Arkansas State Claims Commission

Please print in ink or type

DEC 0 2 2022

BEFORE THE STATE CLAIMS COMMISSION

Of the State of Arkansas

RECEIVED

Mr.		
□ Mrs. □ Ms.		Do Not Write in These Spa
□ Miss Jerry Ellis #		Claim No.
,	, Claimant	Date Filed
· VS.	, Claimant	(Month) (Day) (Yi
State of Arkansas, Respondent		Amount of Claim \$
, and onderit		Fund
lamas FIII	COMPLAINT	
James Ellis	, the above named Claimant, of	
_ N//A	1	(City)
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of(Street and No.)	$\sim N/A$	(Legal Counsel, if any, for Claim)
State agency involved:	(City) (State) (Zip Code)	(Phone No.) (Fax No.)
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(Yes or No) ; when? (Month)	(Day) (Year) to whom?	(Department)
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nd that \$	aid thereon: (2) Has any third person or corporation an interest in this	claim? ; if so, state name and address
(Name)		
nd that the nature thereof is as follows:	(Street or R.F.D. & No.) (City)	(State) (Zip Code)
	:andwas acquired on	in the following manner:
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hat they are true.	that he or she is familiar with the matters and things set forth in	n the above complaint, and that he or she verily believes
Derntelli	J.F.	
(Print Claiman Representati	ive Nam	nature of Claimant/Representative)
	SWORN TO and subscribed before me at	AR
MATTHEW LYLLS	100	(City) (State)
The state of the s	on this day of	Nov . 2022
CRITTENDEN COUNTY Commission Expires 4-23-2029	(Date)	(Month) (Year)
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F-841-3

ARKANSAS DEPARTMENT OF CORRECTION PROPERTY ADDITION FORM

18 ERK # 43

Date: 9/15/21	Unit:	SERVICE FOR THE				
Inmate's Name:		ADC#:				
Issuing Department: Peoper	Printed					
	5					
Please indicate below the appropriate its	em to be added to an inmate's personal p	roperty file. It is important to submit				
Radio	re added, i.e., number of items, brand, co	lor, size, etc.				
	Watch	Ring				
Head Phones	Combination Lock	Sweat Shirt				
Shoes	Religious Medallion	Sweat Pants				
Other: Touthpaste / Soup / Envelopes Detail description of item: Two Next / Mosturizing Bar / Two Colgate Toothpaste / Ten Stamp Envelopes						
Signature of issuing staff:	a. white	_ AASIS#: 97/29				
Signature of inmate:	711	_ ADC#:				
This form is to be completed in the event of an addition to an inmate's personal property. Original - Unit Personal Property Officer						

F-841-3

Revised 10/10/2006

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC) CLAIMANT

V. CLAIM NO. 230778

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is the claim filed by Jerry Ellis (the "Claimant") against the Arkansas Division of Correction (the "Respondent"). However, pursuant to Ark. Code Ann. § 19-10-223, where a claimant "failed to submit with the claimant's initial complaint or claim filing documentation that the claimant has exhausted all available . . . administrative remedies," the Claims Commission may dismiss the claim on its own motion.

Claimant's claim does not have any grievances attached.

Under the doctrine of exhaustion of administrative remedies, a claimant must utilize and exhaust the administrative remedies before seeking relief from the Claims Commission. *See Ark. Dept. of Health and Human Servs. v. Smith*, 370 Ark. 490, 492-93 (2007). The purpose of this doctrine is to provide the agency with an opportunity to address the issue. *See id.* Where a claimant fails to exhaust his or her administrative remedies, the Claims Commission lacks jurisdiction to hear the claim.

As such, the Claims Commission DISMISSES this claim without prejudice.

IT IS SO ORDERED.

Als II

ARKANSAS STATE CLAIMS COMMISSION Dexter Booth

ARKANSAS STATE CLAIMS COMMISSION Henry Kinslow, Chair

Lewy C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION Sylvester Smith

DATE: December 15, 2022

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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). <u>Note</u>: 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).

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY DIRECTOR

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

December 21, 2022



Mr. Thomas Burns Arkansas Division of Correction 6814 Princeton Pike Pine Bluff, Arkansas 71602-9411 (via email)

Re: Jerry Ellis v. Arkansas Division of Correction

Claim No. 230778

Dear Mr. Ellis and Mr. Burns:

Enclosed please find an Order entered on December 15, 2022, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

ReFore The Ankarsas State Claims Commission Jerry Ellist Clamy J V- Ctumin 3->778 Ankansas Department or Correction Respondent Arkansas State Claims Commission Mation For Effections JAN 3 0 2023 RECEIVED Comes Now The Claiment Jerry-Ellist Projse, Moves This Howardble State Claims Commission Extension to File his Appeal the The File ws: 1 The Claimant States he necessed a Commission Commission of 17-15-2017 on The Nyy of 17-27-22 2. The Clument States That new to The Ankansas State Claus Emmission Committee Members order of 12-15-77 1 2 hr. 1 Chunget Ching # 23--> TT8 The Clament have Schnitting Letters of 1-9-23 and 12-3-22 to 1 Mrs. Kathryn Irby Ankendes State Clums Chryssing Director Regrest

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC) CLAIMANT

V. CLAIM NO. 230778

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is a motion filed by Jerry Ellis (the "Claimant") for an extension of time to file an appeal.

Claimant's claim against the Arkansas Division of Correction was denied and dismissed by the Claims Commission on December 15, 2022. Claimant did not file a notice of appeal within 40 days as required by Ark. Code Ann. § 19-10-211(a)(1).

On January 30, 2023, 46 days after entry of the December 15, 2022, order, the Claims Commission received Claimant's motion, which states that he is unable to file his appeal because the Claims Commission has not provided him with copies of an exhibit to his claim. Claimant states he requested the exhibit in correspondence to the Claims Commission dated December 30, 2022, January 4, 2023, and January 9, 2023. The Claims Commission has reviewed Claim No. 230778 and the five other claims filed by Claimant since 2020 and did not find such correspondence or requests. Moreover, the exhibit Claimant references was not necessary for the appeal of his claim.

In light of Claimant's motion, the Claims Commission will transmit this claim file to the Arkansas General Assembly, as Ark. Code Ann. § 19-10-211 does not permit the Claims Commission to reject an appeal for untimeliness.

IT IS SO ORDERED.

Con Baid

ARKANSAS STATE CLAIMS COMMISSION Courtney Baird

ARKANSAS STATE CLAIMS COMMISSION Henry Kinslow, Chair

Lewy C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION Sylvester Smith

DATE: March 10, 2023

fle ! hot

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).

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY DIRECTOR

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

March 14, 2023

Mr. Jerry Ellis (ADC

Mr. Thomas Burns Arkansas Division of Correction 6814 Princeton Pike Pine Bluff, Arkansas 71602-9411 (via email)

Re: Jerry Ellis v. Arkansas Division of Correction

Claim No. 230778

Dear Mr. Ellis and Mr. Burns:

Enclosed please find an Order entered on March 10, 2023, by the Arkansas State Claims Commission. A copy of the exhibit to the claim, which is referenced in Mr. Ellis' motion for extension, is also enclosed for Mr. Ellis. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

From: Mika Tucker

To: Desikan, Suba; Seaton, Gina

Subject: APPEAL: Ellis v. ADC, Claim No. 230778 Date: Wednesday, March 15, 2023 8:18:00 AM

Attachments: 1--CRS memo.pdf

2--claim docs.pdf 3--order.pdf

4--corr trans order to parties.pdf 5--motion for ext.pdf

6--order.pdf

7--corr trans order to parties.pdf

Good morning, Suba.

Please confirm receipt of the attached claim file.

Thank you.

Mika Tucker **Arkansas State Claims Commission** 101 East Capitol Avenue, Suite 410 Little Rock, Arkansas 72201 (501) 682-2818

From: <u>Desikan, Suba</u>
To: <u>Mika Tucker</u>

Subject: RE: APPEAL: Ellis v. ADC, Claim No. 230778

Date: Wednesday, March 15, 2023 8:23:37 AM

Received!

Thank You, Suba Desikan

Suba Desikan

Legislative Attorney | Administrative Rules Review Section Bureau of Legislative Research

1 Capitol Mall, 5th Floor desikans@blr.arkansas.gov

Office: 501-537-9185

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From: Mika Tucker [mailto:Mika.Tucker@arkansas.gov]

Sent: Wednesday, March 15, 2023 8:19 AM

To: Desikan, Suba <desikans@blr.arkansas.gov>; Seaton, Gina <seatong@blr.arkansas.gov>

Subject: APPEAL: Ellis v. ADC, Claim No. 230778

Good morning, Suba.

Please confirm receipt of the attached claim file.

Thank you.

Mika Tucker Arkansas State Claims Commission 101 East Capitol Avenue, Suite 410 Little Rock, Arkansas 72201 (501) 682-2818

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY DIRECTOR

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

MEMORANDUM

DATE: March 15, 2023

TO: Suba Desikan (via email)

Bureau of Legislative Research

FROM: Mika Tucker

RE: Claim referred to the Claims Review Subcommittee pursuant to Ark. Code

Ann. § 19-10-211

Jerry Ellis v. Arkansas Division of Correction

Claim No. 230778

This memorandum is sent to transmit the above-referenced claim to the Claims Review Subcommittee pursuant to Ark. Code Ann. § 19-10-211.

cc: Mr. Jerry Ellis (ADC , Claimant (w/o encl.)

Mr. Thomas Burns, Counsel for Respondent (w/o encl.) (via email) thomas.burns@arkansas.gov leslie.browning@arkansas.gov.

Ms. Gina Seaton, Bureau of Legislative Research (w/ encl.) (via email)

From: <u>Mika Tucker</u>

To: Thomas Burns (DOC)
Cc: Leslie Browning (DOC)

Subject: APPEAL: Ellis v. ADC, Claim No. 230778

Date: Wednesday, March 15, 2023 8:21:00 AM

Attachments: <u>1--CRS memo.pdf</u>

Hi, Thomas.

Please see correspondence attached.

Thank you, Mika

Mika Tucker Arkansas State Claims Commission 101 East Capitol Avenue, Suite 410 Little Rock, Arkansas 72201 (501) 682-2818

Anka Cas Stri Little Raking 777 State Claims Commission ne-Clum# 23--778 APR 1 0 2023 Dear Mrs. Tucker niching RECEIVED This Letter to 42 per to 420 Mema OF 3-15-23 That I necessed or The right F 3-18-23 Thurd My Jubrutter Letter >F 1-9-23 That I Mailed to Ly Thund Mrs, Irby Arkynsel State Ctims Commission Director 27 mongray
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ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY DIRECTOR

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

May 12, 2023

Mr. Jerry Ellis (ADC

RE:

Jerry Ellis v. Arkansas Department of Correction

Claim No. 230778

Dear Mr. Ellis,

Our office received your correspondence dated March 21, 2023, in which you request a file-marked copy of Claim No. 230778 and the grievance that was provided as support for this claim. Please find a file-marked copy of your claim with its supporting documents enclosed. We have no record of a grievance document submitted in support of this claim. Note that our office also transmitted the exhibit to Claim 230778 to you, as requested, on March 14, 2023.

Sincerely,

Mika Tucker

ES: msscott

Please print in ink or type

DEC 0 2 2022

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

✓Mr.		
□ Mrs. □ Ms.		Do Not Write in These Spa
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Jerry Ellis		Claim No.
No.	. Claimant	Date Filed
VS.		(Month) (Day) (Yi
State of Arkansas, Respondent		Amount of Claim S
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	COMPLAINT	-
James Ellis		
(Name)	, the above named Claimant, of	
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ARKANSAS DEPARTMENT OF CORRECTION PROPERTY ADDITION FORM

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Please indicate below the appropri detailed description of any item(s)	iate item to be added to an inmate's per that are added, i.e., number of items, br	sonal property file. It is important to submit a
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101 East capit-L avenue In Little Roch 25 7227-3823 Re-Chin #23->>778 State Claims Commission MAY 26 2023 Dear mrs, Tucker mylyn This better to you Town you -better dited 5-12-23 That I necessed en The night of 5-14-23 which duct = That Lefter = F 5-12-23 mrs. NathryN Irby, Director of The Anhavsas State Ching C-MMissION Never Grafed MI JubyHel Motion For Extensionst Time That I mailed to her SN TWIKES 223 I Reguest your permission+ File My Notice of Appen pento The AMKINSUS Style Elim (Commission SJb-6-muffee members order of 17-15-7-22 OF DISSMISSINGMY CHAIM Never 5/harstrymy Wait Level Availble Alministrative Remedies 7 Conjeyance#21-22963 pen +2my Claimitt 023->=778 Thunh 4 > Mylon with The stave Situation. +OU Coperator 15 Greath pprecited with The 42 we 23 ce Roverse Side

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ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY DIRECTOR

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

August 23, 2023

Mr. Jerry Ellis (ADC

(via U.S. Mail)

Re: Jerry Ellis v. Arkansas Department of Correction

Claim No. 230778

Dear Mr. Ellis,

This office received correspondence from you dated May 23, 2023, after your claim was transmitted to the Claims Review Subcommittee on March 15, 2023. Because your claim is currently on appeal, a file-marked copy of your correspondence will be transmitted to the Bureau of Legislative Research so that the Arkansas General Assembly may include it with your claim file.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

Mika Tucker

ES: mtucker

cc: Thomas Burns, counsel for Respondent (via email only)

From: <u>Mika Tucker</u>

To: Thomas Burns (DOC)

Subject:CORR: Ellis v. ADC, Claim No. 230778Date:Wednesday, August 23, 2023 10:05:00 AMAttachments:Ellis v. ADC -- Itr re corr from Cl after appeal .pdf

Hi, Thomas.

Please see the attached correspondence.

Thanks, Mika

Mika Tucker Arkansas State Claims Commission 101 East Capitol Avenue, Suite 410 Little Rock, Arkansas 72201 (501) 682-2818