

Please print in ink or type

AUG 12 2023

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED **G.07**

☒ Mr.  
☐ Mrs.  
☐ Ms.  
☐ Miss

Joshua Stockton (ADC [REDACTED]), Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces			
Claim No.			
Date Filed	(Month)	(Day)	(Year)
Amount of Claim \$			
Fund			

COMPLAINT

Joshua Stockton (ADC [REDACTED]), the above named Claimant, of [REDACTED] (City)  
(Name) (Street or R.F.D. & No.)  
County of [REDACTED] represented by [REDACTED] (City)  
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)  
of [REDACTED] (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.), says:

State agency involved: Arkansas Division of Correction Amount sought: \$ 20,000.00

Month, day, year and place of incident or service: On April, 26, 2023 and on 5/30/2023 Policy Refusal for Redress

Explanation: STATE Employee Andrea Culclager Failed to follow Redress policies afforded Claimant by verbatim of the Board of Corrections and the STATE of Arkansas on notifications by written format of Contractor Violative Conducts, and as such was as a STATE Employee negligent in her conduct. The State's employee did owe the duty to the claimant to address the violative conduct once notified. The State's employee did breach the duty owed to the plaintiff (claimant) by "not addressing the merits" of the grievance, thus not fulfilling her duty to intervene in violative conduct once notified. The violations of negligent conduct upon claimant's redress attempt would not have occurred if the State employee would have intervened in, and decided merits on the written format presented to their office, which they didn't fulfill their duties owed claimant according to Ark. Code 004.03.1-835 and, Ark. Code - § 12-27-105, 16-93-1203 and 16-93-1205 (miche supp. 1995).

(SEE Additional Sheets) (Evidence #1 is from Carmel Stewart AT [REDACTED] STATING I have A right to Appeal in AD 19-34) (Evidence #2 is Andrea Culclager's Appellate Response Denying claimant's rights to Appeal by Refusing to address the merits of claimant's Appeal).

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? 05/30/2023 ; to whom? Andrea Culclager - Contract Office A.D.C  
(Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: Did not address merits of grievance

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

(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: \_\_\_\_\_

\_\_\_\_\_ 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.

Joshua Stockton (Print Claimant/Representative Name) [Signature] (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Pine Bluff Arkansas  
(City) (State)

(SEA) 9th day of August, 2023  
(Date) (Month) (Year)

GEORGE DUNCAN JR  
NOTARY PUBLIC-STATE OF ARKANSAS  
JEFFERSON COUNTY  
My Commission Expires 06-19-2025  
Commission # 12695904

George Duncan Jr  
(Notary Public)

SF1- R7/99 My Commission Expires: 06 19 2025  
(Month) (Day) (Year)

I.) Duty: Under State Code of Arkansas §12-27-103 Establishment - Powers and duties (B)(1), The Department of Corrections (Arkansas Division of Corrections) shall have exclusive jurisdiction over the care, charge, custody, control, management, administration, and supervision of all persons and offenders committed to, or in the custody of, the state penitentiary; (6) The Department of Corrections shall employ such officers, employees, and agents and shall secure such offices and quarters as are deemed necessary to discharge the functions of the department of corrections. (7) The Department of Corrections shall receive all offenders committed to the department of corrections for conviction of felonies or other offenses the punishment of which is commitment to the penitentiary under the laws of this state, and shall be responsible for the care, custody, and correction of such persons pursuant to the policies established by the Board of Corrections. Authority - The Board of Correction and Community punishment is vested with the Authority to promulgate this administrative rule by Ark. Code Ann. - §§12-27-105, 16-93-1203, and 16-93-1205 (Michie Supp. 1995).

II.) Applicability - This policy applies to Employees and OFFENDERS of the - Department of Correction (D.O.C) and the Department of Community Punishment (DCP) - STAFF, inmates and residents of community punishment centers.

III.) Policy - It is the Policy of the Board of Corrections And Community - Punishment that offenders are provided an opportunity to submit grievances regarding policy, conditions, incidents, or Actions related to incarceration/- Confinement which directly impact them.



IV. Guidelines - A.) Administrative Directives establishing procedures will be set forth by each Agency. B.) Procedures shall, at Minimum provide for the following: Timely, Effective and impartial processing of grievances; An Appeals process; appropriate documentation of grievance activity; and Speedy disposition of Emergency situations, with security and safety the paramount concern.

C.) Use of the Grievance procedure shall occur without restraint, coercion, discrimination, interference or reprisal. Violation of this guideline shall result in prompt and decisive action.

- CURRENT With Amendments received through November 15, 2022. ARK. Code - 004.03.1-835.

Negligence STANDARD Authority:

In the Eastern District of Arkansas, CASE: Gary V. Langley, 2:17-CV-00117-LPR (E.D. ARK. SEP. 13, 2021) it says, "To prevail on a claim of negligence", in Arkansas, "The plaintiff must prove that the defendant owed a duty to the plaintiff, that the defendant breached that duty, and that the breach was the proximate cause of the plaintiff's injuries". (1. Duty, 2. Breach of Duty, 3. Causation).

V.) STANDARDS: American Correctional Association - Standard for Adult Community - Residential Services, 3rd edition, standard 3-ACRS-3D-07, and Standards - For Adult Correctional Institutions, 3d Edition, Standard 3-427.

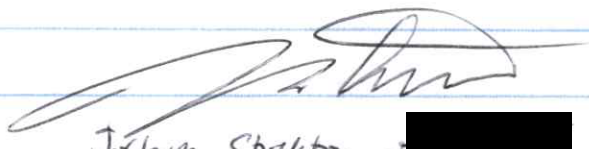
#1 Defendant Carmel Steward, On April 26, 2023 inmate claimant did a unit level grievance to notify Administration of Contractor negligent conduct against him. Defendant Steward rejected claimant's grievance [REDACTED] 23-50154 stating it was 'untimely'. Claimant made clear on his appeal that the Unit level sent the grievance to mediation and it was a A.D.C NOTICE OF Contractor negligent conduct, and that Carmel Steward said that she did not receive the grievance until 5/5. Carmel Steward violated the duties she owed the claimant found in Ark Code § 12-27-103 (B)(1), (6), (7) vested by the Board of Corrections and the State of Arkansas due to Employees of the States Authority over inmate Stockton's care (which includes seeing his medical care and issues get resolved) because A.D.C is ultimately liable for that care no matter if they contract out medical care or not. (TII-policy) By her putting 'untimely' on claimant's grievance on claimant's redress of 'Conditions of Confinement' and 'incidents or actions related to incarceration / confinement which directly impact' him, it negligently infringed upon claimant's state owed rights by state code and policy to grieve such issues when Defendant claims an 'untimely' grievance response which ceases grievance activities by any appellate decisionmakers decisions.

Conclusion: Claimant's policy rights would not have been infringed upon if defendant Steward would not have violated claimant's due process rights for grievance redress through misrepresentation stating 'untimely' upon a grievance and would have followed established Ark. Code Guidelines owed the claimant found in Ark. Code. § 12-27-103 (B)(1), (6), (7), AD, 19-34 - on Right to Appellate Procedures as a STATE Employee in charge of the care and administrative authorities as a Grievance Officer AT A.D.C [REDACTED]



#2 Defendant - Andrea Culclager, owed the duty to the claimant to decide the Appeal process of the claimant's appealed grievance found in AD-19-34, and Ark. Code § 12-27-103 (B)(1), (6), (7) and specifically section III - Policy which was negligently denied claimant by state employee Andrea Culclager, by her stating: "your grievance should have been rejected due to being untimely. However, it was acknowledged by mistake. Therefore, the merits will not be addressed." which violates Ark. Code 004.03.1-835 Policy section III and Ark. Code § 12-27-103 (B)(1), (6), (7). By not allowing the notifications of inmate harm by medication lapses that caused him pain to go unpunished by state employees over the Contractor's negligent conducts and did not offer claimant any corrective actions to his notifications of inmate harm due to the negligent conducts of Contractors and state employees interfering in the grievance processes redress attempts by claiming Untimeliness and allowing the conduct to go on. Section IV(B) of Ark. Code § 004.03.1-835 provides claimant a "effective and impartial processing of grievances; an appeals process..." of which was denied the claimant by the state's employees. Claimant was owed a appellate process, and had the deputy director not been biased by her "untimeliness" statements, then the violation of claimant's policy procedures would not have occurred and could have been remedied at the appellate stage if A. Culclager would have looked at the evidence and done her duties owed to the claimant by vestation by the Board of Corrections and the state of Arkansas.

Respectfully submitted,



Tasha Shelton

8-8-2023



(Evidence #1)

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Pine Bluff Complex

Name Joshua Stockton

ADC# [REDACTED] Brks # [REDACTED] Job Assignment Sanitation

FOR OFFICE USE ONLY

GRV. # \_\_\_\_\_

Date Received: \_\_\_\_\_

GRV. Code #: \_\_\_\_\_

5-17-23 (Date) STEP ONE: Informal Resolution

\_\_\_\_\_ (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: \_\_\_\_\_

\_\_\_\_\_, (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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In 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): GRIEVANCE OFFICER CARMEI STEWARD

has on [REDACTED] 23-00154, [REDACTED] 23-00164, [REDACTED] 23-00165 All have been "Rejected as untimely" by Mrs. Steward, stating no evidence of how any of the grievances are "untimely". AS ALL grievance were within the time frame as ADC Grievance procedure requires. Inmate's one complaint is: "Conspiracy to block inmate Stockton's first amendment right for redress" By Grievance officer for [REDACTED] for A.D.C. This is not the first occurrence of Carmei Steward interfering in inmate's routing of grievances. One was on [REDACTED] A 23-00058 Brought to her attention on 3-7-2023 and on final appeal on 3/31/23. By blocking the grievances in the unit level causes inmate harm upon his rights by not allowing administrative authorities to act on behalf of the inmate's redress needs.

[Signature]  
Inmate Signature

5-17-23  
Date

If you are harmed, threatened because of \_\_\_\_\_ 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 \_\_\_\_\_

Syvester Parker [REDACTED] [Signature] 5-17-23  
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: According to AD 19-34 Inmate Grievance Procedure and on the rejection of Unit Level Grievance Attachment 2. If you disagree with a rejection you may appeal the decision within 5 working days by mailing to Chief Deputy/Deputy Assistant Director. You have the option to appeal instead of filing a new/separate grievance.

S. Baw [Signature] 5-24-23  
Staff Signature & Date Returned 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 One and Step Two.



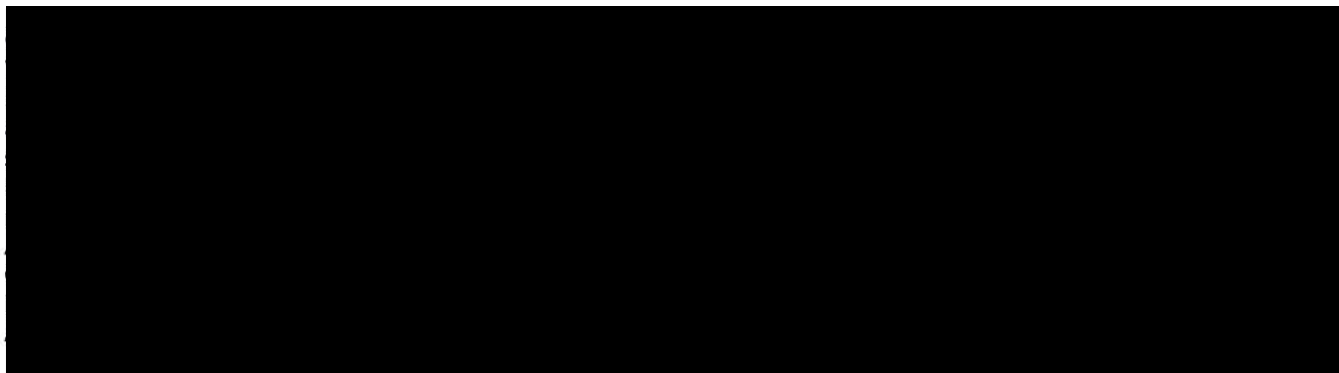
Exhibit #2

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 23-00154

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**



→ Your appeal was rejected at the unit level for being untimely. However, your appeal states, "ADC STAFF Deliberately sent this to medical And it wasn't A medical grievance I put this inside of the commitment within 5 working daysm, it's not my fault that The grievance Lady Mrs. Steward didn't get it out of the Box And to her office until 5/5 as she states she did.

According to the grievance policy, the portion written below your signature is not part of the appeal and, therefore, will not be addressed at this time: you must write in the designated space.

Your grievance should have been rejected due to being untimely. However, it was acknowledged by mistake. Therefore, the merits will not be addressed.

Quindrea Cufelagen  
Director

5/30/2023  
Date

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

AUG 12 2023

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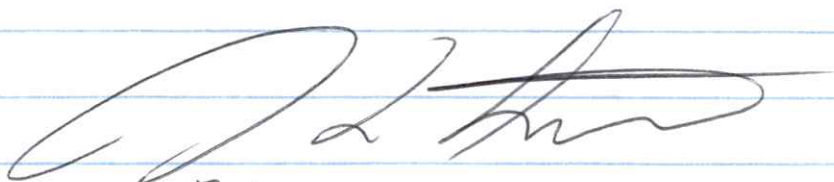
STATE Commissioner -

Please Send to me A claim form To:

Joshua Stockton ADC# [REDACTED]

[REDACTED]

Thank you.



Josh Stockton

8-6-2023



## **Mika Tucker**

---

**From:** ASCC New Claims  
**Sent:** Thursday, August 24, 2023 1:56 PM  
**To:** Thomas Burns (DOC)  
**Cc:** Kathryn Irby; Mika Tucker; Bilenda Harris-Ritter  
**Subject:** CLAIM: Joshua Stockton v. ADC, Claim No. 240233  
**Attachments:** Joshua Stockton ADC agency ltr 240233.pdf; Joshua Stockton 240233.pdf

Please see attached. Contact Kathryn Irby with any questions.

Thank you,  
Caitlin

**Caitlin McDaniel**

*Administrative Specialist II*

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

# 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

August 24, 2023

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602

(via email)

RE: ***Joshua Stockton v. Arkansas Division of Correction***  
**Claim No. 240233**

---

Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Mika Tucker

ES: cmcdaniel

cc: Joshua Stockton (ADC [REDACTED] Claimant (w/ encl.)  
Bilenda Harris-Ritter, *counsel for Ark. Dept. of Corrections* (w/encl.) (via email)

<p><b>Note to Claimant or Claimant's counsel:</b> The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.</p>
--



## Mika Tucker

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**From:** Thomas Burns (DOC)  
**Sent:** Friday, August 25, 2023 11:29 AM  
**To:** ASCC Pleadings  
**Subject:** Joshua Stockton v ADC 240233  
**Attachments:** 0599\_001.pdf

Answer

Thank you,  
-TB



**THOMAS BURNS**  
PENITENTIARY WARDEN  
Arkansas Department of Corrections  
2044 Prisoners Pl  
Ft Smith, Arkansas 72534  
Phone: (501) 281-1000 ext. 2000  
Fax: (501) 281-1000  
Email: Burns@adoc.state.ar.us

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**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**JOSHUA STOCKTON** [REDACTED]

**CLAIMANT**

**v.**

**NO. 240233**

**ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION**

**RESPONDENT**

**ANSWER TO COMPLAINT**

COMES NOW the Respondent, Arkansas Department of Corrections, 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: HCA 0100 |
| 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,

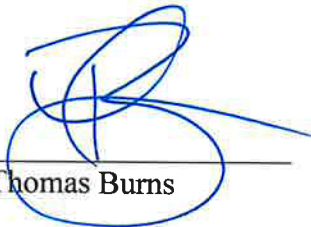


Thomas Burns (02006)  
Legal Services Unit  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602-9411  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of this pleading has been served this 25<sup>th</sup> day of August 2023 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Joshua Stockton ([REDACTED])  
[REDACTED]

  
\_\_\_\_\_  
Thomas Burns



## Mika Tucker

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Tuesday, October 3, 2023 1:10 PM  
**To:** Thomas Burns (DOC)  
**Cc:** ASCC Pleadings; Mika Tucker  
**Subject:** CORR: Joshua Stockton v. ADC, Claim No. 240233  
**Attachments:** Joshua Stockton v. ADC233.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

# 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

October 3, 2023

Mr. Joshua Stockton (ADC [REDACTED])  
[REDACTED]

RE: ***Joshua Stockton v. Arkansas Division of Correction***  
Claim No. 240233

---

Dear Mr. Stockton,

Please be advised that the Arkansas Division of Correction (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

**Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.**

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

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

## Mika Tucker

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Wednesday, November 8, 2023 2:37 PM  
**To:** Thomas Burns (DOC)  
**Cc:** ASCC Pleadings; Mika Tucker  
**Subject:** ORDER: Joshua Stockton v. ADC, Claim Nos. 240163, 240164, 240211, 240233, 240234, 240266, 240285, and 240378  
**Attachments:** Joshua Stockton v. ADC2.pdf; Stockton-order163.pdf; Stockton-order164.pdf; Stockton-order211.pdf; Stockton-order233.pdf; Stockton-order234.pdf; Stockton-order266.pdf; Stockton-order285.pdf; Stockton-order378.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**



# 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

November 8, 2023

Mr. Joshua Stockton (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

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

(via email)

Re: ***Joshua Stockton v. Arkansas Division of Correction***  
Claim Nos. 240163, 240164, 240211, 240233, 240234, 240266, 240285, and 240378

---

Dear Mr. Stockton and Mr. Burns:

Enclosed please find the Orders entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**JOSHUA STOCKTON (ADC [REDACTED])**

**CLAIMANT**

**V.**

**CLAIM NO. 240233**

**ARKANSAS DIVISION OF  
CORRECTION**

**RESPONDENT**

**ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Joshua Stockton (the “Claimant”) against Arkansas Division of Correction (the “Respondent”).

Respondent filed an answer denying liability.

The Commission sent correspondence to Claimant on October 3, 2023, advising that Respondent recommended that the claim be denied. In that correspondence, Claimant was given fifteen (15) calendar days to request a hearing and advised that if Claimant did not do so within the specified time frame, Claimant’s claim would be dismissed for failure to respond. To date, Claimant has not responded to the Commission’s October 3, 2023, correspondence.

As such, the Commission hereby unanimously DENIES and DISMISSES this claim for Claimant’s failure to prosecute the claim.

**The Commission notes that, as of the date of this Order, eight (8) claims filed by Claimant within a two-year period have been dismissed: (1) Claim No. 240163, was filed on August 3, 2023, and dismissed on November 8, 2023; (2) Claim No. 240164 was filed on August 3, 2021, and dismissed on November 8, 2023; (3) Claim No. 240211 was filed on August 9, 2023, and dismissed on November 8, 2023; (4) the instant claim, Claim No. 240233, was file on August 12, 2023, and dismissed on November 8, 2023; (5) Claim No. 240234 was**

filed on August 12, 2023, and dismissed on November 8, 2023; (6) Claim No. 240266 was filed on August 17, 2023, and dismissed on November 8, 2023; (7) Claim No. 240285 was filed on August 23, 2023, and dismissed on November 8, 2023; and (8) Claim No. 240378 was filed on September 9, 2023, and dismissed on November 8, 2023.

Ark. Code Ann. § 19-10-221 provides,

**An inmate in the Division of Correction or the Division of Community Correction who has filed more than three (3) unsuccessful claims or actions under this subchapter within a period of two (2) years may have his or her subsequent claims or motions dismissed by the Arkansas State Claims Commission upon receipt as abuse of process, for one (1) year from the date of dismissal of the inmate's third unsuccessful claim.**

Accordingly, the Commission bars Claimant from filing any claims for one year from the date of this Order. Any claims submitted by Claimant within a year from the date of this Order will be dismissed upon receipt pursuant to Ark. Code Ann. § 19-10-221. The Commission notes that this statute does not authorize the Commission to dismiss any pending claims that Claimant may have filed before the date of this Order.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair

DATE: November 8, 2023

**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

Joshua Stockton ADC# [REDACTED]

CLAIMANT

V.

Claim no. 240163, 240164, 240211, 240233, 240234

Arkansas Department of Corrections 240266, 240285, 240378

Division of Corrections

Respondent  
Arkansas  
State Claims Commission

NOV 17 2023

## NOTICE OF APPEAL

RECEIVED

pursuant to Ark. Code ann. § 19-10-211 (supp. 1997), claimant Joshua —

Stockton Appeals to the General assembly For his appeal of this cited claim

against Defendants in their official capacities as STATE Employees.

The Arkansas state Claims Commission's denied all at one time, after claimant did

responses to Respondents motions for summary judgments and/or Motion for dismissals

of which claimant Responded to. The Claims Commission sent Correspondence's To claimant

That he had 15 days to respond to request a hearing After Notices were served

to Respondents Counsel, of which claimant did in Letter formats (incorporating

multiple claim numbers) in a response for claimant's wanting a trial. The

Claimant did Respond to Each Claim Notice and did put Attu: Mikea Tucker in

his requests for trial Responses, all sent in prior to the 15 day response period of expiration. Inside one or more of these claim numbers have the response letters in their Records. All someone has to do is look for them! perhaps The General assembly will do so in their investigation of appellate to their Authority

This appeal of claims nos. 240163, 240164, 240211, 240233, 240234, 240266, 240285 - and 240328 are disputed. As claimant met criteria 1) and 2) on Exhibit 1

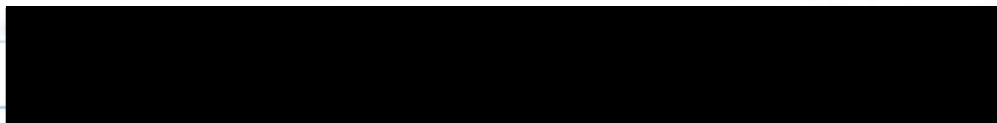
Claimant appeals to the General Assembly According to Ark. Code Ann. § 19-10-211 -

(2) (1).

under Oath sworn, and Respectfully Submitted -

 Atc 

Joshua Stockton



Dated 11-14-2023

Exhibit 1

## 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

September 6, 2023

Mr. Joshua Stockton (ADC [REDACTED])  
[REDACTED]

RE: *Joshua Stockton v. Arkansas Division of Correction*  
Claim No. 240164

Dear Mr. Stockton,

Please be advised that the Arkansas Division of Correction (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

**Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.**

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

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