

ARKANSAS CLAIMS COMMISSION

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



Questions? Send an email to
ascc.new.claims@arkansas.gov

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

CLAIM FORM

- 1. Claimant.** If a claim involves more than one claimant, additional pages may be attached with the other claimant name(s) and contact information.

Ms. West Aleatrice [REDACTED]

(title)	last name/compan	first name	(email)
[REDACTED]			

(address)

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

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

- 2. Claimant's Legal Counsel.** An individual claimant may act as his or her own attorney (which is known as proceeding pro se). Please review Ark. Code Ann. § 19-10-222 for information about when a business entity may file a pro se claim. If a claimant is proceeding pro se, this section may be left blank.

(title)	(last name)	(first name)	(email)

(address) AR bar number

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

- 3. State Agency Involved.** The Commission can only receive claims against agencies of the State of Arkansas. Please review the Commission's jurisdictional statutes, including Ark. Code Ann. § 19-10-204 and Ark. Code Ann. § 21-5-701, for more information. This information is required for any claim filed at the Commission.

Arkansas Department of Transportation

- 4. Incident Date** 3/17/2023

- 5. Location of Incident** _____

- 6. CHECK HERE if this claim involves damage to a motor vehicle.** ☒
- 7. CHECK HERE if this claim involves damage to property other than a motor vehicle.** ☐

- 8. Explanation of Incident** Please provide an explanation of your claim, including why you believe the above-listed state agency is liable for your damages under Arkansas law. You may attach additional pages to this form.

Incident took place in North Little Rock Ar. on Allen St. I was on my way home from work and driving my personal vehicle (black Jeep sport wrangler) at approx. 1am when i ran over a uncovered sewer/man hole and it busted my tire, since I was just down the street from my home, I got home and called a tow truck to tow my jeep to a tire shop. I took pictures from start to finish: of the uncovered man/hole which on further inspection the rim edge of the hole was broken off due to obvious lack of maintenance, the towing of my vehicle, the brand new tire that was needed and after spending the rest of my morning at the tire shop, i pass that same man hole, now covered due to my many phone calls and e-mails the problem was taking care of, but it was too late the damage was done, due to negligence on the part of this agency I was out of \$368.00. The man hole should have been secured with a cover and/or some warning signs or cones should've been in place to warn traffic and pedestrians. I am seeking reimbursement for damages.

- 9. Insurance Coverage.** For a claim involving damage to a vehicle or other property, you must submit a copy of your insurance declarations in effect at the time of the incident. This is not the same as an insurance card. You can obtain a copy of your insurance declarations from your insurer or insurance agent. Please review Ark. Code Ann. § 19-10-302 for more information.

****If you did NOT have insurance covering the damaged property or motor vehicle at the time of incident, CHECK HERE** ☐

10. Additional Required Documents for Property Damage Claim

You must submit (1) invoice(s) documenting the repair costs, (2) three estimates for repair, OR (3) an explanation why this documentation cannot be provided.

11. If a state vehicle was involved, please provide the following information

(type of state vehicle involved)

(license number)

(driver)

- 12. If your claim involves personal injuries, please CHECK HERE** ☐

- 13. Health insurance coverage.** All personal injury claims require a copy of your health insurance information in place at the time of the incident. Please review Ark. Code Ann. § 19-10-302 for more information.

****If you did NOT have health insurance on the date of the incident, CLICK HERE** ☐

- 14. Amount of Damages, if known:** \$368.00
-

IMPORTANT!

A claim filed at the Commission is a lawsuit against a state agency. The Commission is the courthouse for these lawsuits. Please note that Commission staff can answer general questions about the claim process but cannot give legal advice. The Commission rules and a non-exhaustive list of statutes that relate to the Commission can be found on the Commission website (arclaimscommission.arkansas.gov). The Arkansas Rules of Civil Procedure can be found online (arcourts.gov) under "Info Resources."

STOP!

This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

If you are an ARKANSAS-LICENSED ATTORNEY submitting a claim on behalf of your client, there is a different signature page that must be used. Please call (501)682-1619 and ask for an attorney signature page.

If a BUSINESS OR CORPORATE ENTITY is filing a claim without an attorney (and meets the requirements of Ark. Code Ann. § 19-10-222 for doing so), there is a different signature page that must be used. Please call (501)682-1619 and ask for a corporate signature page.

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Claimant Signature

ACKNOWLEDGEMENT

State of _____

County of _____

On this the __ day of _____, 20__, before me, the undersigned notary, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Signature of Notary Public

[seal of office]

My Commission Expires: _____

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

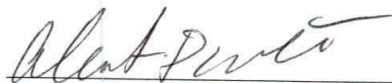
Arkansas
State Claims Commission

NOV 15 2023

CLAIM SUBMISSION SIGNATURE PAGE

RECEIVED

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.



Claimant

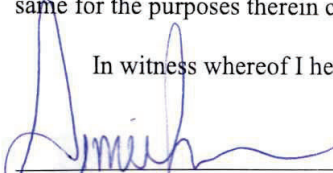
Acknowledgement

State of Arkansas

County of Pulaski

On this the 13th day of November, 2023, before me, the undersigned notary, personally appeared Alecia D. West known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



Signature of Notary Public

My Commission expires: 1-7-2032

[Seal of Office]

AIMEE JONES
NOTARY PUBLIC
PULASKI COUNTY, ARKANSAS
COMMISSION #12717230
COMMISSION EXPIRES JANUARY 07, 2032

From: [ASCC New Claims](#)
To: [REDACTED]
Bcc: [Kathryn Irby](#)
Subject: Aleatrice West, Claim No. 240631 - deficient
Date: Monday, November 27, 2023 2:01:00 PM
Attachments: [Aleatrice West Flct Form 240631.pdf](#)
[Aleatrice West Signature page 240631.pdf](#)

Dear Ms. West,

This office received claim documents relating to an incident that occurred on March 17, 2023. Your claim cannot be filed, however, because you did not include an invoice documenting repair costs OR copies of your three repair estimates OR an explanation of why the estimates cannot be obtained.

Additionally, you did not include a copy of the insurance declarations covering the damaged property or a statement that the vehicle was not covered by insurance at the time of the incident. You can obtain a copy of your insurance declarations, if you do not have them, from your insurer or insurance agent.

Please send this documentation to our office. Your other claim documents will be retained here to be filed upon receipt of the requested documentation.

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

From: [REDACTED]
To: [ASCC New Claims](#)
Subject: Re: Aleatrice West, Claim No. 240631 - deficient
Date: Monday, November 27, 2023 2:40:32 PM
Attachments: [image_67181313.JPG](#)
[image_6487327.JPG](#)

Good afternoon,

Yes, my vehicle was/is insured, my insurance covered the emergency tow the day of the incident, however I paid out of pocket for my new tire: my tire cost , plus labor was \$368.11 to be exact and my car insurance deductible is \$500.00, it would have cost me more money to go through my insurance for the incident. Attached is the invoice for my tire. Please do not hesitate to contact me if you have any questions or concerns.

Thanks,
Aleatrice West



On Mon, Nov 27, 2023 at 2:01 PM ASCC New Claims <ASCC.New.Claims@arkansas.gov> wrote:

Dear Ms. West,

This office received claim documents relating to an incident that occurred on March 17, 2023. Your claim cannot be filed, however, because you did not include an invoice documenting repair costs OR copies of your three repair estimates OR an explanation of why the estimates cannot be obtained.

Additionally, you did not include a copy of the insurance declarations covering the damaged property or a statement that the vehicle was not covered by insurance at the time of the incident. You can obtain a copy of your insurance declarations, if you do not have them, from your insurer or insurance agent.

Please send this documentation to our office. Your other claim documents will be retained here to be filed upon receipt of the requested documentation.

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

To: [REDACTED]
From: [REDACTED]
Subject: [REDACTED]
Date: [REDACTED]
Time: [REDACTED]

We have received your attached documents, review and have added your documents to your claim. However, your claim will remain in deficient status until we receive your Insurance Declaration. Please provide information about your coverage, limits and deductibles. This information is required pursuant to AGC Code 101.10.10.10. You can obtain this information if you do not have it. From your Insurance agent or Insurer.

Please send this documentation to our office. Your other claim documents will be retained here to be filed upon receipt of the requested documentation.

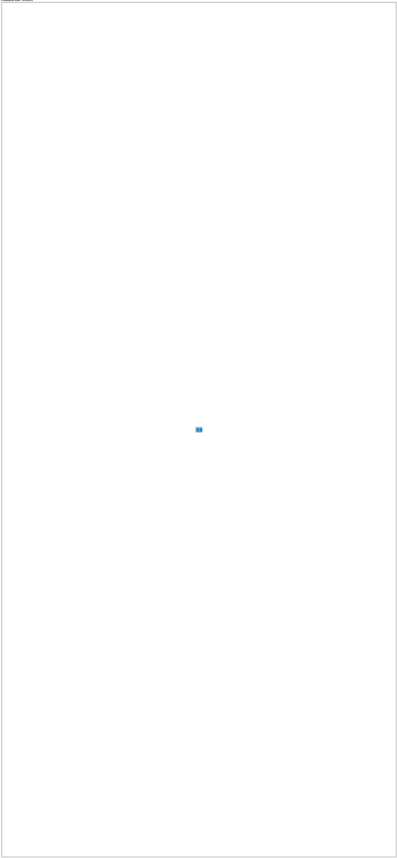
Thank you,
Cathy

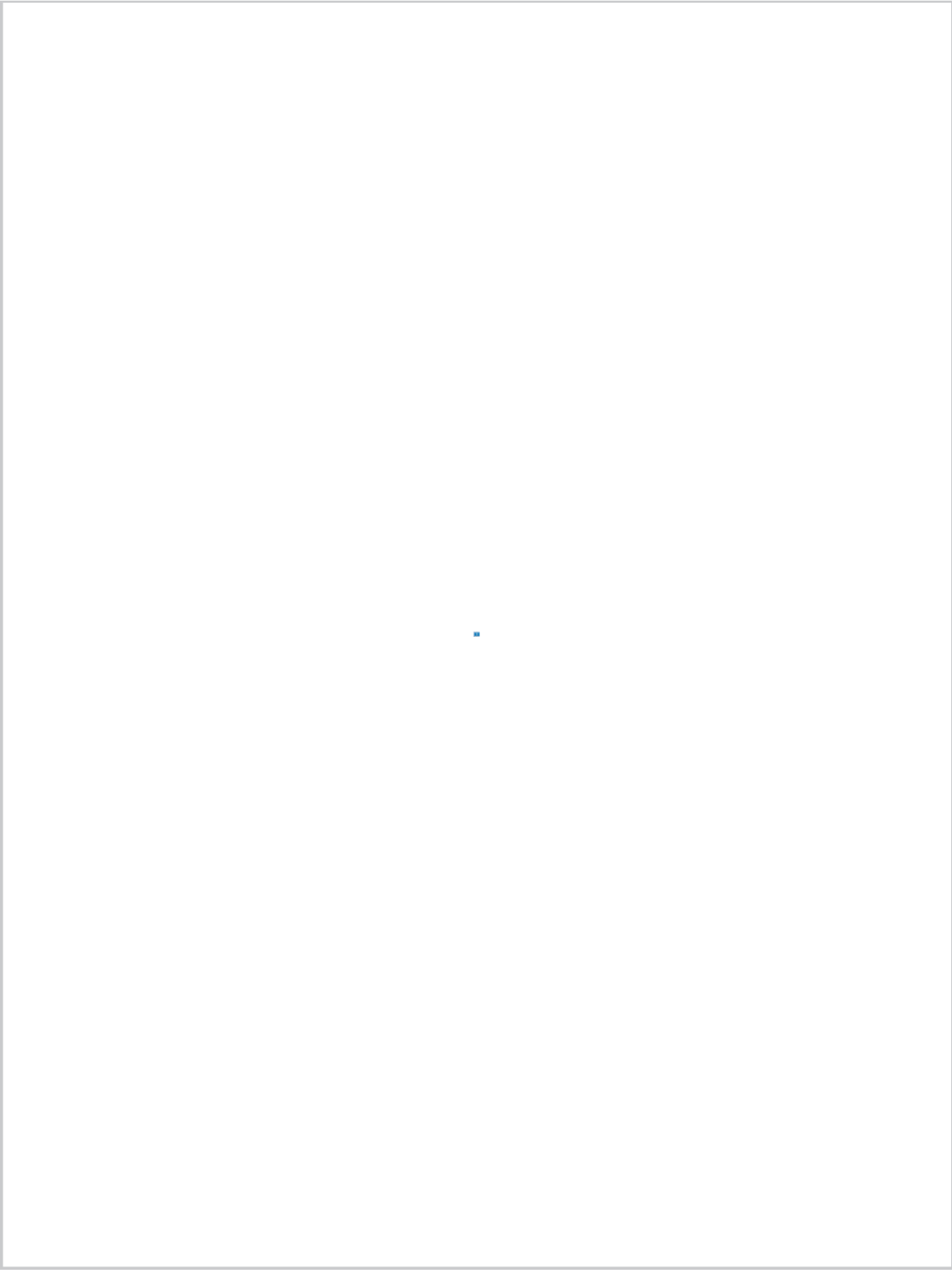
Cathy McQuinn
Advanced Claims Specialist
Advanced Claims Services Corporation
10110 North Central Expressway, Suite 100
Dallas, Texas 75243
(214) 340-1000

From: Cathy McQuinn
To: [REDACTED]
Subject: [REDACTED]

Thank you for your email. We have received your insurance coverage. The emergency line for the day of the incident is 1-800-368-7262. Please call me at 1-800-368-7262 to be added to my list of insurance deductibles. I would have used the money to go through my insurance for the incident. Attached is the invoice for my file. Please do not hesitate to contact me if you have any questions or concerns.

Thank you,
Cathy McQuinn





On Wed, Mar 17, 2021 at 2:15 PM AUCI News Office <AUCI.NewsOffice@alumni.gsu.edu> wrote:
Dear Mr. West,

This office received data documents relating to an incident that occurred on March 17, 2020. Your claim cannot be filed because you did not include an incident documenting report with OR copies of your three report estimates OR an explanation of why the estimates cannot be obtained.

Additionally, you did not include a copy of the two prior declarations covering the damaged property or a statement that the vehicle was not covered by insurance at the time of the incident. You can obtain a copy of your insurance declaration. If you do not have them from your insurer or insurance agent,

Please send the documentation to our office. Your other data documents will be retained here to be filed upon receipt of the requested documentation.

Thank you
Cathy

Cathy McQuinn
Insurance Claims Specialist II
Insurance Data Center Supervisor
AUCI, 200 Lombard Avenue, Suite 410
Atlanta, Georgia 30303
(404) 526-4000 ext. 4000
(404) 526-4000

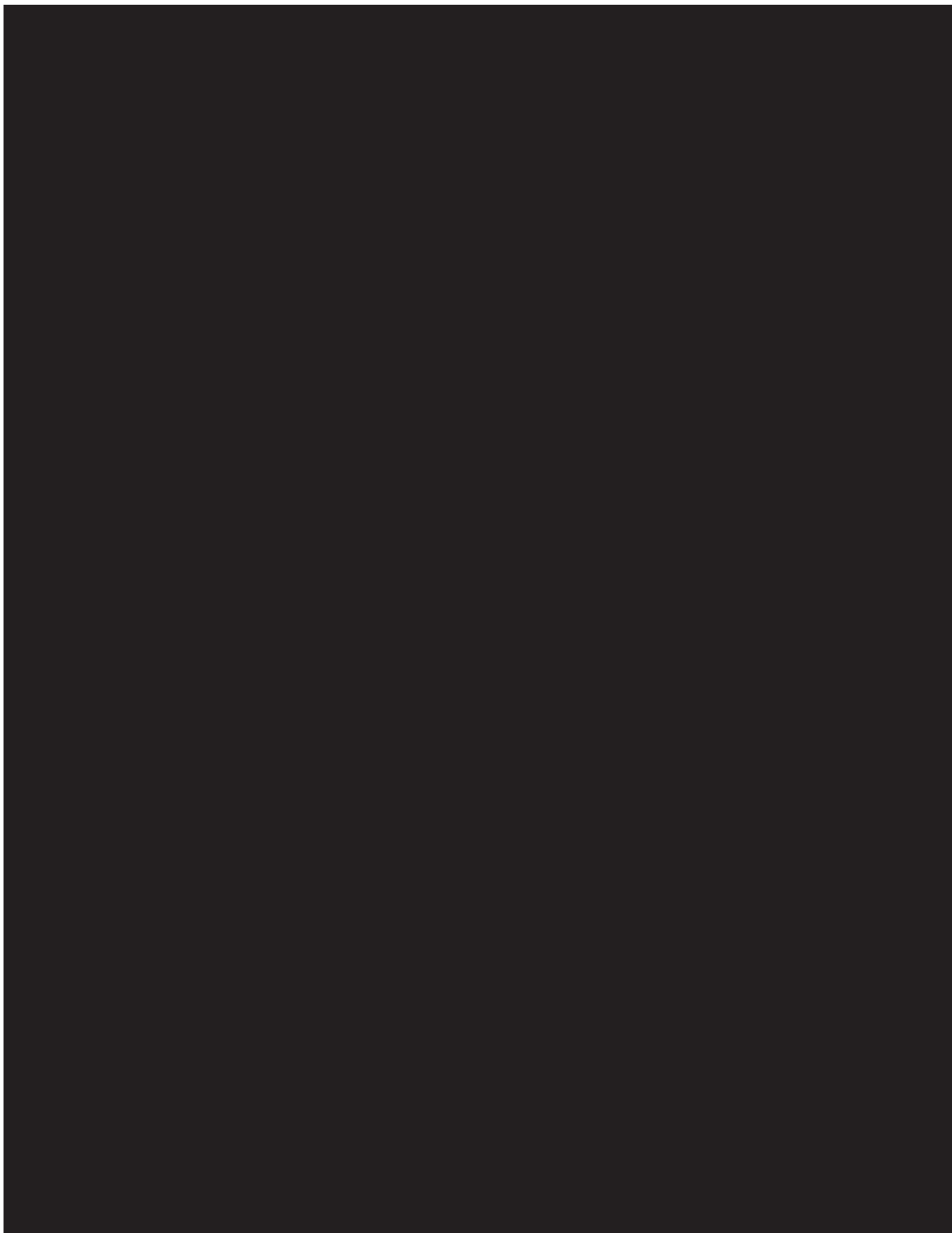
From: [REDACTED]
To: [ASCC New Claims](#)
Subject: A. West: #240631
Date: Friday, December 1, 2023 9:30:28 AM
Attachments: [Unknown.pdf](#)

Good morning,

This is my insurance declaration at the time of incident, proof that I was insured. do you want the current one also?

Thank You ,
A West

blob:<https://myaccountrwd.allstate.com/c5fda90c-b1c4-41f0-af30-aaa788174947>



























From: [ASCC New Claims](#)
To: [REDACTED]
Bcc: "Kathryn Irby"
Subject: FW: A. West: #240631
Date: Tuesday, December 5, 2023 11:01:00 AM
Attachments: [Unknown.pdf](#)

Dear Ms. West,

We have received the attached insurance declaration. Your claim is now in review status.

Contact this office 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

From: Aleatrice West [REDACTED]
Sent: Friday, December 1, 2023 9:30 AM
To: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Subject: A. West: #240631

Good morning,

This is my insurance declaration at the time of incident, proof that I was insured. do you want the current one also?

Thank You ,
A West

blob:<https://myaccounttrwd.allstate.com/c5fda90c-b1c4-41f0-af30-aaa788174947>

From: [ASCC New Claims](#)
To: [Davenport, Michelle L.](#); [Blakley, Sharon](#); lakeysa.walker@ardot.gov
Cc: [Kathryn Irby](#)
Subject: CLAIM: Aleatrice West v. ArDOT, Claim No. 240631 - deficient
Date: Thursday, December 28, 2023 1:40:00 PM
Attachments: [Aleatrice West ArDOT agency ltr .pdf](#)
[Aleatrice West Elct Form 240631.pdf](#)
[Aleatrice West Signature page 240631.pdf](#)
[Aleatrice West Claim No. 240631 - deficient.msg](#)
[Re Aleatrice West Claim No. 240631 - corr re ins and invoice.msg](#)
[FW Aleatrice West Claim No. 240631 - deficient.msg](#)
[Insurance Declaration.msg](#)
[Corr with CI - Confirmed receipt.msg](#)

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

December 28, 2023

Ms. Michelle Davenport
Arkansas Department of Transportation
Post Office Box 2261
Little Rock, Arkansas 72209

(via email)

RE: ***Aleatrice West v. Arkansas Department of Transportation***
Claim No. 240631

Dear Ms. Davenport,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Department of Transportation. 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,

Kathryn Irby

ES: cmcdaniel

cc: Aleatrice West, *Claimant* (w/o encl.) (via email)

Note to Claimant or Claimant's counsel: 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.

From: [ASCC New Claims](#)
To: [REDACTED]
Bcc: [Kathryn Irby](#)
Subject: Aleatrice West v. ArDOT, Claim No. 240631 - deficient
Date: Thursday, December 28, 2023 1:40:00 PM
Attachments: [Aleatrice West ArDOT agency ltr .pdf](#)

Dear Ms. West,

Attached please find a copy of the letter sent with your claim to the Arkansas Department of Transportation.

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

From: [Kathryn Irby](#)
To: [Davenport, Michelle L.](#); [Blakley, Sharon](#)
Cc: [LaKeysha.Walker@ardot.gov](#); [ASCC New Claims](#)
Subject: CORRECTION TO RE LINE: CLAIM: Aleatrice West v. ArDOT, Claim No. 240631
Date: Wednesday, January 3, 2024 12:11:00 PM
Attachments: [Aleatrice West ArDOT agency ltr .pdf](#)
[Aleatrice West Elct Form 240631.pdf](#)
[Aleatrice West Signature page 240631.pdf](#)
[Aleatrice West Claim No. 240631 - deficient.msg](#)
[Re Aleatrice West Claim No. 240631 - corr re ins and invoice.msg](#)
[FW Aleatrice West Claim No. 240631 - deficient.msg](#)
[Insurance Declaration.msg](#)
[Corr with CI - Confirmed receipt.msg](#)

Apologies for hitting send too early on my previous email. I was writing to correct an error on the re line of our 12/28 email, which mistakenly said the word “deficient.”

Thanks,
Kathryn

From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Thursday, December 28, 2023 1:41 PM
To: Davenport, Michelle L. <Michelle.Davenport@ardot.gov>; Blakley, Sharon <Sharon.Blakley@ardot.gov>; lakeyscha.walker@ardot.gov
Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: CLAIM: Aleatrice West v. ArDOT, Claim No. 240631 - deficient

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

From: [Blakley, Sharon D.](#)
To: [ASCC Pleadings](#)
Cc: [Newberry, Helen A.](#)
Subject: West v ARDOT Claim 240631 MTD
Date: Friday, January 12, 2024 12:12:44 PM
Attachments: [image001.png](#)
[West.240631.MTD.HNewberry.pdf](#)
[West.240631.trans ltr ASCC.2024.01.12.pdf](#)
[West.240631.cvr ltr cc ASCC ANS-MTD.2024.01.12.pdf](#)

Please acknowledge receipt of the attached Motion to Dismiss for the referenced claim.

Sharon D. Blakley
ARDOT - Legal Administrator
(501) 569-2022 fax (501)569-2164
Sharon.Blakley@ardot.gov
ArDOT Logo (email)





ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

LEGAL DIVISION | Helen Newberry, Staff Attorney | Helen.Newberry@ardot.gov
 10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2003 | Fax: 501.569.2164

January 12, 2024

Aleatrice West
 [REDACTED]
 [REDACTED]

Re: *Aleatrice West v. AR Dept of Transportation*
Claim No. 240631

Dear Ms. West:

Reference is made to the subject claim. The purpose of this letter is to inform you that the Arkansas Department of Transportation (Department) has filed an Answer and Motion to Dismiss your claim with the Arkansas State Claims Commission. Enclosed, you will find a copy of the Answer and Motion to Dismiss that contains the legal arguments that support the Department's position.

Please know this is not the final decision regarding your claim. The handling of your claim, as well as the final decision, is made by the Arkansas State Claims Commission. If you have questions concerning when a decision will be issued, you can contact them at (501) 682-1619.

If you need to submit additional information to the Arkansas State Claims Commission or if you wish to dispute the Motion to Dismiss, please do so in writing because this provides a record of your submission. Their address is 101 E Capitol Avenue, #410, Little Rock, AR 72201. The law requires that you provide a copy to our Legal Division so that we are aware of the information as well. Our address is Arkansas Department of Transportation, Legal Division, P.O. Box 2261, Little Rock, AR 72203.

One other point to make is that if you need legal advice, none of the Department's attorneys can provide it to you or even discuss the merits of your claim over the phone or by email. The reason for this, is that we represent the Arkansas Department of Transportation. If you need legal advice, please contact your own attorney.

If you have any questions, concerns, or you would like additional information concerning this process, please contact Helen Newberry at (501) 569-2003. We appreciate your patience as we seek a resolution to this disagreement through the process that has been established by State law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Helen Newberry".

Helen Newberry
 Staff Attorney, Arkansas Dept of Transportation

HN/sdb
 Enclosure

cc: Katherine Irby, Director
 Arkansas State Claims Commission (via email)



ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

LEGAL DIVISION | Helen Newberry, Staff Attorney | Helen.Newberry@ardot.gov
 10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2003 | Fax: 501.569.2164

January 12, 2024

Ms. Kathryn Irby, Director
 Arkansas State Claims Commission
 101 East Capitol Avenue, Suite 410
 Little Rock, AR 72201-3823

(via email)

Re: *Aleatrice West v. Arkansas Dept of Transportation*
Claim No. 240631

Dear Ms. Irby:

Please find attached the Answer and Motion to Dismiss in the above-styled claim. Please confirm receipt at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Helen Newberry".

Helen Newberry
 Staff Attorney, Arkansas Dept. of Transportation

HN/sdb
 Enclosure

cc: Aleatrice West

[Redacted]
 [Redacted]

**BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

ALEATRICE WEST

CLAIMANT

V.

CLAIM NO. 240631

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

ANSWER AND MOTION TO DISMISS

COMES THE RESPONDENT, Arkansas Department of Transportation, by and through its Staff Attorney, Helen Newberry, and for its Answer and its Motion to Dismiss states the following:

1. The Respondent denies all allegations of the Complaint not admitted herein.
2. The Claimant's damage, if any, was not caused by negligence of the Arkansas Department of Transportation or its employees. Claimant does not allege any negligence against Respondent. Claimant has not filed her complaint to include "a statement of facts sufficiently clear to identify the Claimant, *the Respondent state agency or agencies*, the circumstances giving rise to the claim and the amount of monetary damages sought" as is required under Rule 2.1 of the Arkansas State Claims Commission Rules and Regulations.
3. Affirmatively pleading, the Claimant's alleged damage, if any, occurred "in North Little Rock, Ar. on Allen Street". Respondent must rely on Claimant's location as stated in her complaint. The area described by Claimant may be maintained by the City of North Little Rock or Pulaski County, and not by ARDOT.
4. Affirmatively pleading, the City of North Little Rock and Pulaski County, Arkansas are not state agencies, and the Claims Commission does not have jurisdiction over any claim against The City of North Little Rock or Pulaski County, Arkansas. That claim, should the

Claimant choose to pursue it, can be filed in a court of general jurisdiction. *See* Ark. Code Ann. § 19-10-204(b)(2)(A).

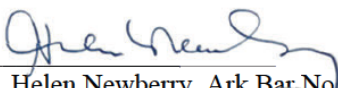
5. The State is not a no-fault insurer of the general public. Without any claim and proof of negligence on the part of the Respondent, the State should not be liable for Claimant's damages.

6. A Claim for Negligence requires a duty, breach, damages, and causation. *Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002); *Prosser and Keeton on Torts*, Ch. 5, § 30. Arkansas is a fact-pleadings state. Claimant has not stated facts sufficient to support a claim for these elements of negligence.

7. Claimant has failed to state a claim against the Respondent for which relief can be granted. This matter should be denied and dismissed pursuant to Arkansas Rules of Civil Procedure, Rule 12(b)(1),(3) and (6).

WHEREFORE, the Respondent prays for an order of the Commission denying and dismissing the Claimant's claim, for its costs, and for all other proper relief to which it may be entitled.

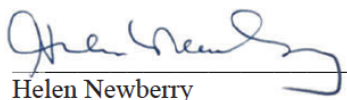
**RESPECTFULLY SUBMITTED,
ARKANSAS DEPARTMENT OF TRANSPORTATION**

By: 
Helen Newberry, Ark Bar No. 2018101
Staff Attorney
ARDOT, Legal Division
P. O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2003

CERTIFICATE OF SERVICE

I, Helen Newberry, certify that I have served the foregoing Answer and Motion to Dismiss upon the Claimant by mailing a true copy of same this 12th of January, 2024 to:

Aleatrice West
[REDACTED]
[REDACTED]


Helen Newberry

From: [REDACTED]
To: [ASCC New Claims; ASCC Pleadings](#)
Subject: Claim #240631: Response to dismissal from DOT
Date: Monday, January 22, 2024 6:50:04 AM
Attachments: [image_67505409.JPG](#)
[image_67197441.JPG](#)
[image_67181313.JPG](#)
[image_123650291.JPG](#)

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

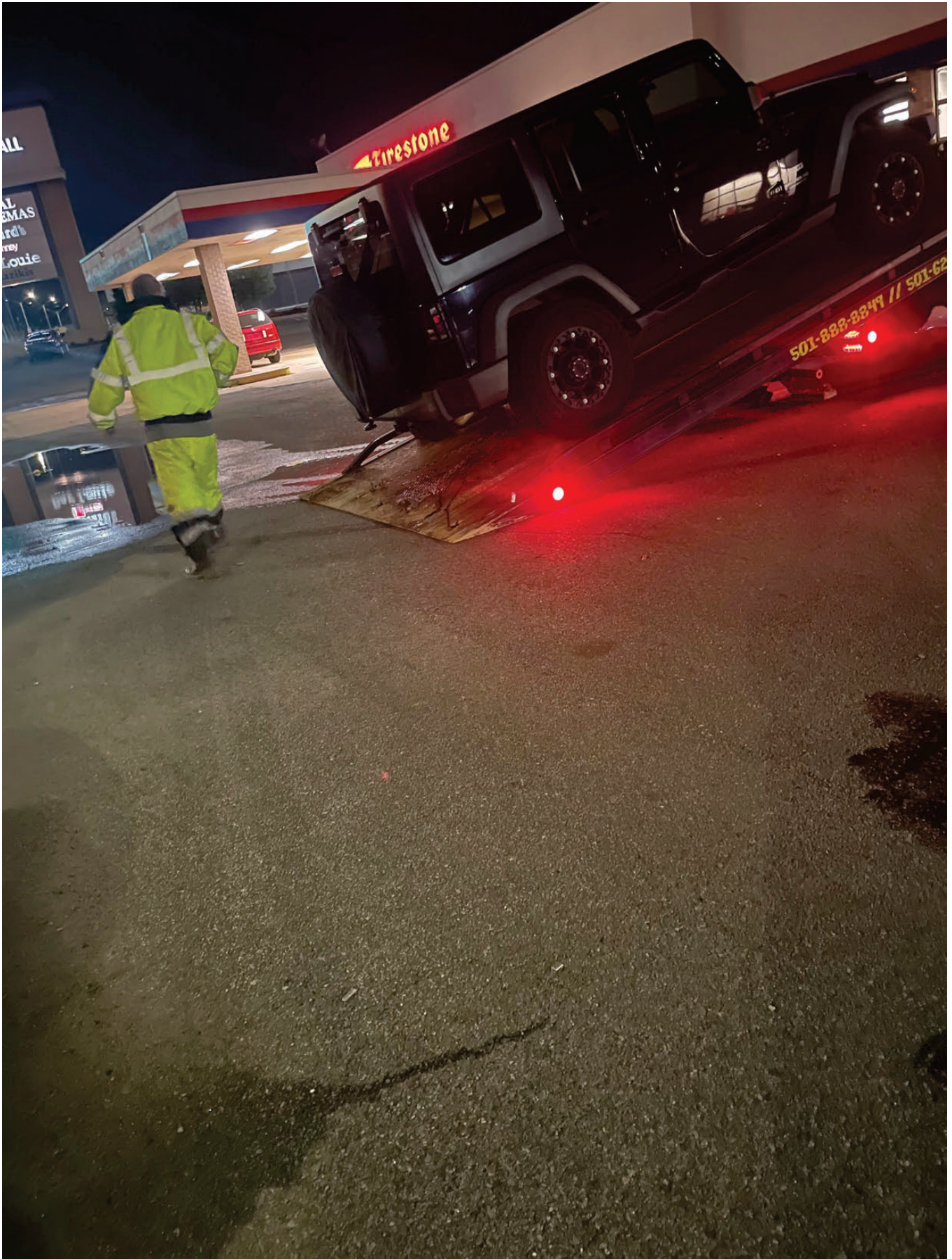
Good morning,

The Arkansas Department of Transportation (DOT) is claiming no responsibility for maintaining safety and providing warning for an uncovered sewer hole. When DOT's responsibility is to periodically inspect roadways and insure they are secure, regardless of which entity is authorized to use the sewer hole. Department of transportation failed to insure that this man/sewer hole was maintained properly, secured, and also neglected to provided warning if it wasn't. On my normal route home from work on Allen st. I ran over an uncovered sewer hole which was poorly maintained, being that it was uncovered you can see where the rim of the hole was rusted and had broken off and it created a sharp edge (refer to pictures) and in return when I drove over the hole, my tire was damaged which cost me \$368.00 to replace the tire, Included in this email are the pictures/evidence the morning of the incident March 17th 2023 at approximately 1:20am and receipt (the cost of the damages).

Wherefore, the claimant prays for the Commission to not dismissed this case, to hold Arkansas Department of Transportation accountable and grant claimant's monetary damages, which was cause by the negligence of Arkansas Department of Transportation.

Respectfully,
 Aleatrice West
 (Attached are pictures/evidence from the incident)





Retail Work Order

Firestone
COMPLETE AUTO CARE

Store# 029580
In: 03/17/23 07:00AM
Due: 03/17/23 05:00PM

Cust Status: Waiting Appt: No INITIAL WORK ORDER
MCCAIN - 3929 MCCAIN BLVD, N LITTLE ROCK, AR. 72116-8088 - 501.758.4876

Service Advisor: 5 DANA
Customer Details: WEST, ALETRIC
Vehicle Details: 2014 JEEP WRANGLER SPORT
3.6L V6 FI GAS VIN G DOHC
VIN #
LIC #
MILEAGE: 1

Description	Article Number	T#	Qty	Part	Labor	Extended Price	Job Total
FIRESTONE TIRE PACKAGE 285/70R17 110T OWL Warranty DOT#	014468		1	269.99		269.99	335.32
ARKANSAS WARE FEE	007095745		1		3.00	3.00	
NEW WHEEL BALANCE LABOR	007013632		1		12.99	12.99	
TPMS VALVE SERVICE KIT LABOR	017008190		1		3.20	3.20	
TPMS VALVE VS-950-15	7009357		1	6.99		6.99	
7782 ROAD HAZARD PROTECTION	7097782		1	39.15		39.15	
TIRE INSTALLATION	037015016		1		N/C	N/C	

ORDER NOTES
MANUFACTURER'S RECOMMENDED MAINTENANCE: ENGINE OIL
INSPECTION
CUSTOMER REQUESTED NO INSPECTION

You acknowledge that we have offered to perform a free limited visual inspection of your vehicle and you have DECLINED that offer.

Verbal Authorization 03/17/2023 07:00 AM
Customer Signature _____ Date _____

OE: P255/75R17 PSI 35
Parts Return: No Flat rate charged per internal & Mitchell labor manuals

Signature 100
Type: Check

Information on service warranty, maintenance, and safety can be located at
<https://www.firestonecompleteautore.com/maintain/service-warranty-options/>

Page 1 of 2 WorkOrder1_WP 04.20.2020.103

Retail Work Order

Firestone
COMPLETE AUTO CARE

Store# 029580
In: 03/17/23 07:00AM
Due: 03/17/23 05:00PM

Cust Status: Waiting Appt: No INITIAL WORK ORDER
MCCAIN - 3929 MCCAIN BLVD, N LITTLE ROCK, AR. 72116-8088 - 501.758.4876

Mounting Instructions
(LF) (RF)
(LR) (SP) (RR)

I acknowledge that I have reviewed this estimate of repair and service work. I hereby authorize the above work to be done, including the indicated parts and labor, and promise to pay for such work. I grant permission to operate the referenced vehicle on streets, highways, or elsewhere for the purpose of inspection and/or testing. I understand that all claims must be accompanied by an invoice. I understand if additional work is required, you will obtain my verbal or written authorization before any additional work is begun, unless otherwise specified on this estimate.

Summary	
Parts	316.13
Labor	19.19
Shop Supplies	1.30
Sub	336.62
Tax	31.69
Total	368.31

Verbal Authorization 03/17/2023 07:00 AM
Customer Signature _____ Date _____

ASE
CERTIFIED
AUTOMOTIVE SERVICE EXCELLENCE

MOTORIST ASSURANCE PROGRAM
BUILDING TRUST THROUGH STANDARDS

Please do not leave valuables in your vehicle.
Firestone Complete Auto Care is not and will not be held responsible for missing or stolen items.

Information on tire warranty, maintenance, and safety can be located at
<https://www.firestonecompleteautore.com/tires/warranty-options/>
or by calling toll free 800-847-3272 to obtain a free printed copy



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ALEATRICE WEST

CLAIMANT

V.

CLAIM NO. 240631

ARKANSAS DEPARTMENT OF
TRANSPORTATION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Department of Transportation (the “Respondent”) to dismiss the claim of Aleatrice West (the “Claimant”). Based upon a review of Respondent’s motion and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed this claim, alleging that Claimant’s vehicle was damaged by an uncovered manhole or sewer hole “in North Little Rock Ar. on Allen St.” pothole.
2. Respondent filed a motion to dismiss, stating that, *inter alia*, this roadway is not part of the state highway system. Respondent noted that this roadway may be maintained by the City of North Little Rock or Pulaski County.
3. Claimant responded, arguing that Respondent is responsible for inspecting the roadways “regardless of which entity to authorized to use the sewer hole.”
4. In reviewing this motion to dismiss, the Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the 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. The Commission agrees with Respondent that dismissal is proper. Claimant has failed to state facts upon which relief can be granted as to Respondent. If the roadway where Claimant’s incident occurred is not part of the state highway system, then Respondent could not be liable for an alleged failure to maintain the roadway.

6. Respondent’s motion to dismiss is GRANTED, and Claimant’s claim is DISMISSED.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: February 22, 2024

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: [Kathryn Irby](#)
To: [REDACTED]; "[Newberry, Helen A.](#)"
Cc: "[Blakley, Sharon](#)"; [Mika Tucker](#)
Subject: ORDER: West v. ArDOT, Claim No. 240631
Date: Thursday, February 22, 2024 2:44:00 PM
Attachments: [C15--West.pdf](#)

Ms. West and Ms. Newberry, please see attached order entered by the Commission.

Thanks,
Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

From: [REDACTED]
To: [ASCC New Claims](#); [ASCC Pleadings](#); [REDACTED]
Subject: Claim #240631 Motion for reconsideration/Appeal
Date: Wednesday, March 6, 2024 7:35:00 AM
Attachments: [image_123650291.JPG](#)

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Good morning,

I am asking; Claims Commission staff to reconsider its decision to dismiss the claim and award I the claimant with a reimbursement of the amount of \$368.00 for my tire that was damaged do to neglect of an uncovered sewer-hole. The dismissal stated: North Little Rock, Allen Street are not part of highway system/map for the Department of Transportation. The incident/ negligence took place in District 6; Pulaski county according to the Arkansas department of transportation map. Arkansas Department of Transportation has a responsibility to: ALL roads, highways, and streets in Arkansas, its website says so, ADOT set the standards and guidelines for the cities, counties and all authorized users and transportation workers, who are part of the Arkansas Transportation system. When I the claimant went to the City/ Street website to file a complaint/concern it provides a link to the Arkansas Department of Transportation (please see attachment). When the incident first took place, I the claimant contacted the Mayors office/ the city and its employee (Bethany Woodall) transferred me to the Arkansas Department of Transportation. All roads lead back to the Department of Transportation. ADOT failed to make sure all safety guidelines were followed when authorized personnel is working in and around a sewer hole/man hole (orange cones ect.) ADOT failed to implement safety procedures and routine maintenance to insure no damage to a citizen's property or persons would take place. ADOT failed in safety measures by not securing a man/ sewer hole, it should be locked and secured when an authorized persons is not in use of it. Several neglected safety measures by the Department of Transportation and its system partners caused this incident/ damage to take place. Please reconsider this dismissal and reimbursement for damages, I the claimant a tax paying citizen who was just on her way home from work when this unexpected expense happen, which was no fault of mine, and could've been avoided if the Department of Transportation set appropriate safety measure and standard guidelines for authorized personnel in use of a man/ sewer hole and to make sure those standards and guidelines are being implemented from start to finish.

Thank You,
 Aleatrice West

From: [Newberry, Helen A.](#)
 To: [Kathryn Irby](#)
 Cc: [Blakley, Sharon D.](#)
 Subject: Re: INFO NEEDED: West v. ArDOT, Claim No. 240631
 Date: Monday, April 29, 2024 11:34:16 AM
 Attachments: [image001.png](#)
[image002.jpg](#)

Thank you, I will do that!

[Get Outlook for iOS](#)

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
 Sent: Monday, April 29, 2024 11:33:24 AM
 To: Newberry, Helen A. <Helen.Newberry@ardot.gov>; [REDACTED]
 Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
 Subject: RE: INFO NEEDED: West v. ArDOT, Claim No. 240631

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Ms. Newberry, I think you would have the time permitted under the Arkansas Rules of Civil Procedure given that you did not receive the motion until today. That said, if you were able to submit your response this week, that would be helpful to keep this one moving along.

Kathryn Irby

From: Newberry, Helen A. <Helen.Newberry@ardot.gov>
 Sent: Monday, April 29, 2024 11:25 AM
 To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; [REDACTED]
 Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
 Subject: Re: INFO NEEDED: West v. ArDOT, Claim No. 240631

Yes please, Ms. Irby. We did not receive notice of the motion. Please let me know how long I have. I think the soonest I could do it is late tomorrow or early Wednesday, but I shouldn't need any longer than the remainder of this week. Thank you for giving us the heads up.

Helen Newberry
 Staff Attorney
 Arkansas Department of Transportation
 P.O. Box 2261
 Little Rock, AR 72203-2261
 Phone: 501-569-2003



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
 Sent: Monday, April 29, 2024 11:22 AM
 To: [REDACTED] Newberry, Helen A. <Helen.Newberry@ardot.gov>
 Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
 Subject: INFO NEEDED: West v. ArDOT, Claim No. 240631

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Ms. Newberry, it does not appear that ArDOT was copied on the below motion for reconsideration. If ArDOT intends to respond, please let me know.

Thanks,
 Kathryn Irby

From: Aleatrice West [REDACTED]
 Sent: Wednesday, March 6, 2024 7:35 AM
 To: ASCC New Claims <ASCC.New.Claims@arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Aleatrice West [REDACTED]
 Subject: Claim #240631 Motion for reconsideration/Appeal

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Good morning,

I am asking: Claims Commission staff to reconsider its decision to dismiss the claim and award I the claimant with a reimbursement of the amount of \$368.00 for my tire that was damaged do to neglect of an uncovered sewer-hole. The dismissal stated: North Little Rock, Allen Street are not part of highway system/map for the Department of Transportation. The incident/ negligence took place in District 6; Pulaski county according to the Arkansas department of transportation map. Arkansas Department of Transportation has a responsibility to: ALL roads, highways, and streets in Arkansas, its website says so, ADOT set the standards and guidelines for the cities, counties and all authorized users and transportation workers, who are part of the Arkansas Transportation system. When I the claimant went to the City/ Street website to file a complaint/concern it provides a link to the Arkansas Department of Transportation (please see attachment). When the incident first took place, I the claimant contacted the Mayors office/ the city and its employee (Bethany Woodall) transferred me to the Arkansas Department of Transportation. All roads lead back to the Department of Transportation. ADOT failed to make sure all safety guidelines were followed when authorized personnel is working in and around a sewer hole/man hole (orange cones ect.) ADOT failed to implement safety procedures and routine maintenance to insure no damage to a citizen's property or persons would take place. ADOT failed in safety measures by not securing a man/ sewer hole, it should be locked and secured when an authorized persons is not in use of it. Several neglected safety measures by the Department of Transportation and its system partners caused this incident/ damage to take place. Please reconsider this dismissal and reimbursement for damages, I the claimant a tax paying citizen who was just on her way home from work when this unexpected expense happen, which was no fault of mine, and could've been avoided if the Department of Transportation set appropriate safety measure and standard guidelines for authorized personnel in use of a man/ sewer hole and to make sure those standards and guidelines are being implemented from start to finish.

Thank You,
 Aleatrice West

From: Kathryn Irby
To: [REDACTED]
Cc: Newberry, Helen A.
Bcc: Blakley, Sharon
Subject: RE: INFO NEEDED: West v. ArDOT, Claim No. 240631
Date: Tuesday, April 30, 2024 10:57:00 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.jpg](#)

Ms. West, thank you for this information. I am copying Ms. Newberry on this email to make her aware of your response. You will need to copy her on any future filings or emails.

Kathryn Irby

From: Aleatrice West [REDACTED]
Sent: Tuesday, April 30, 2024 10:06 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Re: INFO NEEDED: West v. ArDOT, Claim No. 240631

Thank You. I understand. Within the first paragraph of my notice, I state the purpose which is to: reconsider the dismissal. The rules read: as if I have to first file for reconsideration and if the consideration is not in my favor then I file an appeal. This is my first step: asking for Reconsideration of the committee's decision to dismiss my case.

On Mon, Apr 29, 2024 at 3:53 PM Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

Ms. West, **please confirm whether your filing was intended as a motion for reconsideration or a notice of appeal.** Upon review, the re line indicated both, which is not correct. If it was a motion for reconsideration, then the Commission will consider and decide the motion. If it was an appeal, then the Commission must send the claim file to the Legislature for review.

However, to address your email below, Rule 5(a) of the Arkansas Rules of Civil Procedure requires that you provide a copy of any filings to opposing counsel. That is not the responsibility of the Commission. The Arkansas Rules of Civil Procedure also govern the amount of time that a party has to respond to a motion. The Commission adopted the Arkansas Rules of Civil Procedure in Commission Rule 8.1.

Kathryn Irby

From: Aleatrice West [REDACTED]
Sent: Monday, April 29, 2024 2:01 PM
To: Newberry, Helen A. <Helen.Newberry@ardot.gov>
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Re: INFO NEEDED: West v. ArDOT, Claim No. 240631

Good afternoon,

The rules do not state I had to send the appeal to ARDOT. I sent the appeal to the correct party, who responded "receive" (please see attachment) that was on March 6, 2024. Now if Claims department/commission failed to relay the information to ARDOT, my reconsideration shouldn't be penalize. Ms. Irby you stating " I think you have the time permitted under Arkansas rule" what is the actually rule? how many days do ARDOT have to respond? And what is the penalty for not responded in the time permitted. You all might have just sent it to ARDOT or MS. Newberry is just now noticing the appeal, but it was definitely sent and received on March 6, 2024 by claims/ appeal department.

Thank You,
Aleatrice West

On Mon, Apr 29, 2024 at 11:34 AM Newberry, Helen A. <Helen.Newberry@ardot.gov> wrote:

Thank you, I will do that!

Get [Outlook for iOS](#)

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, April 29, 2024 11:33:24 AM
To: Newberry, Helen A. <Helen.Newberry@ardot.gov>; [REDACTED]
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: RE: INFO NEEDED: West v. ArDOT, Claim No. 240631

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Kathryn Irby

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To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; [REDACTED]
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: Re: INFO NEEDED: West v. ArDOT, Claim No. 240631

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Helen Newberry

Staff Attorney

Arkansas Department of Transportation

P.O. Box 2261

Little Rock, AR 72203-2261

Phone: 501-569-2003



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, April 29, 2024 11:22 AM
To: [REDACTED] Newberry, Helen A. <Helen.Newberry@ardot.gov>
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: INFO NEEDED: West v. ArDOT, Claim No. 240631

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Thanks,

Kathryn Irby

From: Aleatrice West [REDACTED]
Sent: Wednesday, March 6, 2024 7:35 AM
To: ASCC New Claims <ASCC.New.Claims@arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Aleatrice West [REDACTED]
Subject: Claim #240631 Motion for reconsideration/Appeal

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Good morning,

I am asking, Claims Commission staff to reconsider its decision to dismiss the claim and award I the claimant with a reimbursement of the amount of \$368.00 for my tire that was damaged do to neglect of an uncovered sewer-hole. The dismissal stated: North Little Rock, Allen Street are not part of highway system/map for the Department of Transportation. The incident/ negligence took place in District 6; Pulaski county according to the Arkansas department of transportation map. Arkansas Department of Transportation has a responsibility to: ALL roads, highways, and streets in Arkansas, its website says so, ADOT set the standards and guidelines for the cities, counties and all authorized users and transportation workers, who are part of the Arkansas Transportation system. When I the claimant went to the City/ Street website to file a complaint/concern it provides a link to the Arkansas Department of Transportation (please see attachment). When the incident first took place, I the claimant contacted the Mayors office/ the city and its employee (Bethany Woodall) transferred me to the Arkansas Department of Transportation. All roads lead back to the Department of Transportation. ADOT failed to make sure all safety guidelines were followed when authorized personnel is working in and around a sewer hole/man hole (orange cones ect.) ADOT failed to implement safety procedures and routine maintenance to insure no damage to a citizen's property or persons would take place. ADOT failed in safety measures by not securing a man/ sewer hole, it should be locked and secured when an authorized persons is not in use of it. Several neglected safety measures by the Department of Transportation and its system partners caused this incident/ damage to take place. Please reconsider this dismissal and reimbursement for damages, I the claimant a tax paying citizen who was just on her way home from work when this unexpected expense happen, which was no fault of mine, and could've been avoided if the Department of Transportation set appropriate safety measure and standard guidelines for authorized personnel in use of a man/ sewer hole and to make sure those standards and guidelines are being implemented from start to finish.

Thank You,
Aleatrice West

From: [Blakley, Sharon D.](#)
To: [ASCC Pleadings](#)
Cc: [Newberry, Helen A.](#) [REDACTED]
Subject: West v ARDOT Claim 240631 Response to Claimant's Motion to Reconsider
Date: Thursday, May 9, 2024 12:19:02 PM
Attachments: [West.240631.Response Claimant Mot final.pdf](#)

Please acknowledge receipt of the attached Response to Claimant's Motion to Reconsider for the referenced claim.

Sharon D. Blakley
ARDOT - Legal Administrator
(501) 569-2022 fax (501)569-2164
Sharon.Blakley@ardot.gov

**BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

ALEATRICE WEST

CLAIMANT

V.

CLAIM NO. 240631

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

RESPONSE TO CLAIMANT’S MOTION TO RECONSIDER

COMES THE RESPONDENT, Arkansas Department of Transportation, by and through its Staff Attorney, Helen Newberry, and for its Response to Claimant’s Motion to Reconsider states the following:

1. The Respondent denies all allegations of the Motion not admitted herein.
2. Claimant has failed to allege facts in her Claim and in her Motion to Reconsider that establish that her damage, if any, was caused by negligence of the Arkansas Department of Transportation or its employees.
3. Respondent states that although the city of North Little Rock is located within the geographic area of District 6, Respondent is not responsible for streets inside corporate limits unless the streets are designated State Highways, U.S. Highways, or Interstate Highways.
4. A map of each Arkansas city along with an explanatory legend can be found on Respondent’s website at <https://www.ardot.gov/divisions/planning/gis-mapping/city-maps/>.
5. Claimant stated that her damage occurred on “Allen Street in North Little Rock.” As shown on the above referenced map, both parts of Allen Street (highlighted in yellow by Respondent counsel) in North Little Rock are lavender pink, and as such are designated “CITY STREET-PAVED.” *Please see Screenshots of City of North Little Rock map attached and incorporated as Exhibit 1.*

6. Respondent states that it has no authority or control over the employees of the City of North Little Rock, particularly in this matter Bethany Woodall, and states that any direction or advice given to Claimant by Bethany Woodall was not reviewed or approved by Respondent.

7. Respondent further states that it has no control over the website run by the City of North Little Rock, and any information provided on the website was not reviewed or approved by the Respondent, and that a simple link to Respondent's website on the City of North Little Rock's website does not create a responsibility on the part of Respondent nor a delegation of responsibility by the City of North Little Rock.

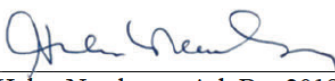
8. Respondent denies that it has "...a responsibility to: ALL roads, highways, and streets in Arkansas..." and does not claim to have this responsibility on its website.

9. A review of the City of North Little Rock's website, particularly <https://www.nlr.ar.gov/departments/street/>, specifically states that "The Street Department has the responsibility to maintain the streets of the city." *Please see Screenshot of City of North Little Rock Website attached and incorporated as Exhibit 2.*

10. Respondent once again states that this matter should be dismissed as it is not the proper party in this matter.

WHEREFORE, the Respondent prays for denial of the Motion for Reconsideration, for its costs, and for all other proper relief to which it may be entitled.

**RESPECTFULLY SUBMITTED,
ARKANSAS DEPARTMENT OF
TRANSPORTATION**

By: 
Helen Newberry, Ark Bar 2018101
Staff Attorney
ARDOT Legal Division

P.O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2003

CERTIFICATE OF SERVICE

I, Helen Newberry, certify that I have served the foregoing Response to Claimant's Motion to Reconsider upon the Claimant via email and U.S. Mail sent this 9th of May, 2024, to:

Aleatrice West

[REDACTED]
[REDACTED]
[REDACTED]

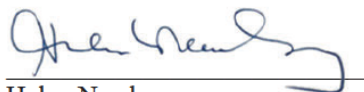

Helen Newberry

EXHIBIT 1



































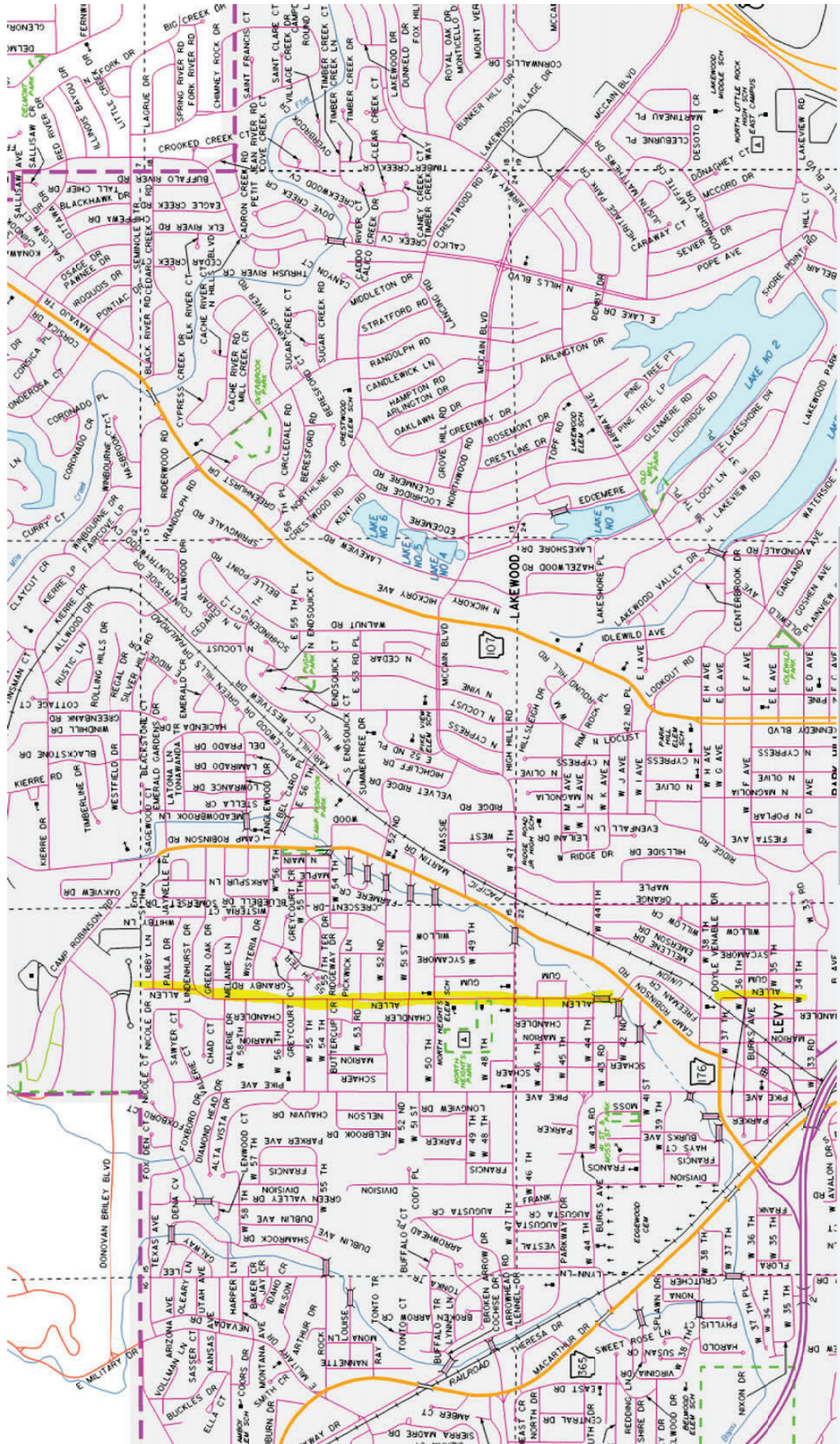
LEGEND	
	U. S. TOWNSHIP LINE
	LAND SECTION LINE
	PARK, MANAGEMENT, RESERVATION BOUNDARY
	STATE OR U. S. HIGHWAY
	DIVIDED HIGHWAY
	INTERSTATE HIGHWAY
	CITY STREET - PAVED
	CITY STREET - UNPAVED
	MISCELLANEOUS ROAD
	PAVED ROAD
	GRAVEL ROAD
	GRADED & DRAINED ROAD
	UNIMPROVED ROAD
	RAILROAD AND RAILROAD STATION
	DOCK, PIER OR LANDING
	LEVEE
	MARSH OR SWAMP
	DRAINAGE DITCH
	CORPORATE LIMITS
	MUNICIPAL AIRPORT
	CHURCH
	HOSPITAL
	SCHOOL
	POST OFFICE
	CEMETERY
	INDUSTRY OR FACTORY
	CITY HALL
	HIGHWAY GARAGE
	POLICE STATION
	MUSEUM, GENERAL
	FIRE ENGINE HOUSE
	PARK, GOLF COURSE, ATHLETIC FIELD
	ARMORY
	LIBRARY

EXHIBIT 1



This is a detailed street map of the Little Rock, Arkansas area. The map shows a dense network of streets, including major highways like I-49 and I-30. Key landmarks include Lake No. 1 and Lake No. 2, which are highlighted in blue. The map also shows various parks, schools, and other local features. Street names are labeled throughout the map, and highway shields are used to indicate major routes. The map is oriented with North at the top.

EXHIBIT 2

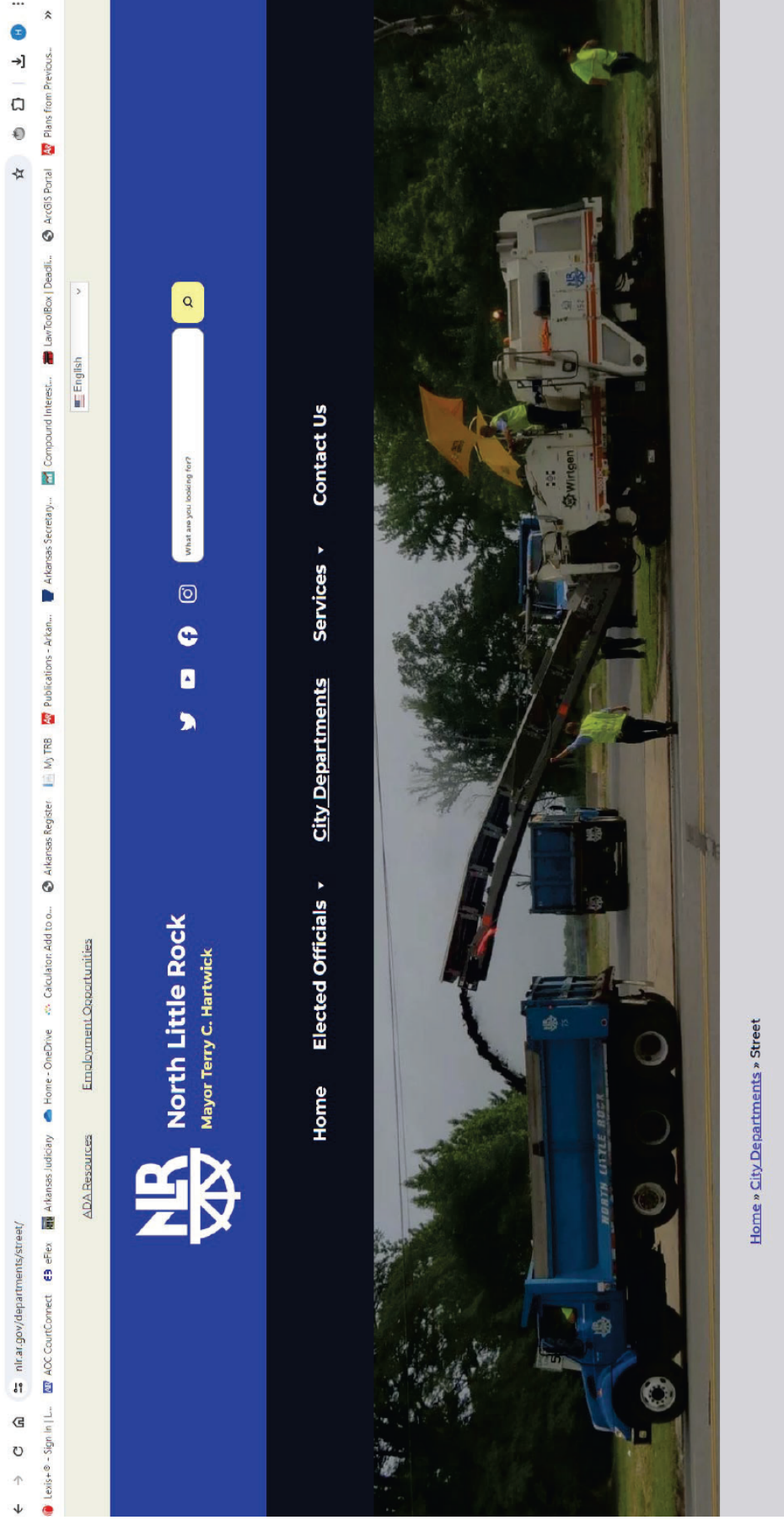
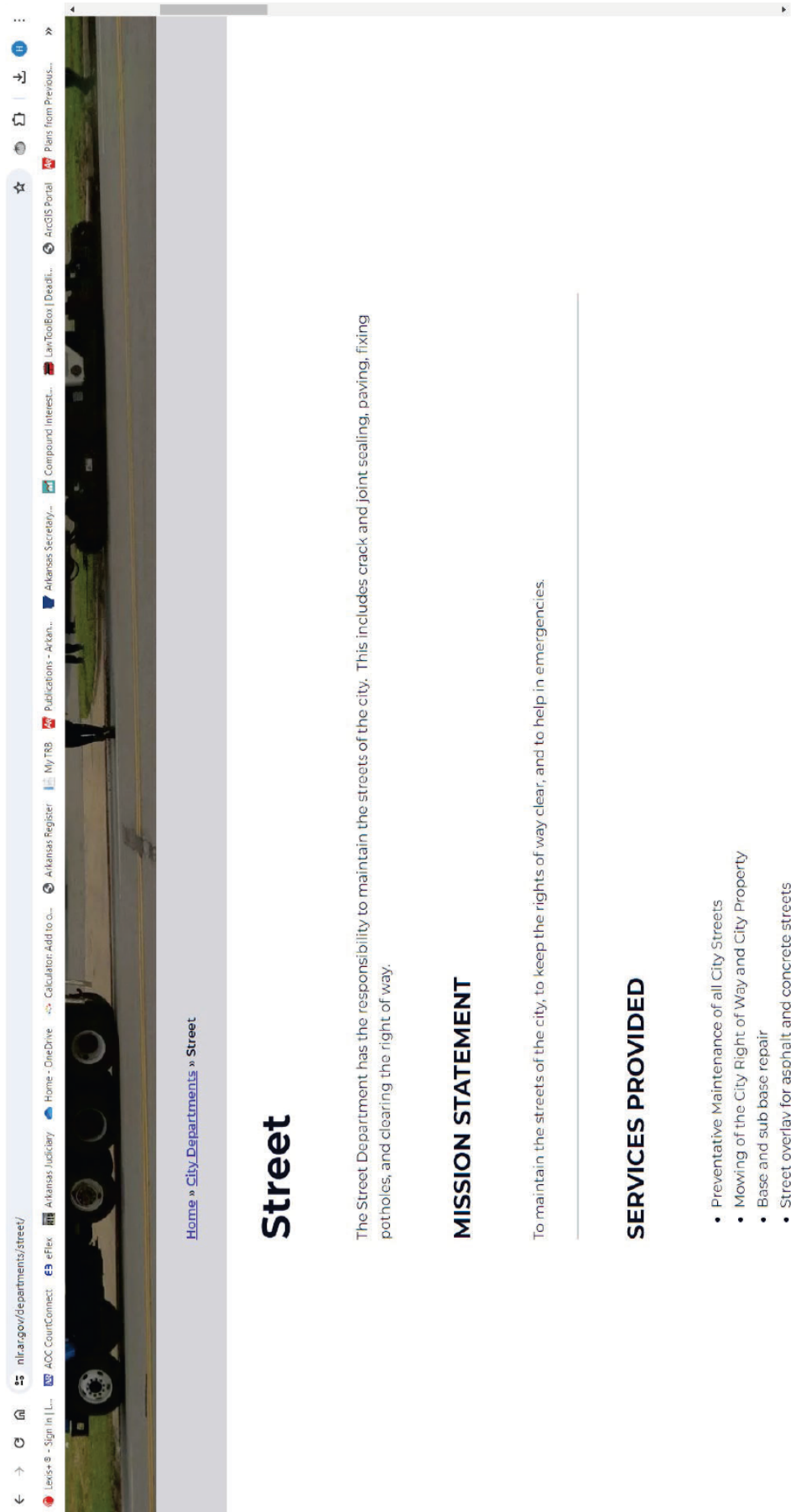


EXHIBIT 2



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ALEATRICE WEST

CLAIMANT

V.

CLAIM NO. 240631

ARKANSAS DEPARTMENT OF
TRANSPORTATION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is an email¹ filed by Aleatrice West (the “Claimant”) requesting reconsideration of the Commission’s February 22, 2024, decision granting the motion to dismiss filed by the Arkansas Department of Transportation (the “Respondent”) and dismissing Claimant’s claim. Based upon a review of the claim file and the law of the State of Arkansas, the Commission hereby unanimously finds as follows:

1. Claimant filed the instant claim, alleging that Claimant’s vehicle was damaged by an uncovered manhole or sewer hole “in North Little Rock Ar. on Allen St.”

2. Respondent filed a motion to dismiss, which was granted by the Commission on February 22, 2024.

3. On March 6, 2024, Claimant filed the instant email, arguing, *inter alia*, that Respondent has a responsibility for “ALL roads, highways, and streets in Arkansas,” that the City of North Little Rock’s website contained a link to Respondent’s website, and that an employee of the City of North Little Rock directed Claimant to Respondent.

4. Respondent responded to the motion, arguing that it is not responsible for streets inside of city limits “unless the streets are designated State Highways, U.S. Highways, or Interstate

¹ While the email filed by Claimant includes “Motion for reconsideration/Appeal” in the subject line, Claimant confirmed in a subsequent email that her filing was intended to seek reconsideration of the Commission’s order.

Highways.” Respondent reiterated its previous argument that Allen Street in North Little Rock is a city street not maintained by Respondent. Respondent noted that it does not have any authority or control over the employees of the City of North Little Rock or the website run by the City of North Little Rock (but that the City of North Little Rock’s website includes a statement that its “Street Department has the responsibility to maintain the streets of the city”). Respondent specifically denied that it has a responsibility for “ALL” roads in Arkansas.

5. In analyzing a motion for reconsideration, Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration “will only be entertained if they set forth new or additional evidence which was not [previously] available”

6. The Commission finds that the motion does not set forth new or additional evidence not previously available. Claimant’s argument that Respondent is responsible for all roads in Arkansas is simply wrong.

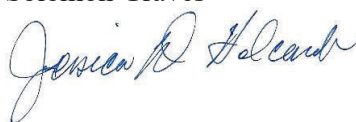
7. As such, Claimant’s motion for reconsideration is DENIED, and the February 22, 2024, Commission order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION

Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION

Henry Kinslow, chair

DATE: June 14, 2024

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(b). If a Motion for Reconsideration is denied, that party then has twenty (20) days from transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(b)(3). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a).
- (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(b). 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: [Kathryn Irby](#)
 To: [\[REDACTED\]](#)
 Cc: [Helen A. Newberry](#)
 Bcc: [Mika Tucker](#)
 Subject: ORDER: West v. ArDOT, Claim No. 240631
 Date: Tuesday, June 18, 2024 2:02:00 PM
 Attachments: [CS-West - 240631 \(IRB\).pdf](#)
[image001.jpg](#)
[image002.png](#)
[image003.jpg](#)

Ms. West and Ms. Newberry, please see attached order entered by the Commission. To the extent that either party disagrees with the order, please review the text box at the end of the order, along with the referenced statutes.

Thanks,
 Kathryn Irby

Arkansas State Claims Commission
 101 East Capitol Avenue, Suite 410
 Little Rock, Arkansas 72201
 (501) 682-1619

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
 Sent: Tuesday, April 30, 2024 10:58 AM
 To: Aleatrice West <[\[REDACTED\]](#)>
 Cc: Newberry, Helen A. <Helen.Newberry@ardot.gov>
 Subject: RE: INFO NEEDED: West v. ArDOT, Claim No. 240631

Ms. West, thank you for this information. I am copying Ms. Newberry on this email to make her aware of your response. You will need to copy her on any future filings or emails.

Kathryn Irby

From: Aleatrice West <[\[REDACTED\]](#)>
 Sent: Tuesday, April 30, 2024 10:06 AM
 To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
 Subject: Re: INFO NEEDED: West v. ArDOT, Claim No. 240631

Thank You. I understand. Within the first paragraph of my notice, I state the purpose which is to: reconsider the dismissal. The rules read: as if I have to first file for reconsideration and if the consideration is not in my favor then I file an appeal. This is my first step: asking for Reconsideration of the committee's decision to dismiss my case.

On Mon, Apr 29, 2024 at 3:53 PM Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

Ms. West, please confirm whether your filing was intended as a motion for reconsideration or a notice of appeal. Upon review, the re line indicated both, which is not correct. If it was a motion for reconsideration, then the Commission will consider and decide the motion. If it was an appeal, then the Commission must send the claim file to the Legislature for review.

However, to address your email below, Rule 5(a) of the Arkansas Rules of Civil Procedure requires that you provide a copy of any filings to opposing counsel. That is not the responsibility of the Commission. The Arkansas Rules of Civil Procedure also govern the amount of time that a party has to respond to a motion. The Commission adopted the Arkansas Rules of Civil Procedure in Commission Rule 8.1.

Kathryn Irby

From: Aleatrice West <[\[REDACTED\]](#)>
 Sent: Monday, April 29, 2024 2:01 PM
 To: Newberry, Helen A. <Helen.Newberry@ardot.gov>
 Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
 Subject: Re: INFO NEEDED: West v. ArDOT, Claim No. 240631

Good afternoon,

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Thank You,
 Aleatrice West

On Mon, Apr 29, 2024 at 11:34 AM Newberry, Helen A. <Helen.Newberry@ardot.gov> wrote:

Thank you, I will do that!

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From: Kathryn Irby <Kathryn.Irby@arkansas.gov>

Sent: Monday, April 29, 2024 11:33:24 AM

To: Newberry, Helen A. <Helen.Newberry@ardot.gov>; [REDACTED]

Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>

Subject: RE: INFO NEEDED: West v. ArDOT, Claim No. 240631

CAUTION: This email originated from outside of ArDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Newberry, I think you would have the time permitted under the Arkansas Rules of Civil Procedure given that you did not receive the motion until today. That said, if you were able to submit your response this week, that would be helpful to keep this one moving along.

Kathryn Irby

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Sent: Monday, April 29, 2024 11:25 AM

To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; [REDACTED]

Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>

Subject: Re: INFO NEEDED: West v. ArDOT, Claim No. 240631

Yes please, Ms. Irby. We did not receive notice of the motion. Please let me know how long I have. I think the soonest I could do it is late tomorrow or early Wednesday, but I shouldn't need any longer than the remainder of this week. Thank you for giving us the heads up.

Helen Newberry

Staff Attorney

Arkansas Department of Transportation

P.O. Box 2261

Little Rock, AR 72203-2261

Phone: 501-569-2003



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>

Sent: Monday, April 29, 2024 11:22 AM

To: [REDACTED] Newberry, Helen A. <Helen.Newberry@ardot.gov>

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Subject: INFO NEEDED: West v. ArDOT, Claim No. 240631

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Ms. Newberry, it does not appear that ArDOT was copied on the below motion for reconsideration. If ArDOT intends to respond, please let me know.

Thanks,
Kathryn Irby

From: Aleatrice West [REDACTED]
Sent: Wednesday, March 6, 2024 7:35 AM
To: ASCC New Claims <ASCC.New.Claims@arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Aleatrice West [REDACTED]
Subject: Claim #240631 Motion for reconsideration/Appeal

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Good morning,

I am asking Claims Commission staff to reconsider its decision to dismiss the claim and award I the claimant with a reimbursement of the amount of \$368.00 for my tire that was damaged do to neglect of an uncovered sewer-hole. The dismissal stated: North Little Rock, Allen Street are not part of highway system/map for the Department of Transportation. The incident/ negligence took place in District 6; Pulaski county according to the Arkansas department of transportation map. Arkansas Department of Transportation has a responsibility to: ALL roads, highways, and streets in Arkansas, its website says so, ADOT set the standards and guidelines for the cities, counties and all authorized users and transportation workers, who are part of the Arkansas Transportation system. When I the claimant went to the City/ Street website to file a complaint/concern it provides a link to the Arkansas Department of Transportation (please see attachment). When the incident first took place, I the claimant contacted the Mayors office/ the city and its employee (Bethany Woodall) transferred me to the Arkansas Department of Transportation. All roads lead back to the Department of Transportation. ADOT failed to make sure all safety guidelines were followed when authorized personnel is working in and around a sewer hole/man hole (orange cones ect.) ADOT failed to implement safety procedures and routine maintenance to insure no damage to a citizen's property or persons would take place. ADOT failed in safety measures by not securing a man/ sewer hole, it should be locked and secured when an authorized persons is not in use of it. Several neglected safety measures by the Department of Transportation and its system partners caused this incident/ damage to take place. Please reconsider this dismissal and reimbursement for damages, I the claimant a tax paying citizen who was just on her way home from work when this unexpected expense happen, which was no fault of mine, and could've been avoided if the Department of Transportation set appropriate safety measure and standard guidelines for authorized personnel in use of a

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From: [REDACTED]
To: [Kathryn Irby; Newberry, Helen A.](#)
Subject: Re: ORDER: West v. ArDOT, Claim No. 240631
Date: Tuesday, June 18, 2024 2:45:44 PM
Attachments: [image002.png](#)
[image001.jpg](#)
[image003.jpg](#)

I would like to file an Appeal. I did send additional evidence: The City website directs the public to The Department of Transportation website and a map showing; Pulaski county is part of The Arkansas Department of Transportation district 6; further proving that the city is under the guidelines of ADOT. The respondent/ Ms. Newberry stating: ADOT “is not in control of the City website” insinuating that the public shouldn’t pay no attention to the city’s website and its text and to disregard what he or she reads in plain site, but within the statement Ms.Newberry reference the same city’s website, stating: the city is responsible for city streets. How does that work? Just disregard what I read on the website but recognize what Ms. Newberry read on the same website. The responds of dismal, once again is looking bias and unjust. The City blames ADOT and ADOT blames the city, while the tax paying citizens suffer the negligence and disregard for public roads and safety.

Thank You,

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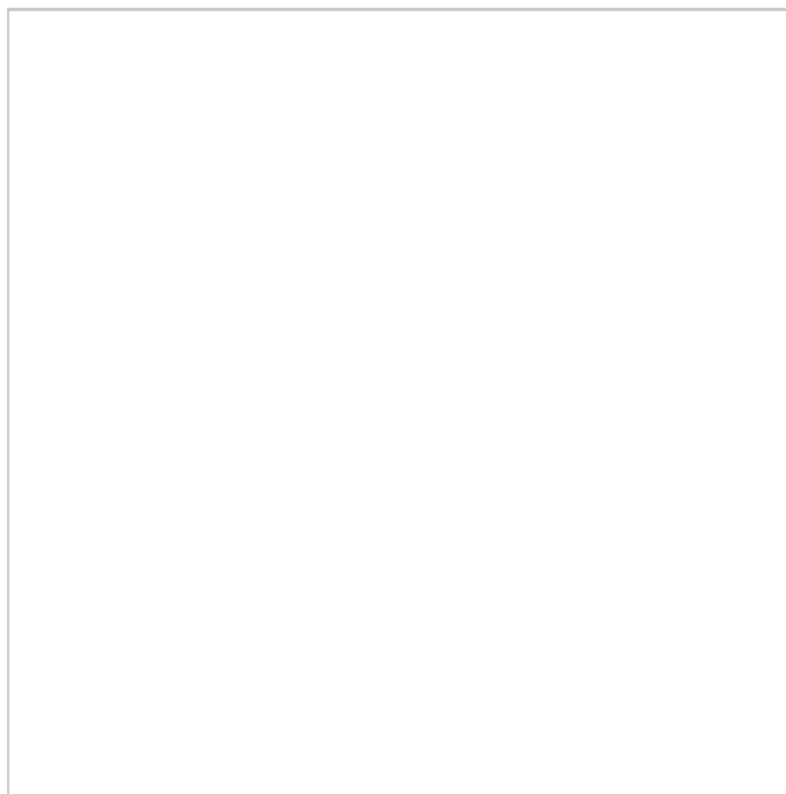
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