

**Mika Tucker**

---

**From:** ASCC New Claims  
**Sent:** Tuesday, April 15, 2025 8:29 AM  
**To:** Tawnie Rowell (DOC)  
**Cc:** Trent Rigdon (DOC); Miles S. Morgan; Yolanda Charles (DOC); Kathryn Irby; Mika Tucker  
**Subject:** CLAIM: Kevin Franklin v. ADC, Claim No. 251372  
**Attachments:** Kevin Franklin v. ADC agency ltr.pdf; Kevin Franklin Claim form and supporting docs - 251372.pdf

Dear Ms. Rowell,

Please confirm receipt of the attached claim file. The agency may file its response to this claim electronically by sending it to [ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov), with a copy to the claimant pursuant to the Arkansas Rules of Civil Procedure.

Please contact Mika Tucker 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

April 15, 2025

Ms. Tawnie Rowell  
Mr. Miles Morgan  
Mr. Trent Rigdon  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

RE: ***Kevin Franklin v. Arkansas Division of Correction***  
**Claim No. 251372**

---

Dear Ms. Rowell, Mr. Morgan, and Mr. Rigdon,

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

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

Sincerely,

Mika Tucker

ES: cmcdaniel

cc: Kevin Franklin (ADC [REDACTED]), *Claimant* (w/ encl.)

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

## 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

Arkansas  
State Claims Commission

MAR 17 2025

RECEIVED

## CLAIM FORM

## 1. Claimant Information.

Mr. Franklin Kevin [REDACTED]  
(title) (last name) (first name) (ADC Number)  
[REDACTED]  
(address)  
[REDACTED]  
(city) (state) (zip)

2. Claimant's Legal Counsel. An individual claimant may act as his or her own attorney (which is known as proceeding *pro se*). 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 Division of Correction

4. Date of Incident June 8, 2016, A.D. to the present time5. Location of Incident Arkansas Division of Correction - Bail Unit and Cummins Unit.

6. **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. Please note that a claimant who is an inmate of the Division of Correction or the Division of Community Correction at the time the claim is filed is subject to the page limitations set forth on page 4 of this form (see Ark. Code Ann. § 19-10-208(f)).

Please See Attached (enclosed) Complaint.

7. Amount of Damages, if known: \$10,000.00

**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 follows the Arkansas Rules of Civil Procedure and has its own rules of practice and procedure. Both sets of rules may be found in your law library.



**STOP HERE!**

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.

**Signature Page for Claim Filed by an Individual Claimant**

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.

Kevin Franklin  
Claimant Signature

**ACKNOWLEDGEMENT**

State of Arkansas  
County of Lincoln

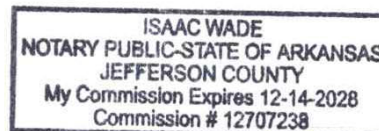
On this the 10 day of March, 2025, before me, the undersigned notary, personally appeared Kevin Franklin known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Isaac Wade  
Signature of Notary Public

My Commission Expires: 12-14-2028

[seal of office]



**Ark. Code Ann. § 19-10-208(f)**

- (1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
  - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
  - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
  - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
  - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
  - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
    - (i) Assign the inmate's claim a docket number; and
    - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
      - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
      - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
  - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
  - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
    - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
    - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
  - (D)
    - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
    - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

\*File MARK Copy Please

Arkansas  
State Claims Commission

IN THE ARKANSAS STATE CLAIMS COMMISSION

MAR 17 2025

RECEIVED

Kevin Franklin

Claimant

Claim No. \_\_\_\_\_

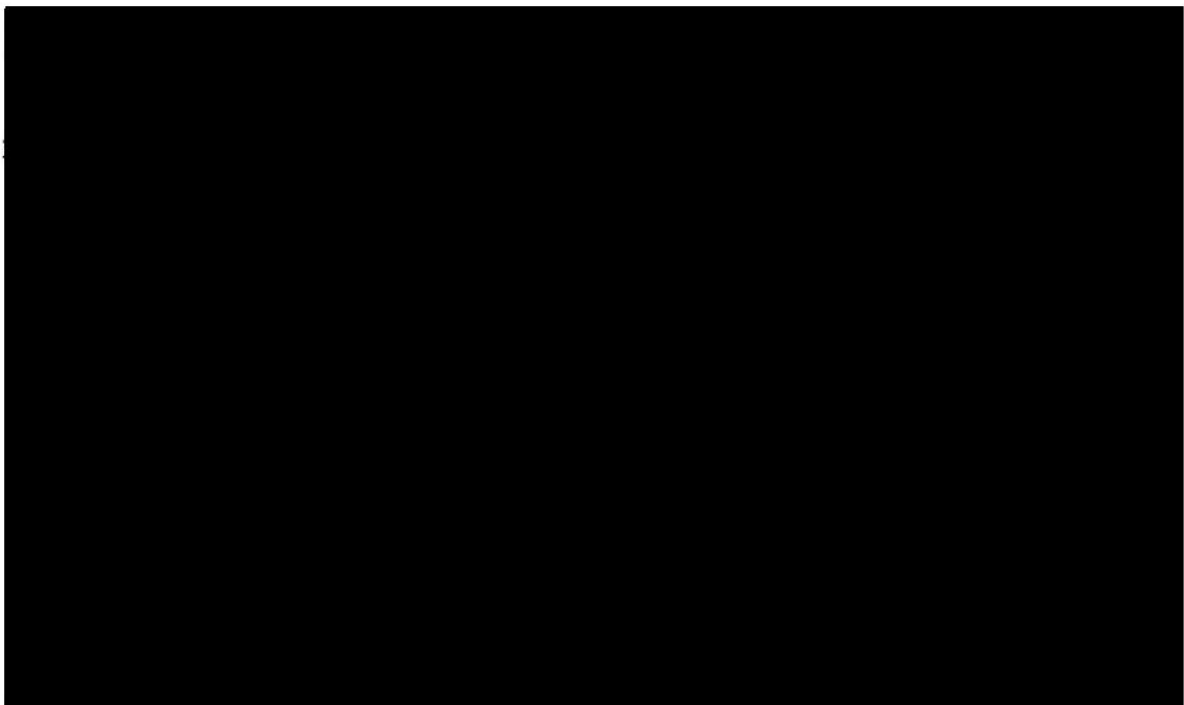
ARKANSAS DIVISION  
OF CORRECTION

RESPONDENT

COMPLAINT

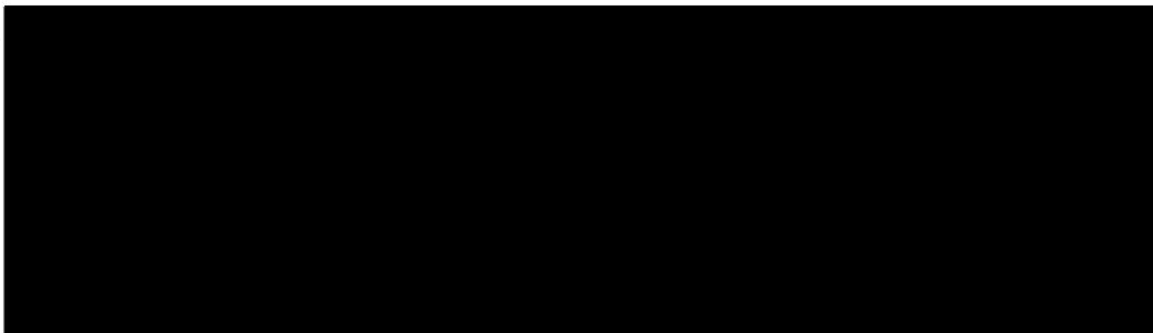
Explanation Of Incident:

Comes on now Claimant herein, Kevin Franklin, depose and states that;



1.

3.



**CONCLUSION AND RELIEF SOUGHT**

4. Immediately thereafter receiving the above-mentioned letter from Medical Doctor, Syed A. Samad on September 14, 2024, A.D., Claimant sought to utilize Claimant's only means of Medical Redress of the Cummins Unit's Medical Staff's failure(s) to render adequate, timely, preventive treatment, treatment and the reassignment of Claimant to work detail(s) that were more appropriate to Claimant's Medical Condition(s) and problem(s), which the Cummins Unit Medical Staff knew about and or should have known about since or soon thereafter [REDACTED] which Claimant was not, until recently made aware of, that has caused Claimant aches and pains that have resulted in Claimant's extreme severity of discomfort over the years, all of which prima facially amounts to a great showing of Deliberate Indifference And Cruel And Unusual Punishment to Claimant's persons and Medical Condition(s), for which Claimant seeks to recover a sum of (\$10,000.00) Ten-Thousand U.S. Dollars from the Arkansas Division Of Correction.

**VERIFICATION**

I, Kevin Franklin, Claimant herein, do hereby certify that all of the above, as a whole, is true, correct, accurate, complete and not misleading to the best of my knowledge and understanding(s).

2.



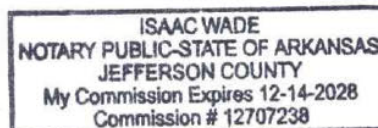
**CERTIFICATE OF SERVICE**

I, Kevin Franklin, Claimant herein, do hereby certify that on this 13 day of March, 2025, A.D., I did cause to be mailed to: "The Arkansas State Claims Commission", at; 101 East Capitol Ave., Suite 410-Little Rock, Ark. 72201, a total of (5) five copies of this "Complaint-Explanation Of Incident" by placing same (5) five copies of same in the hands of an employee at the [REDACTED] Division of Correction, whereas I am currently incarcerated, after same such copies were notarized by a Licensed Notary Public, who is also employed by the Cummins Unit Division Of Correction, all of which did have sufficient postage affixed thereto.

Subscribed And Certified to Before Me, A Notary Public on this 10 day of March, 2025, A.D.

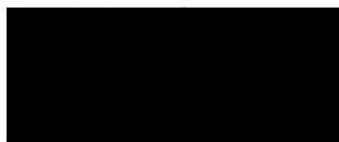
12-14-2028  
My Commission Expires

[Signature]  
Notary Public



Respectfully Submitted,

[Signature: Kevin Franklin]  
Kevin Franklin ADC# [REDACTED]



**UNIT LEVEL GRIEVANCE FORM (Attachment I)**

Unit/Center

SEP 18 2024

FOR OFFICE USE ONLY

GRV. #

Date Received:

GRV. Code #:

Name Kevin Franklin

GRIEVANCE OFFICE

ADC#

Brks # 124Job Assignment 11-Hour9-17-24 (Date) STEP ONE: Informal Resolution9-17-24 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: This is an negligence problem that already been address that has me in severe pain.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? Yes If yes, circle one: medical or mental**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): This Grievance is on Well path and there medical personnel for denying me medical treatment for an hernia that has me in severe pain that been gain un-treated for several years now. On date 9-14-24 I receiveArea. I'm in SEVERE pain daily. I'm still on the surgery lifting heavy equipment, listed M-1 status. Well path and there personnel is well aware of these pre-existence condition that I've endure over a period of years. That cruel and unusual punish ment on there behalf for denying me medical treatmentKevin Franklin  
Inmate Signature9-17-24  
DateIf you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**This form was received on 9-17-24 (date), and determined to be Step One and/or an Emergency GrievanceNo (Yes or No). This form was forwarded to medical or mental health? Yes (Yes or No). If yes, name of the person in that department receiving this form: [Signature] Date 9-17-24[Signature] (STAFF NAME) (PROBLEM SOLVER) [Signature] Staff Signature Date Received 9-17-24Describe action taken to resolve complaint, including dates: you haven't put in a sick call request to address your concerns two year. you can place your request on the floor to be evaluated.[Signature] 9/17/24  
Staff Signature & Date ReturnedKevin Franklin 9-17-24  
Inmate Signature & Date ReceivedThis form was received on \_\_\_\_\_ (date), pursuant to Step Two. Is it an Emergency? Yes (Yes or No).Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: NOV 01 2024

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

DISTRIBUTION: YELLOW &amp; PINK - Inmate Receipts: BLUE - Grievance Officer: ORIGINAL - Given back



17B

Attachment II  
00**ACKNOWLEDGEMENT OR REJECTION OF UNIT LEVEL GRIEVANCE**

**TO:** Inmate Franklin, Kevin  
**FROM:** Cannon, Shakita S  
**DATE:** 09/18/2024

**ADC#:** [REDACTED]  
**TITLE:** ADC Inmate Grievance Coord  
**GRIEVANCE #:** [REDACTED] 4-00996

Please be advised, I have received your Grievance dated 09/17/2024 on 09/18/2024.  
 You should receive communication regarding the Grievance by 10/16/2024.

SIGNATURE OF ADC INMATE GRIEVANCE COORD

*Shakita Cannon* ☒

SHAKITA CANNON, ADC INMATE GRIEVANCE COORD  
 SEP 18, 2024 10:43:46 CDT

**CHECK ONE OF THE FOLLOWING**

- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☒ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- ☐ This Grievance has been determined to be an emergency situation, as you so indicated.
- ☐ This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- ☐ This Grievance was REJECTED because it was either non-grievable ( ), untimely, was a duplicate of , or was frivolous or vexatious.

**INMATE'S APPEAL**

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

INMATE SIGNATURE

If appealing a rejection, please include both the Unit Level Grievance Form (Attachment I) and the Rejection (Attachment II)

FRANKLIN, KEVIN PID# [REDACTED] ADC# [REDACTED]

Page 1 of 1

Printed: 10/08/2024 11:12

HEALTH SERVICES RESPONSE TO UNIT LEVEL GRIEVANCE

Attachment IV  
00

INMATE NAME: Franklin, Kevin

ADC #: [REDACTED]

GRIEVANCE #: [REDACTED]-24-00996

[REDACTED]

SIGNATURE OF HEALTH SERVICES  
ADMINISTRATOR/MENTAL HEALTH SUPERVISOR OR  
DESIGNEE

*Kayla Hargrave*



KAYLA HARGRAVE, NURSING SUPERVISOR  
OCT 8, 2024 11:12:04 CDT

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the Deputy Director for Health & Correctional Programs along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues which were not part of the original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

[REDACTED]

If appealing, please submit both the Unit Level Grievance Form (Attachment I) and the Health Services Response (Attachment IV)

Received

NOV 01 2024

Deputy Director  
Health & Correctional Programs

Received

NOV 01 2024

Deputy Director  
Health & Correctional Programs



12/2/24, 3:12 PM

IGTT430 - Appeal Decision

Attachment VI  
00DEPUTY/ASSISTANT DIRECTOR'S DECISION

INMATE NAME: Franklin, Kevin

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 24-00996

## CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:

[REDACTED]

You have been seen for your complaints and treated as deemed appropriate and clinically indicated based upon your provider's medical judgment; therefore, this appeal is without merit.

DIRECTOR

*Andrea C. Lopez* 12/5/2024

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

**Mika Tucker**

---

**From:** Miles S. Morgan  
**Sent:** Thursday, May 1, 2025 10:50 AM  
**To:** ASCC Pleadings  
**Cc:** Yolanda Charles (DOC)  
**Subject:** Kevin Franklin v. ADC 251372  
**Attachments:** Answer-Franklin.pdf

Answer.

Thanks,



**MILES S. MORGAN**  
DEPUTY GENERAL COUNSEL  
OFFICE OF THE SECRETARY

1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114  
Phone: (501) 682-9540 (Office)  
[Miles.S.Morgan@doc.arkansas.gov](mailto:Miles.S.Morgan@doc.arkansas.gov)

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

KEVIN FRANKLIN (ADC [REDACTED])

CLAIMANT

v.

NO. 251372

ARKANSAS DEPARTMENT OF CORRECTIONS,  
DIVISION OF CORRECTION

RESPONDENT

ANSWER

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of an investigation by internal affairs, if warranted, 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      |
3. The Respondent states that the Arkansas State Claims Commission does not have jurisdiction to hear this matter pursuant to Ark. Code Ann. § 19-10-204.

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 an investigation by Internal Affairs if warranted.

Respectfully submitted,

/s/ Miles S. Morgan

Miles S. Morgan Ark. Bar No. 2017049

Arkansas Department of Corrections

1302 Pike Avenue, Suite C

North Little Rock, AR 72114

Miles.S.Morgan@doc.arkansas.gov

### **CERTIFICATE OF SERVICE**

I certify that a copy of the above pleading has been served this 1<sup>st</sup> day of May 2025, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Kevin Franklin (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

/s/ Miles S. Morgan

Miles S. Morgan



**Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Thursday, May 22, 2025 2:42 PM  
**To:** Tawnie Rowell (DOC); Miles S. Morgan; Trent Rigdon (DOC)  
**Cc:** Yolanda Charles (DOC); ASCC Pleadings; Mika Tucker  
**Subject:** CORR: Kevin Franklin v. ADC, Claim No. 251372  
**Attachments:** Kevin Franklin v. ADC.pdf

Dear Counselors:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

## ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

May 22, 2025

Mr. Kevin Franklin (ADC [REDACTED])  
[REDACTED]

RE: *Kevin Franklin v. Arkansas Division of Correction*  
Claim No. 251372

Dear Mr. Franklin,

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

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

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

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

Sincerely,

Mika Tucker

ES: msscott

cc: Tawnie Rowell, Miles Morgan, and Trent Rigdon, *counsel for Respondent* (via email)

\* Clerk's  
For Forwarding Back To  
Claimant

**BEFORE THE ARKANSAS STATE OF CLAIMS COMMISSION**

Arkansas  
State Claims Commission

**Kevin Franklin**

**Claimant**

JUN 06 2025

**Claim No. 251372**

**RECEIVED**

**ARKANSAS DIVISION OF CORRECTION**

**RESPONDENT**

**CLAIMANT'S RESPONSE TO RESPONDENT'S ANSWER TO COMPLAINT**

Comes on now, Claimant herein, Kevin Franklin, without Counsel, in Pro Se status, depose and states:

1. On May 17, 2025, A.D., Claimant received a copy of Respondent's "Answer" to Claimant's Complaint; in which Respondent denied liability in Claimant's Claims now pending before this Honorable Commission and asserts that Respondent will hold Claimant to strict proof on each allegation unless admitted by Respondent and Respondent also made a reservation of an alleged right to plead further upon completion of an investigation by internal affairs, if warranted and requested that this matter be held in abeyance until such an investigation is completed, which has in pertinent applicable means, have, as a matter of fact(s), previously adduced by Claimant's Complaint; and the exhaustion of State (Administrative) Division Of Correction's Grievance Procedure(s) And Process(es), already been prima facially exhibited, shown and overcame, and to which Respondent has, at this late date, totally failed to object to, and or contradict by the rendering of evidence in contrast thereto.
2. Respondent's reservation of the right to plead further upon completion of an Internal Affairs investigation, if warranted and the request that the matter be held in abeyance until after completion thereof is totally absurd and obscene to the moral and Legal Integrity and Professionalism of this Honorable Commission and thus is completely and absolutely absent of having any relevancy in the determination by this Honorable Commission of the issues and claims of injury asserted therein Claimant's Complaint now pending and thus it is the humble prayer by Claimant that such a request by Respondent be totally disregarded as Legally, Lawfully and Equitably Unwarranted in the matters, issues and Claims now pending before this Honorable Commission.

3. Claimant further asserts that, as a matter of fact, Claimant's Complaint pending before this Honorable Commission was originally received as a matter of this Honorable Commission's record by the Clerk on March 17, 2025, A.D., but for some unknown reason, same above-mentioned Complaint was not forwarded to Respondent's Counsel until April 15, 2025, A.D., which clearly shows that Respondent's Counsel should have been served a copy of Claimant's Complaint in a reasonable number of days after this Honorable Commission's Clerk stamped same Complaint as being received, thus which shows clearly that Respondent more likely than not has had well over the mandated (30) thirty days allotted to Respond to each and every Claim(s) in Claimant's Complaint on a "Point By Point" basis, but also has prima facially totally failed to do so and thus should not be allowed to do so now, which is supported by not only the above-asserted facts, but as well as by the Legal and or Equitable prescribed **Rule 2.2.-Responsive Pleadings On The Rules Of The Arkansas State Claims Commission.**
4. Claimant asserts that this Honorable Commission does, as matter of fact, have jurisdiction to hear and make a determine of and in this matter pursuant to the nature of Ark. Code Ann. §19-10-204, whereas Claimant's Claims in the Complaint in issue clearly shows that actor(s) and or agent(s) of The Arkansas division Of Corrections failed to act and or by inaction(s) (failure of action(s)), knowingly and or should have known to advise Claimant of a Medical Diagnosis, to take necessary steps and measure(s) to further prevent Claimant from suffering pains that eventually entered into a severity of extreme pain(s), which persisted into injury(ies) to Claimant's person.
5. Wherefore, for the above asserted facts, Claimant prays that Claimant's claims set forth in the Complaint now pending before this Honorable Commission not be dismissed with and or without prejudice and that Claimant does take the warranted requested Compensation of \$10,000.00 (Ten-Thousand Dollars) and that the matter not be held in Abeyance until any completion of an investigation by Internal Affairs be conducted for a total lack of any Relevancy whatsoever, as Respondent seems to be attempting the use of such Rhetoric as a matter by which to only delay, vex and or disrespect the Integrity and professionalism of this Honorable Commission, while still yet also attempting to thwart and have Claimant's prima facially clear claims that warranted Compensation from being awarded and adjudged by this Honorable Commission.



Respectfully Submitted,  
/S/ Kevin Franklin

**VERIFICATION**

I, Kevin Franklin, do hereby certify that the above, as a whole, is true, correct, accurate, complete and not misleading to the best of my knowledge and understanding.

**CERTIFICATE OF SERVICE**

I, Kevin Franklin, do hereby certify that on this 6 day of July, 2025, A.D., did cause to be mailed to the following person(s), a copy of this, "Claimant's Response To Respondent's Answer To Complaint", by placing same copy(ies) in the hands of an employee at the Cummins Unit, Division of Correction, whereas I am currently incarcerated, after same such copy(ies) were notarized by a Licensed Notary Public, who is also employed by The Cummins Unit Division of Correction, all of which did have sufficient postage affixed thereto.

- (1) one copy to: Miles S. Morgan Ark. Bar No. 2017049  
Arkansas Department of Corrections  
1302 Pike Avenue, Suite C  
North Little Rock, AR. 72114
- (2) two copies to: The Clerk of The Arkansas State Claims Commission, at; "The Arkansas State Claims Commission", at; 101 East Capitol Ave., Suite 410, Little Rock, Arkansas 72201; (1) one copy of which is to be filed by the Clerk for the record in Claim No.# 251372 (Kevin Franklin-Claimant) and (1) one copy is requested to be file-marked and forwarded back to Claimant, Kevin Franklin, by way of an enclosed self-addressed stamped envelope to be utilized fro such forwarding back to Claimant-Kevin Franklin.

Subscribed And Certified To Before Me, A Notary Public on this 2<sup>nd</sup> day of June, 2025, A.D.

02-26-2026  
My Commission Expires

Corey Rayner  
Notary Public





Respectfully Submitted,

/S/

Kevin Franklin ADC # [REDACTED]

[REDACTED]

*Kevin Franklin 11/6/05*

*Clerk's Copy  
For Forwarding Back  
To Claimant*

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**Kevin Franklin (ADC [REDACTED])**

**Claimant**

Arkansas  
State Claims Commission

**v.**

**Claim No. 251372**

JUN 6 2025

**Arkansas Division of Correction**

**Respondent**

**RECEIVED**

**CLAIMANT'S PLEADING OF OBJECTIONS AS REASON FOR A PRAYER FOR  
DEFAULT JUDGMENT IN THE NATURE OF ARKANSAS RULES OF CIVIL  
PROCEDURE # 55 AND REQUEST FOR HEARING TO BE SCHEDULED**

1. On May 24, 2025, A.D., Claimant herein , Kevin Franklin, received a correspondence from Mika Tucker, in which Claimant was advised that Respondent had filed an "Answer disputing liability" and that whereas Respondent filed such an "Answer disputing liability", Claimant had (2) two different options: 1.) Request a hearing before this Commission, in writing within fifteen (15) calendar days from the date of this correspondence; or 2.) Do nothing within such fifteen (15) calendar days from date of correspondence, and Claimant's claim would be dismissed by this Commission for failure to respond.
  
2. However, Claimant now strictly objects to and depose and states that Respondent has not and did not filed with this Honorable Commission, any true "Answer disputing liability" to the facts, claims and/or nor the amount claimed for relief by Claimant on a point by point basis, within the allotted time frame in which this Commission and The Arkansas Rules of Civil Procedure(s) prescribe and provide for and nor did Respondent take the initiative advantage of attempting to extend such allowable time frame by which to do so, which could have been requested by the filing of an "Extension of Time" to and with this Honorable Commission, but which would have needed to have been filed with and granted by this Honorable Commission prior to the expiration of such time frame by which Respondent had to first respond to Claimant's Complaint, that was clearly not accomplished by Respondent, and thus are the prima facially clear showing(s) of facts that Claimant bases this Pleading, Prayer and Request mentioned in above-mentioned Heading Title.
  
3. Claimant would also like to humbly advise this Honorable Commission that Claimant has

been continuously not receiving Legal Mail and papers from this Honorable Commission in a reasonable assumed time from the date that this Honorable Commission forward same such Legal Paper(s) and/or Correspondence(s) and thus Claimant is having difficulties in having sufficient time by which to evaluate such Legal Paper(s) and/or correspondence(s) and ask this Honorable Commission to please take same such mentioned difficulties into account when forwarding Legal Paper(s) and/or Correspondence(s) to Claimant, which are handled by the same Agency and Agent(s) that are the Respondent(s) to Claimant's Complaint and Claims.

### **VERIFICATION**

I, Kevin Franklin, Claimant herein, do hereby certify that the above, as a whole, is true, correct, accurate, complete and not misleading to the best of my knowledge and understanding.

### **CERTIFICATE OF SERVICE**

I, Kevin Franklin, Claimant herein, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, A.D., I did cause a copy of this "Claimant's Pleading Of Objections As Reason For a Prayer For Default Judgment In The Nature Of Arkansas Rules Of Civil Procedure # 55 And Request For Hearing To Be Scheduled" to be mailed to the following persons, by placing same such copies in the hands of an employee of The Arkansas Division of Correction at The Cummins Unit, whereas I am currently incarcerated after same such copies were notarized by a Licensed Notary Public, who is also employed at The Cummins Unit, all of which did have sufficient postage affixed thereto:

2-two copies of which were mailed to; The Arkansas State Claims Commission; at: 101 East Capitol Avenue, Suite 140, Little Rock, Arkansas 72201-3823; 1 (one) of which was for filing of record; and 1 (one) was requested to be "File-Marked" and forwarded back to myself, to be satisfied by the enclosed therewith, self-addressed stamped envelope.

1-(one) copy of which was mailed to Counsel of Record for Arkansas Division of Corrections, Miles S. Morgan Ark. Bar No. 2017049  
1302 Pike Avenue, Suite C  
North Little Rock, AR. 72114

Subscribed And Certified To Before Me, A Notary Public on this 24 day of June, 2025, A.D.

02-26-2026  
My Commission Expires

Corey Rayner  
Notary Public

COREY RAYNER  
NOTARY PUBLIC-STATE OF ARKANSAS  
LINCOLN COUNTY  
My Commission Expires 02-26-2026  
Commission # 12699062

Kevin Franklin, ADC# [REDACTED]  
[REDACTED]



## 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

June 17, 2025

Mr. Kevin Franklin (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: *Kevin Franklin v. Arkansas Division of Correction*  
Claim No. 251372

---

Dear Mr. Franklin,

As requested, please find enclosed file-marked copies of your June 6, 2025, filings. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

Arkansas  
State Claims Commission

JUL 31 2025

RECEIVED

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Kevin Franklin (Adm) [REDACTED] Claimant

Claim No. 251372

Arkansas Division of Correction Respondent

CLAIMANT'S AFFIDAVITIZED PLEADINGS FOR FINAL  
ORDER OF GRANT OF REQUESTED RELIEF FOR FACTUAL  
AND LEGAL CAUSE

Comes on now, Kevin Franklin, Claimant herein, and  
states and depose:

1) On June 2, 2025, A.D., Claimant did in fact, cause  
(2) two copies of "Claimant's Pleading of Objections As  
Reason For A Prayer For Default Judgment In The Nature  
Of Arkansas Rules Of Civil Procedure #55 And Request  
For Hearing To Be Scheduled," to be forwarded to  
this Honorable Commission's Clerk, Mika Tucker, by  
way of United States Postal Mail Service, which was formally  
filed, as a matter of record by Mika Tucker on June  
6, 2025, A.D., a copy of which was also forwarded to  
Respondent's Counsel Of Record, Miles S. Morgan  
(Ark. Bar No. 2017049), at: 1302 Pike Avenue, Suite C,  
North Little Rock, AR, 72114, by way of same United States

Postal Mail Service.

2.) Once again it is prima facially clear that the Respondent's "Counsel Of Record," Miles S. Morgan has either refused to and/or failed to take any advantage of the opportunity to Respond to, Contradict, and/or timely request an Extension of Time by which to do so against Claimant's Above-mentioned "Claimant's Pleading of Objections As Reason For A Prayer For Default Judgment In The Nature Of Arkansas Rules Of Civil Procedure # 55 And Request For Hearing To Be Scheduled," within the allotted thirty (30) days time frame by which to do so in accordance with either the nature of the relevant wordings set forth in the Arkansas Rules Of Civil Procedure(s) and/or The Arkansas State Claims Commission Rules.

Wherefore, it is for the above stated reasons of facts and laws that Claimant requests for this Honorable Commission to promptly grant Claimant's warranted relief of the total sum of \$10,000.00 (Ten-Thousand United States Dollars), which prima facially shows that Respondent's Counsel Of Record has agreed to such form, nature and sum of relief by way of silent Procuration and all other relief and/or damages deemed



proper, just and equitable herein.

### VERIFICATION

I, Kevin Franklin, Claimant herein, does hereby certify that All of the above, as a whole, is true, accurate, correct, complete and not misleading to the best of my knowledge and understanding.

### CERTIFICATE OF SERVICE

I, Kevin Franklin, Claimant herein, does hereby certify that on this 26 day of July, 2025, A.D. I did cause a copy of this; "Claimant's Affidavitized Pleadings For Final Order Of Grant Of Requested Relief For Factual And Legal Cause", to be forwarded to the following persons with pre-paid postage, by way of United States Postal Mail Service, by placing same copies in the hands of an employee of The Arkansas Division Of Correction At The Cummins Unit, whereas I am now currently incarcerated, after same such copies were Notarized by a Licensed Notary Public, who is also employed at The Cummins Unit, all of which did have sufficient postage affixed thereto:

- 1 - one copy of which was mailed to Respondent's Counsel of Record for The Arkansas Division of Correction,

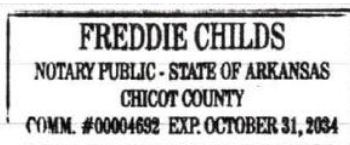
Miles S. Morgan (ARK. BAR No. 2017049); at: 1302  
Pike Avenue, Suite C, North Little Rock, AR. 72114;  
and:

- 2 - two copies of which were mailed to; The Arkansas  
State Claims Commission; At: 101 East Capitol Avenue,  
Suite 140, Little Rock, Arkansas 72201-3823; 1(one)  
of which was for filing of Record; And the other one(1)  
copy I was requested to be "File-Marked" and forwarded  
back to Claimant, to be satisfied by the utilization of  
an enclosed therewith, self-addressed stamped envelope.

Subscribed And Certified To Before Me, A Notary Public  
on this 26 day of JULY, 2025, A.D.

Oct 31, 2034  
My Commission Expires

Freddie Childs  
Notary Public



Respectfully Submitted,  
• Kevin Franklin #114657  
Kevin Franklin, ADC # [REDACTED]

4 of 4



**Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Friday, August 15, 2025 10:51 AM  
**To:** Tawnie Hughes (DOC); Miles S. Morgan; Trent Rigdon (DOC); Taylor Reavis (DOC)  
**Cc:** Yolanda Charles (DOC); ASCC Pleadings; Mika Tucker  
**Subject:** ORDER: Kevin Franklin v. ADC, Claim No. 251372  
**Attachments:** Kevin Franklin v. ADC .pdf; Kevin Franklin-order.pdf

Dear Counselors:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

# ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

August 15, 2025

Mr. Kevin Franklin (ADC [REDACTED])  
[REDACTED]

Ms. Tawnie Rowell  
Mr. Miles Morgan  
Mr. Trent Rigdon  
Ms. Taylor Reavis  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

Re: ***Kevin Franklin v. Arkansas Division of Correction***  
Claim No. 251372

---

Dear Mr. Franklin, Ms. Rowell, Mr. Morgan, Mr. Rigdon, and Ms. Reavis:

Enclosed please find an Order entered on August 7, 2025, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

KEVIN FRANKLIN (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 251372

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is a motion for default judgment filed by Kevin Franklin (the “Claimant”) in his claim against from the Arkansas Division of Correction (the “Respondent”). Based upon a review of the filings, the arguments made therein, and the law of Arkansas, the Claims Commission hereby unanimously finds as follows:

1. Claimant filed his claim on March 17, 2025, seeking \$10,000.00 in damages related to Respondent’s medical staff’s failure to provide treatment and recommendations regarding Claimant’s work assignment.

2. The Commission transmitted the claim to Respondent on April 15, 2025, and Respondent filed an answer denying liability on May 1, 2025.

3. Claimant then filed a motion for default judgment, arguing, *inter alia*, that Respondent’s has not filed “any true ‘Answer disputing liability[.]’”

4. Respondent did not file a response to the motion for default judgment.

5. The Commission finds that Respondent filed a timely answer and that default judgment is not proper at this time. As such, Claimant’s motion for default judgment is DENIED.

6. The Commission notes that Claimant has requested a hearing be set on this claim. However, having reviewed the pleadings in this matter, the Commission finds that Claimant may be asserting a claim against Respondent’s contracted medical provider, which would be outside the jurisdiction of the Commission. The Commission finds it to be prudent and efficient to address

any jurisdictional concerns now to avoid any surprises after the parties and the Commission have expended more time and resources. **Therefore, the Commission directs the parties to file briefs within 40 days of this Order, addressing whether the Commission has jurisdiction over this claim. This claim will be placed in abeyance until the Commission enters an order on the jurisdictional issue.** The Commission declines to set this claim for hearing at this time.

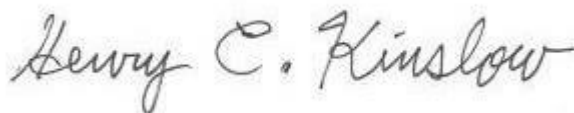


IT IS SO ORDERED.




---

ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb




---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow




---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair

DATE: August 7, 2025

**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. § 25-44-211(a)(1). 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. § 25-44-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(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. § 25-44-211(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. § 25-44-215(b).

**Mika Tucker**

---

**From:** Miles S. Morgan  
**Sent:** Friday, August 15, 2025 2:06 PM  
**To:** ASCC Pleadings  
**Subject:** Kevin Franklin v. ADC 251372  
**Attachments:** Brief JX-Franklin.pdf

Brief on jurisdiction.

Thanks,



**MILES S. MORGAN**  
DEPUTY GENERAL COUNSEL  
OFFICE OF THE SECRETARY

1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114  
Phone: (501) 682-9540 (Office)  
Miles.S.Morgan@doc.arkansas.gov

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

KEVIN FRANKLIN (ADC [REDACTED])

CLAIMANT

CLAIM NO. 251372

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

**BRIEF IN SUPPORT OF DISMISSAL**

COMES NOW, Respondent, and for its Brief in Support of Dismissal, states:

1. Claimant filed his claim with this Commission on April 15, 2025, seeking \$10,000 in damages related to his allegations that medical staff failed to provide him treatment and recommendations regarding Claimant's work assignment.
2. Respondent filed a timely response, denying responsibility.
3. On August 7, 2025, this Commission entered an order for briefs on whether the Commission has jurisdiction to hear this matter.
4. Respondent believes that the Commission does not have jurisdiction to hear this matter.
5. Claimant's claim alleges that the [REDACTED] medical staff failed to render adequate, timely, preventative treatment to Claimant and reassign Claimant to a more appropriate work detail.
6. Any claim regarding the actions of medical services personnel should be brought against the contracted medical provider, not Respondent.
7. All medical care is handled by the Respondent's medical contractor, Wellpath.
8. Wellpath is not a state agency and, as such, is outside of the Commission's jurisdiction.

*See Ark. Code Ann. § 19-10-204.*

9. Because Claimant's claim could be filed against Wellpath in a court of general jurisdiction, the Commission has no jurisdiction to consider it. *See* Ark. Code Ann. § 19-10-204(b)2(A).
10. Moreover, the alleged harm suffered by Claimant is premised upon alleged constitutional violations.
11. "After incarceration, only the unnecessary and wanton infliction of pain constitutes cruel and unusual punishment forbidden by the Eighth Amendment." Jackson v. Gutzmer, 866 F.3<sup>rd</sup> 969, 974 (8<sup>th</sup> Cir. 2017).
12. The Arkansas State Claims Commission does not have jurisdiction over Constitutional matters. Ark. Code Ann. § 19-10-204.
13. Because the doctrine of sovereign immunity does not bar plaintiff from litigating his 42 U.S.C. § 1983 claim against defendant individually in state or federal courts of general jurisdiction, the Arkansas Claims Commission has no jurisdiction over the constitutional claim. Smith v. Johnson, 779 F.3d 867 (8th Cir. 2015).
14. This is a matter that is only for a Court of competent jurisdiction to hear as it involves parties and alleged constitutional violations not subject to the Arkansas Claims Commission's jurisdiction.

WHEREFORE, the ADC prays that the matter be dismissed and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

BY: /s/ MILES S. MORGAN  
Miles S. Morgan, Ark. Bar No. 2017049  
Deputy General Counsel  
Arkansas Department of Corrections  
1302 Pike Avenue, Suite C  
North Little Rock, AR 72114  
(501) 682-9540  
Miles.S.Morgan@doc.arkansas.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of the above pleading has been served this 15<sup>th</sup> day of August 2025 on the below Claimant by placing a copy of the same in the U.S. Mail, regular postage to:

Kevin Franklin (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

/s/ Miles S. Morgan  
Miles S. Morgan



**Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Thursday, December 11, 2025 3:56 PM  
**To:** Tasha Tidwell (DOC); Miles Morgan (DOC)  
**Cc:** Mika Tucker; Yolanda Charles (DOC); ASCC Pleadings  
**Subject:** ORDER: Kevin Franklin v. ADC, Claim No. 251372  
**Attachments:** Kevin Franklin v. ADC.pdf; Kevin Franklin-order.pdf

Ms. Tidwell and Mr. Morgan:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

# ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

December 11, 2025

Mr. Kevin Franklin (ADC [REDACTED])  
[REDACTED]

Ms. Tasha Tidwell  
Mr. Miles Morgan  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

Re: ***Kevin Franklin v. Arkansas Division of Correction***  
Claim No. 251372

---

Dear Mr. Franklin, Ms. Tidwell, and Mr. Morgan:

Enclosed please find an Order entered on December 4, 2025, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

KEVIN FRANKLIN (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 251372

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

**ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Kevin Franklin (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). Based upon a review of the filings, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on March 17, 2025, seeking \$10,000.00 in damages related to Respondent’s medical staff’s failure to provide treatment and recommendations regarding Claimant’s work assignment.
2. Respondent filed an answer denying liability.
3. Claimant filed a motion for default judgment, which was denied by the Commission in its August 7, 2025, order.
4. In its August 7, 2025, order, the Commission noted that Claimant’s claim may be outside the jurisdiction of the Commission and found it prudent and efficient to address any jurisdictional concerns before the parties and the Commission expended more time and resources. The Commission directed the parties to file briefs addressing whether the Commission has jurisdiction over this claim and placed the claim in an abeyance pending a decision on the jurisdictional issue.

5. Respondent filed a brief in response to the Commission's directive, arguing, *inter alia*, Claimant's claim is against medical contractor and the Commission does not have jurisdiction over Respondent's medical contractor.

6. Claimant did not file a brief in response to the Commission's directive.

7. Respondent is correct that, as to any claim regarding the actions of medical services personnel, that claim would be against the contracted medical provider, not Respondent. The medical provider is not a state agency and, as such, is outside of the Commission's jurisdiction. *See* Ark. Code Ann. § 25-44-204. Because Claimant's claim could be filed against the medical provider in a court of general jurisdiction, the Commission has no jurisdiction to consider it. *See* Ark. Code Ann. § 25-44-204(b)(2)(A).

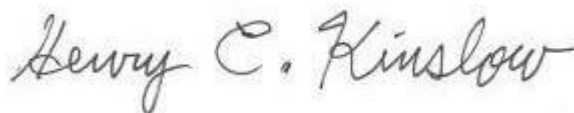
8. As such, pursuant to Ark. Code Ann. § 25-44-204 and Ark. R. Civ. P. 12(h)(3), Claimant's claim is DISMISSED.

IT IS SO ORDERED.




---

ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb




---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow, Chair




---

ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: December 4, 2025

**Notices which may apply to this 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 Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).
- (2) If a Claimant is awarded \$15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under Ark. Code Ann. § 25-44-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of more than \$15,000.00 are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 25-44-215(b).



JAN 08 2026

RECEIVED

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Kevin Franklin (ADC # [REDACTED]) Claimant  
v. Claim No. 251372  
ARKANSAS DIVISION OF RESPONDENT  
CORRECTION

NOTICE OF APPEAL AND DESIGNATION OF RECORD

Comes on now, Kevin Franklin, Claimant  
herein, depose and states that;

1.) On December 15, 2025, A.D., Claimant received this Commission's "Order" of the dismissal of Claimant's Complaint against the above styled Respondent, which was adjudged by this Commission on December 4, 2025.

2.) It is from the above-mentioned "Order" of dismissal which is the cause action for which Claimant now takes advantage of a right at law to have a "Notice of Appeal And Designation Of Record" filed this way and nature by the Commission's Clerk and does wish to designate any and all relevant and pertinent papers, materials, etc., needed to rightfully

understand this complaint's issues and does so  
whereas Claimant believes Claimant's issues and  
Appeal has merit(s).

### VERIFICATION

I, Kevin Franklin, Claimant herein, do hereby certify  
that the Above, AS A whole, is true, correct, accurate,  
complete and not misleading to the best of my knowledge  
and understanding.

### CERTIFICATE OF SERVICE

I, Kevin Franklin, Claimant herein, do hereby certify  
that on this 4th day of January, 2026, A.D.,  
I did cause a copy of this "Notice of Appeal And Designation  
of Record" to the following person(s), by placing same  
copy(ies) into the hands of an employee at the Cummins  
Unit, after same such copy(ies) were duly Notarized by  
a Licensed Notary Public, who was also employed at  
the Cummins Unit whereas I am currently incarcerated,  
all of which did have sufficient postage affixed thereto;

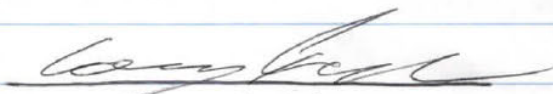
- 2 (two) copies of which were addressed to; The  
Clerk of The Arkansas State Claims Commission; At:  
101 East Capitol Avenue, Suite 140, Little Rock, Arkansas  
72201-3823; 1 (one) of which was for filing of



record; And I (one) was requested to be "File  
marked" and forwarded back to myself, to be  
satisfied by the enclosed therewith, self-addressed  
stamped envelope.

Subscribed And Certified To Before Me, A Notary  
Public on this 4<sup>th</sup> day of January, 2026, A.D.

02-26-2026  
my Commission Expires

  
Notary Public  
COREY RAYNER  
NOTARY PUBLIC-STATE OF ARKANSAS  
LINCOLN COUNTY  
My Commission Expires 02-26-2026  
Commission # 12699062

Respectfully Submitted

Kevin Franklin #  
Kevin Franklin APC#