

Please Read Instructions on Reverse Side of Yellow copy

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Arkansas
State Claims Commission
DEC 08 2014

Please print in ink or type
Arkansas
BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas
FEB 02 2015

Mr.
 Mrs.
 Ms.
 Miss

RECEIVED
RECEIVED
Frank Franklin #087441, Claimant

Do Not Write in These Spaces
Claim No. 15-0549-CC
Date Filed February 2, 2015
(Month) (Day) (Year)
Amount of Claim \$ 3,000.00
Fund DOC
Failure to follow proc.

State of Arkansas, Respondent
Department of Correction

COMPLAINT Mental anguish

Mr. Frank Franklin #087441 the above named Claimant, of P.O. Box 970 Marianna
(Name) (Street or R.F.D. & No.) (City)
Arkansas 72360 County of Lee represented by NIA
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)
of NIA (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: ARK. Dept. of Correction Amount sought: three thousand dollars

Month, day, year and place of incident or service: 4-9-14 East AR Regional max unit

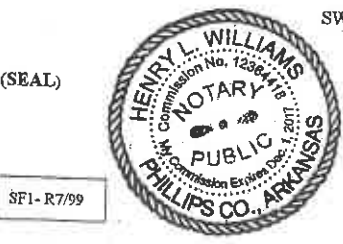
Explanation: I will show you were ADC Policy and Procedure were violated repeatedly and the Disciplinary Hearing officers Ms. Taneka L. Cady, Warden Danny Burch, Hearing Administrator Raymond Naylor, and Interim Director Larry Morris refuse to correct it. Their for causing me to do 30 days Positive Isolation on a Major Disciplinary has totally and mental Anguish so that why I'm seeking a relief. The amount of three thousand dollar ADC Policy say AD-13-10 say he force a Major Disciplinary is approve. For Disciplinary court it suppose to be sign and dated by the Building major or Field major please see Exhibit A and you will see on 5-6-14 it was sign by P.S.D. Jack, Lete Lynette their not a person by that name is P.S.D. or employed at this unit period. Please see Disciplinary Hearing action sheet and also AD-13-10 ADC Policy and Procedure were it say Disciplinary Hearing officers must sign and date the sheets you can clearly see Ms. T. Cady Disciplinary Hearing officers didn't do it. Please see Exhibit C, D, E, were I repeated ask for help but didn't get it, also Fund B, Mr. Hodges Policy and Procedure are made to be follow and you can clearly see it wasn't when it came to me, I have showed a release please reverse this and expense me.

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? 5-8-14, 5-12-14; to whom? Ms. T. Cady, Mr. Danny Burch, Mr. Raymond Naylor, Mr. Larry Morris; and that the following action was taken thereon: All individuals refuse to reverse the decision of the Disciplinary Hearing officers and the hearing officers didn't dismiss it. and that \$ 0 dollars was paid thereon: (2) Has any third person or corporation an interest in this claim? No; if so, state name and address

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

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. Frank Franklin (Print Claimant/Representative Name) Mr. Frank Franklin (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Brickys AR (City) (State)
on this 23rd day of November 2014 (Date) (Month) (Year)
Henry B. Williams (Notary Public)
My Commission Expires: Dec of 2017 (Month) (Day) (Year)



SF1-R7/99

This is the Policy that was violated, see all circle

and underline policy that ^{was} violated.

will be documented in the electronic Offender Management Information System.

2. Expungements

Disciplinary reports which indicate a finding of guilt and which are reversed by the Wardens/Center Supervisors, Disciplinary Hearing Administrator or Director are to be expunged from the inmate's permanent file, but will remain a part of the offender's electronic record, and will be forwarded to the Assistant Warden/Center Supervisor for filing as a matter of record. Such reversals shall also restore good time or class status which may have been reduced by the Major Disciplinary Hearing Officer.

3. Suspended Sentence

Inmates who are found guilty of rule violations and assessed punishment may receive a suspended imposition of the sentence. In such cases, the disciplinary report will become a part of the inmate's permanent file. If the inmate is found guilty of another rule violation during the period of a previously imposed suspended sentence, the suspended punishment must be revoked and imposed and additional punishment pursuant to the subsequent disciplinary episode may also be imposed. The punishment may be made consecutive.

4. Guilty Verdicts

All disciplinary hearing report forms which render a verdict of guilty shall be transmitted by the Hearing Officer to the Supervisor of Records who will promptly note the action taken against each inmate. The Supervisor of Records shall make whatever changes are required regarding statutory good time, meritorious good time, parole interview date and institutional status and cause them to be made a part of the inmate's permanent file.

M.

Major Disciplinary Forms

The major disciplinary forms consist of six separate forms. The Major Disciplinary Form (F-831-1), The Disciplinary Hearing Action Form (F-831-2), and The Disciplinary Hearing Action Form (F-831-3) must be completed entirely pursuant to every major disciplinary hearing, regardless of the verdict. Data related to each form should be entered and maintained electronically when available in the electronic Offender Management Information System. The ISSR 100 electronic printed form

shall contain all data found in F-831-1, F-831-2 and F-831-3 after data entry.

1. The Major Disciplinary Form (F-831-1)

- 6-copies
- a. The charging person is responsible for providing the Major Disciplinary Hearing Officer with accurate reports of rule violations. All information pertaining to the charge(s) must be detailed by the charging person. The charging person must sign an affirmation regarding the accuracy of the charges.
 - b. The notification officer must indicate his/her name and the time and date the inmate was notified of the impending major disciplinary action. The inmate may call witnesses at the time of notification by informing the notification officer of those individuals he/she wishes to call as witnesses. The notification officer should then list the witnesses called and instruct the inmate to sign the form under "Witness Statements." If the inmate refuses to sign, such refusal should be noted with the initials of the notifying officer.
 - c. The chief security officer (Building or Field Majors or their designees) must review each disciplinary report prior to a hearing for screening purposes. After indicating the appropriate decision, the chief security officer must initial and date the form under "C.S.O. Review."
 - d. There must be an indication of whether an extension was granted and, if so, whether the extension form was completed.
 - e. The hearing officer is reminded of the policy on counsel substitutes. When assigned, it should be so indicated and the name of the counsel substitute entered. When not assigned the appropriate space should be marked.
 - f. A copy of The Major Disciplinary Form (F-831-1) or ISSR 100 shall be forwarded to the inmate.

2. The Disciplinary Action Form (F-831-2)

- a. The Major Disciplinary Hearing Officer must ensure that all information at the top of The Disciplinary Action Form (F-831-2) is correct. Care should be taken to note the time when the hearing starts and stops. If the inmate refuses to

attend, there is a reminder that the waiver form must be completed. In all cases, the inmate's plea will be entered accurately.

6 - Copies

- b. Statements made by inmates in their defense or otherwise should be entered in as great detail as possible under "Inmate's Statement."
- c. Under "Questions," the hearing officer should indicate the general line of questioning pursued. The hearing officer should probe for any and all additional information which could aid in reaching a fair determination of fact.
- d. The hearing officer must indicate the verdict reached and the punishment assessed, and shall indicate the class that the inmate may be placed in.
- e. Under "Factual Basis for Decision," the hearing officer must give a short synopsis of the facts as the hearing officer perceives them after reviewing all of the evidence. This section should not be confused with "Evidence Relied Upon" or "Reasons for Punishment." This should include a summary of the reasons for finding the inmate guilty or not guilty. In fulfilling this function, it is not sufficient to adopt and copy the exact wording of the disciplinary report.
- f. The inmate must be provided a copy of this form.

3. The Disciplinary Acton Form (F-831-3)

- a. Under "Evidence Relied Upon," the hearing officer must include a list of the individual pieces of evidence that were relied upon in reaching a disposition. Shorthand phrases such as "Officer's Statement" will not be sufficient to perform this function. The evidence must not only be described, but must be explained. The content of any evidence relied upon should be given. Thus, if a charging person's report is to be relied upon, the hearing officer should so state and then proceed to explain exactly what it was in the person's report that the hearing officer relied upon. In cases where weapons or contraband are involved, a notation should be made in the proper slot indicating the form in which it was observed and further describing the item with particularity.

with a particular disciplinary episode. The hearing officer must initial the "Reason for Punishment" in the appropriate space.

- 6-copies
- d. A reminder is included regarding the proper procedures for informants and alleged malingers.
 - e. The inmate, having been informed of the right to appeal, is instructed to sign the form indicating that he/she understands the right to appeal. If a counsel substitute has been assigned, he/she should also sign. If an inmate refuses to sign, the hearing officer should so indicate by initialing the slot reserved for the inmate's signature.
 - f. The hearing officer must sign and date the disciplinary form.
 - g. The inmate must be provided a copy of The Disciplinary Action Form (F-831-3).

4. The Major Disciplinary Appeal Form (F-831-4)

- a. The Major Disciplinary Appeal Form is self-explanatory. It should be available in the disciplinary hearing room and at the hall desk. Inmates who are required to serve punitive time may expedite the appeal process. The inmate is to mark the box in the upper right-hand corner with an (X) if the appeal is in reference to a finding of guilty on a particular disciplinary episode which resulted in the imposition of punitive isolation as a disciplinary measure. This is designed to aid the inmate who has been sentenced to a relatively lengthy isolation period and who may have a valid appeal pertaining to guilt and/or punishment. The Warden/Center Supervisor should prioritize these appeals.
- b. Inmates serving short periods of punitive time should not be discouraged from utilizing the procedure, as their appeals will be expedited by the procedure. Inmates not serving punitive time are not permitted to mark in the "Punitive Appeal" box.

5. The Disciplinary Extension Form (F-831-5)

The Disciplinary Extension Form enumerates six legitimate reasons for the granting of an extension. If the hearing officer or

(COPY)

Please see (Exhibit (A))

ISSR100

~~6 copies~~

6 copies

Arkansas Department of Corrections
East AR Regional Max Unit Unit
MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Franklin, Frank

ADC#: 087441B

Assignment: AM:Admin Segregation
PM:Punitive

Class: IV is being charged by Davis, Ena F
with code violation(s):

Title:

- 12-1 Failure to obey verbal and/OR written orders of staff
- 11-3 Making profane/obscene gestures to A staff member
- 10-3 Indecent Exposure
- 17-1 Any act OR acts defined as felonies OR misdemeanor by the state of Arkansas; may result in teh loss of all good time.

Date & Time: 04/29/2014 7:30 AM

Notice of Charges:

On April 29, 2014 at approx. 7:30 am I, Ofc. E. Davis, who is assigned to Max A-Shift, was assigned to Isolation I control booth located in zone I. While I conducted a visual security check, I observed Inmate Franklin, F. ADC#087441 standing at the isolation shower cell door stroking his exposed penis in a back and forth motion while staring directly at me. I immediately gave Inmate Franklin a direct order to stop but to no avail. Inmate Franklin knows this against ADC policy, so therefore I am charging Inmate Franklin ADC#087441 with the following rule violations, 10-3, 11-3, 12-1, 17-1. Since the May 2007 law was enacted, Inmate Franklin has had a total of 13 previous indecent exposure charges since he had been with the ADC.

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION:

Officer

Date & Time Notified

Witness Statements:

No

If yes, list:

Inmate's Signature

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.

By: Jack, Leta Lynnette

Date 05/06/2014

Extension:

No

Yes

Has extension form been completed?

Presentation by Counsel - Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

Counsel-Substitute: Assigned (Name)

Not Assigned

(1/2 copy) 6 copies

Exhibit B Part 1

ISSR101

ISO 22

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Franklin, Frank

ADC#: 087441B

Unit: East AR Region. Unit

Code Violation(s):

- 12-1 Failure to obey verbal and/OR written orders of staff
- 11-3 Making profane/obscene gestures to A staff member
- 10-3 Indecent Exposure
- 17-1 Any act OR acts defined as felonies OR misdemeanor by the state of Arkansas; may result in teh loss of all good time.

Date/Time of Alleged Offense(s): 04/29/2014 7:30 AM

Hearing Date: 05/08/2014

Time: Start 10:13 AM

End 10:21 AM

Recorder: Cody, Tameka L

Tape#: 003

Side: A

Meter: From

002

To 094

Plea: Not Guilty, Not Guilty, Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed?

Inmate's Statement:

1. When I first got the disciplinary I told them that the chief of security has to sign off on the disciplinary my copy has someone on it I don't even know. They saying it a typographical error that ain't no typographical error that whole name is differnt.
2. yes maam I was in the shower so I have to be exposed to wash up. Why was she looking at me washing up in the shower? I been doing good.

Signature of Inmate

Court Questions:

1. Do you have a statement?
2. I read from the original and they original has the cso as Major Phillip Glover, Do you have anything to say about the incident?

Sentencing Conditions:

Verdict: Guilty, Guilty, Guilty, Guilty

Punitive Isolation Days to Serve: 30

30

Days Suspended: 0

0

GT Class Reduced to: IV

IV

Class Suspended:

8:23A

fb 5/9/14

(copy)
6-copies

Exhibit 'B' Part 2

Disciplinary Hearing Action
05/08/2014 2:05 PM
Page 2

Inmate: Franklin, Frank

ADC#: 087441B

Unit: East AR Region. Unit

Additional Sanctions/General Comments:

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):
Inmate was observed by staff exposed and masturbating.

Evidence Relied Upon:
F-1 statement from charging officer states Inmate was observed by staff exposed and masturbating. 005 from staff supporting F-1 report.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:
Staff report is accepted.

Reasons for Assessment of Punishment:
Inmate is a class IV inmate who must learn that being exposed and masturbating will not be tolerated.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____ Counsel-Substitute _____
I affirm that the information is true to the best of my knowledge.

Hearing Officer X Date X

15035

b-copies

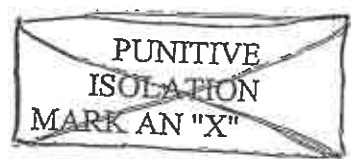
Exhibit (C)

F-831-4

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

E.A.R. max. sec. Unit
MAJOR DISCIPLINARY APPEAL FORM



Inmate Frank Franklin ADC # D87441 Date 5-12-14
Concerning Disciplinary Given on (date) 4-29-14 by (officer) Davis, E.A. F

APPEAL TO WARDEN: (to be completed by inmate)

State reasons why conviction or punishment should be reversed or modified: Mr. Burl I'm going to show you how Policy AD 13-10 Inmate Disciplinary manual was not followed in this particular disciplinary and it was only due to clerical error. I hope you will go by Policy and reverse this decision. I have attached a major Disciplinary Form (F-831-1) and the Disciplinary Hearing Action sheet (F-831-3) for my proof to support my major Disciplinary appeal.

Inmate's Signature: Frank Franklin

continue on next page

RESPONSE FROM WARDEN: (due within ten (10) calendar days of receipt of appeal if punitive)

Affirm: Reverse: Modify:
Reasons Action Taken: _____

After thoroughly reviewing your Disciplinary Appeal and the Major Disciplinary you received on 04/29/14 at 7:30am. Staff observed you exposed and masturbating, which violates policy. This type of behavior will not be tolerated. There was no procedural error found to alter the punishment rendered. Therefore I am affirming the decision of the hearing officer. If you disagree with my decision you may appeal to the Disciplinary Hearing Administrator Mr. Raymond Naylor.

Signature: [Signature] Date 5/20/14

NOTICE TO INMATE: If you do not agree with the warden's response, you may appeal it to the Hearing Officer Administrator. If you do not agree with the Hearing Officer Administrator's response, then you may appeal it to the Director. If you decide to appeal, then write a letter repeating your reasons why your conviction or punishment should be reversed or modified.

6 Copy

Exhibit 'D'



Arkansas Department of Correction

Internal Affairs Division
P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6218
Fax: (870) 267-6226

MEMORANDUM

TO: Inmate Frank Franklin ADC# 087441
East Arkansas Regional Max Unit
FROM: Raymond Naylor, Disciplinary Hearing Administrator
RE: Major Disciplinary Appeal
DATE: September 30, 2014

Please be advised I am in receipt of your disciplinary appeal regarding the major disciplinary you received on April 29, 2014, 7:30am, Officer Ena Davis.
After a thorough review of all the documents pertaining to this matter, I find that I must affirm the decision of the major disciplinary hearing officer.
If you so desire, you may appeal further to the Director of the Department of Correction.

RN1

Cc: Warden Burl / Inmate File
File

(B - Copy)

Exhibit E



Arkansas Department of Correction

Director's Office
P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6200
Fax: (870) 267-6244
www.arkansas.gov/doc

MEMORANDUM

TO: Inmate F. Franklin, ADC #087441
East Arkansas Regional Maximum Unit

From: Larry Norris, *M*
Interim Director

Date: November 5, 2014

RE: Disciplinary Appeal

I am in receipt of your disciplinary appeal regarding a major disciplinary you received on 04/29/2014, at 7:30 a.m., by CO I E. Davis.

After reviewing your appeal, I find no due process violations that would warrant modification or reversal of the disciplinary hearing officer's decision. Therefore, I find no evidence to support modification or reversal of this disciplinary.

Your appeal is denied.

RH/cv

cc: Warden/Inmate File
Hearing Officer Administrator
File

FEB 11 2015

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

FRANK FRANKLIN (ADC 087441)

CLAIMANT

V.

NO. 15-0549-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: 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,
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 9 day of February 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Frank Franklin (ADC 087441)
East Arkansas Max Unit
PO Box 970
Marianna, AR 72360-0970

Lisa Mills Wilkins
 LISA MILLS WILKINS Ark. Bar #87190

Arkansas Claims Commission

MAR 25 2015

CLAIMANT RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

FRANK FRANKLIN (ADC #087441)

V.

NO. 15-0549-CC

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 alleges that in April 9, 2014, he received a disciplinary which violated AD 13-10 and seeks \$3,000.00 in damages. Claimant has failed to state a cause of action and the claim should be dismissed under ARCP 12(b)(6).
2. Claimant alleges that the disciplinary was not signed by the Building Major or Field Major as required by AD 13-10(1)(c). Claimant is perpetrating a fraud upon this tribunal. The remainder of that provision states "or their designees." Claimant was clearly aware of this and the C.S.O Jack is authorized to sign.
3. Claimant has failed to show that the hearing officer did not sign the ISSR 100 form. He has merely pointed out the one in his possession is not signed. Likewise, he has failed to show how the unsigned copy would have any effect on his finding of a guilt for indecent exposure. It is in excess of his 35th offense.
4. Respondent prays that the claim be dismissed.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claims filed must be dismissed.

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 the above MOTION TO DISMISS has been served this 23 day of March, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

FRANK FRANKLIN (ADC #087441)
EAMU
P. O. Box 970
Marianna, AR 72360-0970

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

Before the Arkansas State Claims Commission
Frank Franklin (ADC #087441) Claimant

ND. 15-0549-CC

Arkansas Department of Correction Respondent

Claimant motion to Object

Comes now the Claimant, Frank Lee Franklin #087441, and for its motion to object, states and responds as follow:

1. Ms. Wade please see the Fact, this is no longer an allegation because on April 9 2014 I did receive a disciplinary in violation of AD 13-1 policy and procedure and I was damage because of it. And I have stated a cause of Action under ARCP 12 (b)(6) and the Arkansas state claims do handle the violation of Policy and Procedure of the Arkansas Department of Correction
2. Ms. Wade all you got to do is call E.A.R.U. and they will tell you their no designess name C.S.O, Jack, Zeta Lynnette at East Arkansas Regional Unit or employed at this unit, so how a Respondent say claimant is perpetrating a Fraud upon this tribunal when it is actual Respondent that perpetrating a Fraud upon this tribunal.
3. Ms. Wade that the whole reason for my claim because the Respondent is violating AD 13-10 policy and Procedure because the copy I receive suppose to be duplicate of the original ISSR 100 Form how else am I suppose to know. Ms Wade AD 13-10 Policy and Procedure was written so the claimant could have a Fair trial and if Respondent would of honor and respect AD 13-10 the claimant would not being found guilty and suffer punishment
4. Claimant prays that his claim don't be dismissed because Respondent have stated in her motion to Dismiss statement that is not true and admit that Respondent did violate ADC Policy and Procedure AD 13-10. So Ms. Wade how can you Grant Respondent motion to Dismiss when it base on Fraud.

Arkansas Claims Commission

MAR 30 2015

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Wherefore, For the reason stated above and the evidence submitted, the claim Filed must not be dismissed

Respectfully submitted

Mr. Frank Franklin #087441

Certificate of Service

I certify that a copy of the above motion to object has been served this 27th day of March, 2015 on the below Respondent by placing a copy of the same in the U-S mail, regular postage to.

Lisa Mills Wilkins ARK Bar #87190

Attorney Supervisor's

P.O. Box 8707

Pine Bluff, ARK. 71611

STATE CLAIMS COMMISSION CHECKET
OPINION

Amount of Claim \$ 3,000.00

Claim No. 15-0549-CC

<u>Frank Franklin, #087441</u> Claimant	Attorneys	<u>Pro se</u> Claimant
vs.		
<u>AR Dept. of Correction</u> Respondent		<u>Lisa Wilkins, Attorney</u> Respondent
State of Arkansas		
Date Filed <u>February 2, 2015</u>	Type of Claim	<u>Failure to Follow Procedure, Mental Anguish</u>

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-4 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-4 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing April 9, 2015

Date of Disposition April 9, 2015

[Signature] Chairman
[Signature] Commissioner
[Signature] 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.

APR 30 2015

RECEIVED

Claimant

Respondent

Before The Arkansas State Claims Commission

Frank Franklin (ADC # 087441)

NO: 15-0549-CC

V.

Arkansas Department of Correction

"Motion For Reconsideration"

Comes Now the Claimant, Frank Franklin #087441, and for its Motion For Reconsideration, states and responds as follows:

1. Claimant allegation is no longer allege it is a Fact that on 4-9-14 I received a disciplinary that was in violation of AD ¹³⁻¹⁰ Inmate Disciplinary. And small claim do handle violation of ADC Policy and Procedure and I did state a cause of action under ARCP 12 (b)(6) and I should receive \$3,000.00 dollar and damages or what ever the Commission consider is just.
2. Ms. Wade please be Fair all you got to do is call East Arkansas max unit or Regional unit and you will see their no Field major, or Building major or their designess ~~name~~ name Jack, Leta Lynette. So I'm not ^{the} one perpetrating a Fraud upon this tribunal it is the Respondent.
3. Ms. Wade this ^{is} not Fair Respondent clearly stated I pointed out to the one in my possession but Respondent know the only way I can have one in my possession is if the Respondent give it to ~~me~~ ^{me}, so I proved it was not sign or dated. Ms. Wade that the whole reason of For my claim if Respondent would of honor and Respect ADC Policy and Procedure AD 13-10 then I would of being Found not guilty or got the Disciplinary reverse on a Appeal but Respondent didn't do it that why I File the claim hoping you Ms. Wade will give me Justice.
4. Claimant prays his motion be granted and you Ms. Wade please look at the Facts of my claim and make a order that you deem is Fair and Right.

Respectfully submitted

~~Franklin~~ of ~~Franklin~~

~~Franklin~~ Claimant

Frank Franklin #087441

Claimant

E.A. max unit

P.O. Box 970

mariana, ARK. 72360

Certificate of Service

I certify that a copy of the above MOTION FOR RECONSIDERATION has been served this ²⁴~~10~~th day of April, ~~2015~~ 2015, on the below Respondent by placing a copy of the same in the U.S. mail, regular postage to:

Lisa Mills Wilkins ARK. Bar # 87190

Attorney Supervisor's

Post Office Box 8707

Pine Bluff, AR. 71611.

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 3,000.00

Claim No. 15-0549-CC

<u>Frank Franklin, #087441</u>	Claimant	<u>Pro se</u>	Claimant
vs.			
<u>AR Dept. of Correction</u>	Respondent	<u>Lisa Wilkins, Attorney</u>	Respondent
<u>State of Arkansas</u>			
<u>Date Filed February 2, 2015</u>		<u>Type of Claim Failure to Follow Procedure,</u>	
		<u>Mental Anguish</u>	

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's April 9, 2015, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's April 9, 2015, order remains in effect.

Date of Hearing May 14, 2015

Date of Disposition May 14, 2015

[Signature] Chairman
[Signature] Commissioner
[Signature] 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 Commission a Notice of Appeal of the decision to the General Assembly.

Arkansas Claims Commission
JUN 02 2015

RECEIVED

Frank Franklin (ADC# 087441)

Claimant

V.

ND. 15-0549-CC

Arkansas Department of Correction

Respondent

“ Notice of Appeal to the General Assembly ”

1. Mr. General Assembly, Ms. Brenda Wade Claims Commission is not been Fair and she not abiding to the Policy of the Claims Commission because the Claim Commission do handle claim when the Arkansas Department of correction violate those Policy.
2. So please hear these Facts and not allegation and please review the evidenti I submitted and you will see that the Arkansas Department of Correction did violate AD 13-10 Inmate Disciplinary manual Policy and Procedure and by doing so they cause me to do 30 days punitive and Isolation.
3. And I did state a cause of action under ARCP 12(b)(6) and I showed recieve 3,000.00 dollar or what ever the General Assembly deem is Fair because I only want Justice and Justice delayed is Justice denied.
4. Will you please be Fair and notify the ARK. Dept. of correction and you will see their isn't a employee at East Arkansas Regional Unit name Jack, Letta Lynette nor a Chief of Security or Field 20

major or their assigness,

5. And Mr. General Assembly the only Defense the Respondent said is I pointed to the one in my possession but the only way I can have one in my possession is if the Respondent give me one and AD 13-10 Inmate ~~Dispe~~ Disciplinary manual Policy and Procedure clearly state, that the Inmate are to receive and exact duplicate of the ~~original~~ original, Disciplinary.

6. Mr. General Assembly please look at claimant motion for reconsideration the Commission denied my motion for reconsideration because she said, I fail to state new evidence but their no needs to submit new evidence when the present evidence are being disregarded so will you please do the right thing and look at the evidence and compare it to the Policy and Procedure of AD 13-10 Inmate Disciplinary manual and you will see in this incident mines was totally violated.

7. Claimant prays his Notice of Appeal be granted and the General Assembly please look at the Facts of his claim and the Assembly make a order it deem is Fair and Justice

Respectfully submitted

Claimant

Frank Franklin #087441

Claimant

E.A. max unit

P.O. Box 970

Marionna, AR. 72360

I certify that a copy of the Above Notice of Appeal has been served this 26th day of May, 2015 to the Commission by placing a copy of the same in the U.S. mail, Regular postage to; 21

Claims Commission
Attn: Brenda Wade
101 East Capitol Avenue suite 410