

REPORT OF AGENCY LIABILITY

Steven Blodgett v. Arkansas State Highway and Transportation Department  
Claims Commission No. 11-0623-CC

Amount of Claims Commission Award:     \$32,000

Claims Commission Docket Opinions, dated April 7, 2011 and Dec. 15, 2011

Facts:

Claimant filed his claim on April 4, 2011, after being injured in a two-vehicle accident on January 25, 2011. On that date, the Claimant was driving northbound on Highway 7 in Garland County, when a southbound employee of the Arkansas State Highway and Transportation Department (Department) veered into the northbound lane and colliding with Claimant's vehicle head-on. Claimant received injuries to his shoulders and back.

Basis for Liability:

Claimant had the superior right of way and there was no evidence that Claimant was operating his vehicle in an unsafe manner. The Department employee improperly crossed the center line.

Damages:

Claimant's most serious physical injury was a fractured vertebra in his lower back. Claimant received medical treatment from the date of the accident, through June and was unable to work as a homebuilder for three months. Claimant's truck was totaled. The vehicle was only insured for liability coverage and had a blue book value of \$11,500. Claimant's unpaid medical


expenses totaled \$3,043.87 and his lost wages totaled \$13,500, which adds up to \$28,043.87, before considering pain and suffering.

Recommended Settlement:

After negotiation, the Department presented a recommended settlement amount to the Claims Commission of \$32,000. Claimant provided a signed settlement and release form agreeing to accept that amount. Claimant was originally paid \$10,000, by order of the Claims Commission on April 7, 2011, so that he could replace his vehicle without incurring a significantly large rental expense. The remaining \$22,000 settlement was agreed to and awarded by the Claims Commission order, dated December 15, 2011.

Respectfully submitted,

**ARKANSAS STATE HIGHWAY AND  
TRANSPORTATION DEPARTMENT**

By:   
David Dawson - Staff Attorney  
AHTD, Legal Division  
Arkansas Bar No. 93087  
P. O. Box 2261  
Little Rock, AR 72203-2261  
(501) 569-2277

## REPORT OF AGENCY LIABILITY

Entergy v. Arkansas State Highway and Transportation Department  
Claims Commission No. 12-0264-CC

Amount of Claims Commission Award:     \$18,237.68

Claims Commission Docket Opinions, dated February 9, 2012

### Facts:

Claimant filed its claim on September 27, 2011, seeking reimbursement for costs incurred for repair of damages caused by the operation of an Arkansas State Highway and Transportation Department (AHTD) dump truck. On August 22, 2011, an AHTD employee dumped a load of material near the intersection of highways 167 and 5 in Cabot. The employee improperly drove away from the construction site with the truck bed in the upraised position. After entering the interstate, the top of the truck bed snagged an overhead utility line carrying the electrical service from Entergy and the fiber optic cable service from Sudden Link. The power poles on both sides of the interstate and the section of electrical and cable lines were destroyed.

### Basis for Liability:

The truck bed should have been lowered prior to leaving the construction site.

### Damages:

Claimant submitted a claim for costs of repair, including labor, material, equipment, and transportation. After review, it was determined that Claimant's costs were not unreasonable, were in-fact incurred, and were in line with similar expenses standard in the industry.

Recommended Settlement:

The Department presented a recommended settlement amount to the Claims Commission of \$18,237.68. This amount was awarded by the Claims Commission order, dated February 9, 2012.

Respectfully submitted,

**ARKANSAS STATE HIGHWAY AND  
TRANSPORTATION DEPARTMENT**

By: David Dawson  
David Dawson - Staff Attorney  
AHTD, Legal Division  
Arkansas Bar No. 93087  
P. O. Box 2261  
Little Rock, AR 72203-2261  
(501) 569-2277

## REPORT OF AGENCY LIABILITY

Debra Snell v. Arkansas State Highway and Transportation Department  
Claims Commission No. 12-0517-CC

Amount of Claims Commission Award:     \$47,500  
Claims Commission Docket Opinion, dated July 13, 2012

### Facts:

Claimant filed her claim on January 10, 2012, after being injured in a two-vehicle accident on February 9, 2011. On that date, the Claimant was a passenger in a small pickup being driven by Mr. Augustas Duckett. Mr. Duckett was taking Claimant home and had slowed to turn right into a driveway. An employee with the Arkansas State Highway and Transportation Department (Department) was driving a dump truck behind Mr. Duckett. There was snow on the highway. That Department driver failed to yield and struck the pickup truck on the rear, driver's side corner. The pickup was knocked around facing the other direction, and came to rest in the drainage ditch.

### Basis for Liability:

Claimant's driver had the superior right of way and there was no evidence that Mr. Duckett had applied his brakes suddenly or without warning, before slowing to turn into the driveway. The Department employee was cited by the investigating officer for driving too fast for conditions.

### Damages:

Claimant received injuries to the entire left side of her body which required approximately 4 months of chiropractic treatment. Claimant's most serious injury was a torn

ACL Ligament to her left knee when it became wedged between her seat and the pickup's console during the collision. Claimant had surgery to repair the knee during the course of her chiropractic treatment for the other injuries. Claimant's medical bills totaled \$18,448.25.

Claimant was unable to return to her job with the Mineral Springs School District and has not worked since the accident. She is unable to work any job that requires long periods of standing. Claimant's lost wages for the remaining 2011 school year totaled \$1,705.86. Claimant also incurred various additional expenses, such as mileage for travel for medical treatment in the amount of \$657.14.

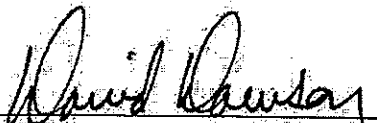
Recommended Settlement:

Claimant's attorney initially demanded \$100,000 to settle the matter. After negotiation, the Department presented a recommended settlement amount to the Claims Commission of \$47,500. Claimant provided a signed settlement and release form agreeing to accept that amount.

Respectfully submitted,

**ARKANSAS STATE HIGHWAY AND  
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By:

  
David Dawson - Staff Attorney  
AHTD, Legal Division  
Arkansas Bar No. 93087  
P. O. Box 2261  
Little Rock, AR 72203-2261  
(501) 569-2277

## REPORT OF AGENCY LIABILITY

Sudden Link v. Arkansas State Highway and Transportation Department  
Claims Commission No. 12-0471-CC

Amount of Claims Commission Award:     \$23,100

Claims Commission Docket Opinions, dated February 9, 2012

### Facts:

Claimant filed its claim on December 13, 2011, seeking reimbursement for costs incurred for repair of damages caused by the operation of an Arkansas State Highway and Transportation Department (AHTD) dump truck. On August 22, 2011, an AHTD employee dumped a load of material near the intersection of highways 167 and 5 in Cabot. The employee improperly drove away from the construction site with the truck bed in the upraised position. After entering the interstate, the top of the truck bed snagged an overhead utility line carrying the electrical service from Entergy and the fiber optic cable service from Sudden Link. The power poles on both sides of the interstate and the section of electrical and cable lines were destroyed.

### Basis for Liability:

The truck bed should have been lowered prior to leaving the construction site.

### Damages:


Claimant submitted a claim for costs of repair, including labor, material, equipment, and transportation, in the amount of \$29,792.22. After review, Respondent believed that certain charges were excessive, regarding equipment costs, administrative fees, and loss of use. After negotiation, the Claimant agreed to accept \$23,100 to settle this matter.

Recommended Settlement:

The Department presented a recommended settlement amount to the Claims Commission of \$23,100. The Claimant provided a signed Settlement and Release to the Commission. The amount of \$23,100 was awarded by Claims Commission order, dated February 9, 2012.

Respectfully submitted,

**ARKANSAS STATE HIGHWAY AND  
TRANSPORTATION DEPARTMENT**

By: 

David Dawson - Staff Attorney  
AHTD, Legal Division  
Arkansas Bar No. 93087  
P. O. Box 2261  
Little Rock, AR 72203-2261  
(501) 569-2277