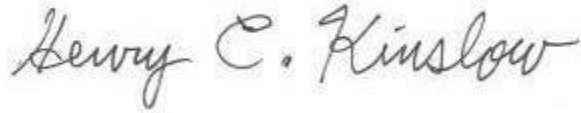
4. In reviewing this motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to a claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of a claimant, and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

5. Claimant's claim is a negligence claim. The elements of a negligence claim are duty, breach of duty, and damages proximately caused by the breach. *See Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002).

6. However, even applying the liberal *Hodges* standard, Claimant has not established any facts to show that Respondent breached its duty to maintain the state roadways. Even if there was a piece of plywood in the roadway, Claimant did not allege any facts to establish that that the plywood had been in the roadway for an extended period of time or that an employee of Respondent or a vehicle owned by Respondent was responsible for the plywood being in the roadway.

7. Respondent's motion 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 29, 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: [Howard, Jerdnell](#)
To: [ASCC Pleadings](#)
Cc: [Sparks, Trella A.](#); [Blakley, Sharon](#)
Subject: Re: ORDER: Howard v. ArDOT, Claim No. 220727
Date: Monday, August 1, 2022 6:45:37 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good Morning

How do I apply for an appeal. Because a big piece of plywood was on the highway. When the accident happen. I went straight to the State Police.



Ms. Jerdnell Howard

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Today, dedicate yourself to till the land, to work and serve, and to invest the resources God has given you. Give of your time, talents, and treasures. Be His witness. And realize that you have been blessed, so you might be a blessing.

On Fri, Jul 29, 2022 at 4:07 PM ASCC Pleadings <ASCCPleadings@arkansas.gov> wrote:

Ms. Howard and Ms. Sparks, please see attached order entered by the Claims Commission.

Thanks,

Kathryn Irby

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619