

Filed March
Copy Requested

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas
State Claims Commission

APR 09 2014

G13.

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Walter McCullough, #091861

Claimant

vs.

State of Arkansas, Respondent
Dept. of Correction

Do Not Write in These Spaces	
Claim No.	14-0788-CC
Date Filed	April 9, 2014 (Month) (Day) (Year)
Amount of Claim \$	5000.00
Fund	DOC

1,2,3) Failure to Follow
Procedure

COMPLAINT

Walter McCullough, #091861

the above named Claimant, of

POB 180, Brickeys, AR 72320

(Name)

(Street or R.F.D. & No.)

(City)

Arkansas

County of Lee

represented by

Pro'sa

(Legal Counsel, if any, for Claim)

of

(Street and No.)

(City)

(State)

(Zip Code)

(Phone No.)

(Fax No.)

say:

State agency involved:

Ark. Dept. of Correction

Amount sought:

\$5,000.00

Month, day, year and place of incident or service:

Nov. 17, 2013, East Ark. Regional Unit

Explanation:

This claimant begins his complaint by giving notice that this (form) contains three (3) different complaints, one each for the (deputy-warden, mills) and (warden - D. Burt), files (Assistant Director's Decision, had from one Grant Harris). Claim #1. Pursuant to the tenets of (AP-10-32)... "Inmate Grievance procedure" and (AP-835)... "Grievance procedure for offenders" plus also... Concerning (AP-12-16) that the Deputy Warden/mills can be so founded to have "failed to follow said policies & procedures in denial of this claimant's efforts to seek the protection & safeguards afforded to same by the (Sec. II explanation) (AP-12-16), (AP-10-32)... quoting, "a grievance procedure is an administrative means for the expression & resolution of inmate problems & complaints. The mechanism is designed to solve the problem at the lowest level, as immediately as feasible, and in a manner that is fair, reasonable and consistent with the Dept. of Correction's mission! Also, again citing to the

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any department or officer thereof?

NO
(Yes or No)

when?

N/A
(Month)

N/A
(Day)

N/A
(Year)

to whom?

N/A

(Department)

and that the following action was taken thereon:

N/A

and that \$

N/A

was paid thereon: (2) Has any third person or corporation an interest in this claim?

NO

; if so, state name and address

(Name)

(Street or R.F.D. & No.)

(City)

(State)

(Zip Code)

and that the nature thereof is as follows:

N/A

N/A

and was acquired on

N/A

in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

WALTER A. McCULLOUGH
(Print Claimant/Representative Name)

Walter A. McCullough
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Brickeys

Arkansas

(City)

(State)

on this

29

day of

Nov.

2014

(Date)

(Month)

(Year)

(Notary Public)

My Commission Expires:

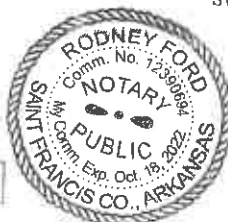
Oct

18,

2012

(Year)

(SEAL)



SF1-R7/99

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Supplemental Pleading made,
BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

By:

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Walter A. McCullough, #091861 Claimant

vs.

State of Arkansas, Respondent

Amended Claim

COMPLAINT

Walter A. McCullough, #091861 the above named Claimant, of E.A. R.R. - P.O. Box 180, Brickley, Ark. 72320
(Name) (Street or R.F.D. & No.) (City)
Arkansas County of Lee represented by pro se
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)

of (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: Arkansas Dept. of Correction Amount sought: \$5,000.00

Month, day, year and place of incident or service: Nov. 17th 2013 - East Arkansas Regional Unit

Explanation: Comes now the Claimant acting - in order to provide a more definitive statement & to incorporate the "original copy" complaint as again to so be made a part of this present statement. To, with #1, Deputy Warden - Mills, committed a failure to follow policy (AR-835) and, (AR-12-16) after being properly notified by letter dated (11/19/13) and, stamped marked "Received" on the date (11/19/13). #2, Warden Burl, committed a failure to follow policy (AR-837) and, (AR-12-16) when he did not acknowledge both my duly filed & lodged to his office notification as to appeal of the major disciplinary court decision and, the appraisal to him of the fact that a Internal Affairs investigation was being so requested due to this (I.C. - Staff member) acts of reprisals & retaliation meted out toward this inmate claimant due to his use of the "grievance procedure" concerning certain so named & mentioned staff members. #3, Warden Burl, plus all so asst. Chief Deputy Director, Grant Harris - the both committed a failure to follow (AR-831 & 835) plus (AR-12-16) when they engaged off point toward grievance (E.A.M. - 13-04073) and, or the (my - is - Appeal).

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

NO : when? N/A : to whom? N/A (Department) N/A
(Yes or No) (Month) (Day) (Year)

: and that the following action was taken thereon:

and that \$ N/A was paid thereon: (2) Has any third person or corporation an interest in this claim? NO : if so, state name and address

and that the nature thereof is as follows: N/A (Name) N/A (Street or R.F.D. & No.) (City) (State) N/A (Zip Code)

N/A : and was acquired on N/A in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

WALTER A. McCULLOUGH
(Print Claimant/Representative Name)

Walter A. McCullough, #091861
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Brickley (City)

AK (State)

(SEAL)

GENEVA W. JONES
NOTARY PUBLIC-STATE OF ARKANSAS
LEE COUNTY
My Commission Expires 01-10-2015

27 day of

June (Month)

2014 (Year)

(Date)

(Month)

(Year)

SF1- R7/99

My Commission Expires:

01 (Month)

10 (Day)

2015 (Year)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

WALTER McCULLOUGH (ADC 091861)

CLAIMANT

V.

NO. 14-0788-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

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

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

WHEREFORE, for the reasons cited above the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing, or in the alternative that the matter be held in abeyance until completion of the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

Arkansas
State Claims Commission

APR 17 2014

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 16 day of April, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Walter McCullough (ADC 091861)
East Arkansas Regional Unit
PO Box 180
Brickeys, AR 72320-0180

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

Before The Arkansas State Claims
— Commission —
Arkansas
State Claims Commission
APR 28 2014

Walter A. McCullough

RECEIVED
Claimant

VS. No. 14-0788-C

Arkansas Dept. of Correction

Respondent

"Response To Answer"

Comes, now the Claimant one (Walter A. McCullough), With his (Response) and he does state:

#1. That, although the Respondent has so denied liability in this claim so asserting (only) same's desire to hold the Claimant to strict proof on each of his allegation raised. This, occurring even though said Claimant has so adhered exactly to that standard (per) the filed complaint attaching in support of the

same said Complaint such strict proof & evidence needed to prove his allegations!

#2. This, Claimant furthermore states that the Respondent has no Right to plea further after conducting what amounts to a stalling tactic, rather than any investigation had by its own internal affairs division - Claimant, does not seek nor need such a belated effort made on the part of Respondent... Claimant needs only his Complaint ^{heard} and adjudicated by... this honorable "Arkansas State Claims Commission"!

Wherefore, for the above Reason's cited too Claimant pray's that his Claim not be so dismissed, and that alternatively that a date be so set certian for a hearing!

State of Arkansas))
County of San Francisco))
Respectfully Submitted
By: Walter R. McCullough

Executed, and sworn to before ^{#91861} a notary
Public on this day of 26 2014
Oct 18 2022 12.1 Walter R. McCullough 5

Arkansas
State Claims Commission
APR 28 2014
RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

WALTER McCULLOUGH (ADC #091861)

CLAIMANT

V.

NO. 14-788-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

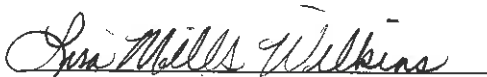
RESPONDENT'S MOTION FOR MORE DEFINITE STATEMENT

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION FOR MORE DEFINITE STATEMENT, states and responds as follows:

1. Respondent is in receipt of a vague, verbose, confusing, rambling, and ambiguous complaint which lists multiple dates, none of which can be deciphered as a date of a specific incident. A claim of retaliation is vaguely alleged, but later a loss of property is mentioned, nothing else can be garnered from the pleadings.
2. Respondent cannot ascertain what claimant is alleging happened, when it happened, or any other matters. The claims commission has designated this as a failure to follow procedure which Respondent cannot discern from the pleadings the basis of that cause of action.
3. Respondent request that an order be entered directing Claimant to provide a more definite statement concisely and factually setting forth his allegations so that further responsive pleading may be made.

WHEREFORE, for the reasons stated above and the evidence submitted, the Respondent requests that an order directing Claimant to state concisely and factually his allegations so that further responsive pleading may be made.

Respectfully submitted,
Department of Correction
Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

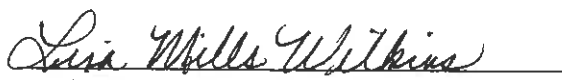
I certify that a copy of the MOTION has been served this 25 day of April, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

WALTER McCULLOUGH (ADC #091861)

EAMU

P. O. Box 180

BRICKEYS, AR 72320-0180



LISA MILLS WILKINS Ark. Bar #87190

Before The Arkansas State Claims

— Commission —

Walter McCullough Claimant

VS. No. 14-788-CC

Ark. Dept. of Correction Respondent

"Answer/Reply"

To, Respondent's Motion For more Definite
Statement

Comes, now the Claimant with his (Answer/Reply)... to the Respondent's (motion) as so duly filed on the 25th day of April - 2014!

#1. Claimant, first points this honorable commission's attention to the fact of the matter that per the Respondent's (original Answer) filed, toward the complaint it can be so ascertained that the respon-

RECEIVED

dent has so previously sought to... illegally employ the use of an evasive strategy so calculated to delay and deny the holding of a prayed for hearing as held before this commission, (i.e.)... "subterfuge most foul," is so alleged due to the Respondent having sought to have this commission to hold the complaint in (abeyance) while the Respondent performs its own investigation of the matter. (I.E.), Explicitely... as if such investigation would ever lead the same to make any admission of the truth!

#2. Claimant, now states that it is axio/matic that the claimant would so see this attempted end run around the fact that such afore

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mentioned (ploy) was both transparent to practically the claimant & this commission which took note of such (ploy)... but proceeded on as routinely practiced by the commission... when it has been able to perceive a "failure to follow policy"... Claim!

#3. Claimant, thusly states that it is not the understanding of the Respondent toward his duly filed complaint that is so being sought by claimant but... only the understanding had by this honorable "Claims Commission" as, to the "Statement of complaint" which, so has the authority to adjudicated the matter (not) leaving such to the Respondent!

State of Arkansas } 22
County of Lee

Respectfully Submitted

GENEVA V. JONES
NOTARY PUBLIC STATE OF ARKANSAS
LEE COUNTY
My Commission Expires 01-10-2015

By: Walter H. McCullough

4-16-2015

on 30 day of April 2014

Arkansas
State Claims Comm.
JUL 24 2014

RECEIVED
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

WALTER McCULLOUGH (ADC 091861)

V.

NO. 14-0788-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

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

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

WHEREFORE, for the reasons cited above the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing, or in the alternative that the matter be held in abeyance until completion of the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 22 day of July, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Walter McCullough (ADC 091861)
East Arkansas Regional Unit
PO Box 180
Brickeys, AR 72320-0180



LISA MILLS WILKINS Ark. Bar #87190

Before The Arkansas State Claims
— Commission —

Arkansas
State Claims Commission

APR 28 2014

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Walter A. McCullough

Claimant

VS. No. 14-0788-C

Arkansas Dept. of Correction

Respondent

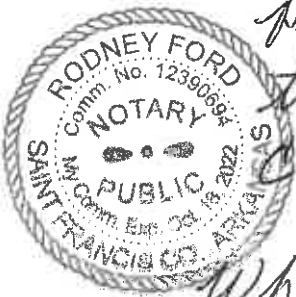
"Response To Answer"

Comes, now the Claimant one (Walter A. McCullough), with his (Response) and he does state:

#1. That, although the Respondent has so denied liability in this claim so asserting (only) same's desire to hold the Claimant to strict proof on each of his allegation raised. This, occurring even though said Claimant has so adhered exactly to that standard (per) the filed complaint attaching in support of the

same said Complaint such strick
proof & evidence needed to prove his
allegations!

#2. This, Claimant furthermore
states that the Respondent has no Right
to plea further after conducting what
amounts to a stalling tactic, rather
than any investigation had by its own
internal affairs division - Claimant,
does not seek nor need such a belat-
ed effort made on the part of Respon-
dent... Claimant needs only his Com-
plaint ^{heard} and adjudicated by...
this honorable "Arkansas State Claims
Commission"!



Wherefore, for the above Reason's cited too
Claimant pray's that his claim not be so dis-
missed, and that alternatively that a date
be so set certian for a hearing!

State of Arkansas))
County of Saint Francis))
Respectfully Submitted
By: Walter A. McCullough

Executed, and sworn to before #91861
Public on this day of 21 2014.
Oct. 18, 2022 /s/ Walter A. McCullough

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

WALTER MCCULLOUGH (ADC #091861)

Arkansas
State Claims Commission
JUL 25 2014

CLAIMANT

V.

NO. 14-0788-CC

ARKANSAS DEPARTMENT OF CORRECTION

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RESPONDENT

MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Motion to Dismiss states as follows:

1. Claimant alleges that Respondent failed to follow policy in three claims. He is seeking \$5,000.00 in damages.
2. Claimant states, conclusively, that three employees of the ADC, Deputy Warden Mills in Claim One, Warden Danny Burl in Claim Two, and Warden Burl and Deputy Director Grant Harris in Claim Three all failed to follow policy. Claimant does not state any facts to support this allegation.
3. Arkansas law requires fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief. According to Ark. R. Civ. P. 8(a)(1), a pleading that sets forth a claim for relief shall contain a statement in ordinary and concise language of facts showing that the pleader is entitled to relief. Rules 12(b)(6) and 8(a)(1) must be read together in testing the sufficiency of a complaint. *Smith v. Eisen*, 97 Ark. App. 130, 139, 245 S.W.3d 160 (Ark. App. 2006). Claimant has merely stated conclusions and no facts to support his allegations.
4. To survive a motion to dismiss, a complaint must contain sufficient factual matter, when accepted as true, to 'state a claim to relief that is plausible on its face.' *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (U.S. 2009) citing *Twombly* at 550 U. S. 544 (2007). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are "merely consistent with" a defendant's liability, it 'stops short of the line between possibility and plausibility of 'entitlement to relief.' *Id.*, *Twombly*. Threadbare recitals of the elements of a cause of action, supported by merely conclusory statements, also do not suffice. *Id.*
9. Claimant has failed to state a cause of action for any of the above cause of action which and this matter should be dismissed under ARCP 12(b)(6).

WHEREFORE, for the reasons submitted above, Respondent requests that the matter be dismissed.

Respectfully submitted,
Department of Correction

Office of Counsel

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the MOTION TO DISMISS has been served this 24 day of July, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to

WALTER MCCULLOUGH (ADC #091861)

EAMU

P. O. Box 180

BRICKEYS, AR 72320-0180

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

RECEIVED

Before The Arkansas State Claims
— Commission —

Walter A. McCullough Claimant

V.S. NO. 14-0788-CC

Ark. Dept. of Correction Respondent

"Response To"
Answer!

Comes, now the claimant one (Walter A. McCullough), with his (Response) that is so now (twice) being made... out of what can only be termed as an abundance of Caution! Please, see the attached (first copy)... i.e. - Attachment. Because, it is of noteworthy interest that although this claimant was directed to provide the ^{claims} office with ^{at} more precise, concise language as to issues claimant alleged

in his Claims Complaint... explicitly, their letter of Request can in no way be so seen as the Commission having dismissed the "original Complaint"... Cause of action, thusly so the case cause number did remain the same (per) letter of Receipt had from the "commission office"... dated, (6/16/14)! Please, see the Attachment-II.

Wherefore, now at this time (Judicial notice) is Requested from the Commission as to the further had and final statement made again (per) the Relevant (letter) of attachment-II, "Therefore, we have enclosed a new Claim for you to Refile... your Claim." ultimately, this claimant did use the claims form for only the expressed purpose of providing more precise, concise language as to his issues alleged in the "original Compl-

aint "... specifically so, commencing the new form by explaining that "comes, now the Claimant acting - in order to provide a more definitive statement & to incorporate the "original copy"... Complaint; also it is of (note worthy interest) to observe that at the top of the (new complaint form) this Claimant... did duly (note) the same to be (only) actually a "Supplemental Pleading"... made, (i.e.) to, the original Complaint filed! Also, Please See the Attachment - III, for its probative Value in that the "Answer/Reply"... To, The Respondent's motion For A more Definitive-- Statement; was so met by averments so had therein from this Claimant that did thoroughly so... point out the employment of "subterfuge most foul"... being so attempted by the Respondent's seeking to be allowed by this Commission to make

an (end Run) around what had so been deemed sufficient by the (Director) initially to commence a claim thru (Respondents) ... "Bare assertion" that such was in need of (more Definite statement) and, even once the "original copy complaint" ... was so (supplimented) toward in order to provide the fianzed for (more Definite statement), the Respondent has now gone on to try and (separate) the Claimants two (2) parts had to the one complaint, (i.e.) # 14-788-CC ... so filed and-- pending the fair & just adjudication needed and sought from the (State Claims Commission) even after (Respondents) having achieved abeyance per

the use of "subterfuge most foul" and, or thru the use of "false proffering" of a "Bare assertion" that they were in need of a (more Definitive statement)... then once the same was so (supplementally) made to the (original copy complaint)... the (Respondents) have again attempted the use of "subterfuge most foul" to talk about the (Supplement) as though it could be separated from the "original copy complaint" for their-- purpose of so making a "false proffer" that the (Supplement) is separate and presented to stand alone... when, nothing could be farther from the truth so this Claimant (Begs) again to know just how the (Director) could process a claim that even after being

(supplimented) too, by the adding of a (more Definite statement)... not some totally (new) and separate complaint form still not himself (initially) ~~have~~ found fault with or so determined to (Kick back) any such defective complaint! Or, how now can this commission fail to garner totally the gist of the complaint presently before same!

In Conclusion

This, Claimant states that although the (Respondents) has so denied liability in this matter so before the commission (only) so asserting such desire to hold the claimant to strict proof on each of issues & claims or, allegations made... ^{the} this so

occurring again even though said...
 Claimant has so adhered exactly to
 that standard (per) the filed complaint
 attaching in like manner as here in
 all of the support and strict proof,
 plus evidence needed to prove his so
 made every allegation! See, Total Complaint

Wherefore, for the Reasons cited this
 claimant prays that his claim be fairly
 and justly adjudicated (per) a date set
 certian for a hearing concerning the
 complaint so filed! (Totally)

State of Arkansas) 22 Respectfully Submitted
 County of Lee) By: Walter A. McCullough
 #091861

Executed, and sworn to before
 me a notary public this 22 day
 of August 2014.

GENEVA JONES
 NOTARY PUBLIC-STATE OF ARKANSAS
 LEE COUNTY
 My Commission Expires 01-10-2015

21

1-10-2015
 MARY ANN JONES & DAVID (7.)

Geneva O. Jones
 Notary Public

(Attachment)

"Personal copy" #8.

Before the Arkansas State Claims

Commission

Arkansas
State Claims Commission
AUG 08 2014

Walter H. McCutcheon

RECEIVED
Claimant

U.S.

NO. 14-0798-CC

Arkansas Dept. of Correction

Respondent

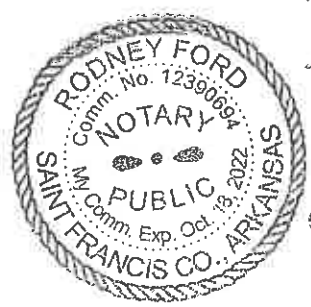
"Response To Answer"

Comes, now the Claimant one (Walter H. McCutcheon), with his (Response) and he does state:

"I. That, although the Respondent has no actual liability in this case as assisting (only) person, desire to let the Claimant to stand for proof of his allegation. This, because even though said Claimant has adhered strictly to law & where per the filed complaint attaching a copy of the

some said complaint such thick
proof & evidence needed to prove his
allegation!

#9, 7th Plaintiff furthermore
states that the Respondent has no right
to plea former after conducting what
amounts to a stalling tactic rather
than any investigation and by its own
internal affairs division. Plaintiff,
despite such was successful a belat-
ed effort made the part of Respon-
dent's Complaint needs only his Com-
plaint heard and adjudicated before
this honorable Arkansas State Claims
Commission!



wherefore, for the above reasons, I state too
a Plaintiff prays that his claim not be dis-
missed, and that alternatively that a date
be set a date for a hearing!

State of Arkansas, Respectfully Submitted
County of Saint Francis, Ark. By: [Signature] although

executed, and sworn to before a notary
Public on this day of 21 2014. #91861 23
Oct. 18, 2012 [Signature]

(Attachment-II)
ARKANSAS STATE CLAIMS COMMISSION

#10.

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



NORMAN L. HODGES, JR.
DIRECTOR

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

June 16, 2014

Mr. Walter McCullough, #091861
P. O. Box 180
Brickeys, AR 72320

Re: Walter McCullough
Claim #14-0788-CC
Vs.
Dept. of Correction

Dear Mr. McCullough:

The Claims Commission directs that you provide this office with more precise concise language as to the issues you allege in your claim. Therefore, we have enclosed a new claim for you to refile your claim.

Sincerely,

A handwritten signature in black ink, appearing to read "N. L. Hodges", is written over the typed name.

Norman L. Hodges, Jr.
Director

NLH/es

cc: Ms. Lisa Wilkins, Attorney, DOC

#11

(Attachment - III.)

Before The Arkansas State Claims
— Commission —

Walter McCullough Claimant

VS. No. 14-788-CC

Ark. Dept. of Correction Respondent

"Answer/Reply"

To, Respondent's Motion For more Definite
Statement

Comes, now the Claimant with his (Answer/Reply)... to the Respondent's (motion) as so duly filed on the 25th day of April - 2014!

#1. Claimant, first points this honorable commission's attention to the fact of the matter that per the Respondent's (original Answer) filed, toward the complaint it can be so asserted that the Respon-

RECEIVED

dent has so previously sought to...
illegally employ the use of an eva-
sive strategy so calculated to delay
and deny the holding of a prayed for
hearing as held before this commission,
(i.e.)... "subterfuge most foul," is so
alleged due to the Respondent having
sought to have this commission to hold
the complaint in (abeyance) while
the Respondent performs its own
investigation of the matter. (I.E.),
Explicitely... as if such investiga-
tion would ever lead the same to
make any admission of the truth!

#2. Claimant, now states that it
is axio/matic that the Claimant
would so see this attempted end Run
around the fact that such afore

mentioned (ploy) was both transparent to practically the claimant & this Commission which took note of such (ploy)... but proceeded on as routinely practiced by the Commission... when it has been able to perceive a "failure to follow policy"... Claim!

#3. Claimant, thusly states that it is not the understanding of the Respondent toward his duly filed complaint that is so being sought by claimant but... only the understanding had by this honorable "Claims Commission" as, to the "Statement of complaint" which, so has the authority to adjudicated the matter (not) leaving such to the Respondent!

State of Arkansas } 22
County of Lee

Respectfully Submitted

Executed, before me, Notary on 30 day of April 2014
GENEVA V. JONES By: Walter H. McCullough
NOTARY PUBLIC STATE OF ARKANSAS
LEE COUNTY
My Commission Expires 01-10-2015

4-16-2015

Before The Arkansas State Claims
— Commission —

Walter A. McCullough Claimant

VS. NO. 14-0788-CC

Ark. Dept. of Correction Respondent

"Answer"

To, Respondents - Motion To Dismiss!

comes, now the Claimant with his (Answer
To, Respondents - Motion To Dismiss).

#1. Claimant, has so alleged that the ...
Respondents failed to follow policy, plus
initially so this Claimant states that
by (open admission) the Respondent cited
to the fact of matter being evidence
to clearly have been Represented too,
and determined to be at the initial
processing of the Relevant complaint

RECEIVED

so
easily understood to be a claim of...
"failure to follow policy"... quoting: to
the (Respondents) duly filed (motion for A
more Definite Statement) at, (Appendage-
#2.)... "Respondent cannot ascertain what
Claimant is alleging happened, when it
happened, or any other matters! The, cl-
aims Commission has designated this as a
"failure to follow procedure", which
Respondent cannot discern from the
pleadings the basis of that cause of ac-
tion. Thusly, what this claimant is
asking the Commission ^{to} ascertain is that
the (Respondent) has so made a subtle
play on words (policy/procedure) to go
a head with a "false proffer" seeking
to employ an evasive strategy of (i.e.)
"subterfuge most foul"... that has so
been made to be manifest by this Clai-

mant to the Commission wherein the (Respondent) has sought from the outset to cause the holding of said Complaint filed in (abeyance) per any determination so prayed for and had from the Commission toward a case of "failure to follow policy" and now even after so having achieved the same (Respondent) now seeks to so continue the employment of said thus far successful use of "subterfuge most foul" ... if again so allowed by this--Commission!

#2. This Claimant states that even after such bogus need being (manipulated) and, (manufactured) for the filing of a (more Definite Statement) Citing; explicitly to such ploy & policy that each (Respondent) failed to follow and so listing the date of such actions (supplementally) making for a (more Definite Statement) the Respondent now seeks

seeks to continue the (ill gotten) gains had from his (totally) made "false proffer" that was (merely) accepted & not true that (Respondent)... "Was in Receipt of a vague, verbose, confusing, rambling, and ambiguous complaint which lists multiple dates, none of which can be deciphered as a date of a specific incident!"

All, of which as had from the (Respondent) might could be expected but for the Claims Commission to allow (such) is of a particular concern to this claimant as the injured (moving) party seeking to be heard per his complaint filed, therefore this (claimant) cites to and so does rely upon his (total) one complete claim filed to evidence and prove to the commission that the (Respondent) has "false Proffered"... that, Claimant

does not state any facts to support his...
 allegation's that, three employees of the
 (ADC), Deputy Warden Mills in claim one,
 Warden Danny Burl in Claim Two, and
 Warden Burl plus Deputy Director Grant
 Harris in claim Three, did all fail to
 follow policy! (Please, see Also the
 Attached copy of the "Response To An-
 swer" had herein as contrasted to the
 duly filed by (Respondents)... "Motion For
 A more Definite Statement."

#3. Claimant, hereby cites to the fact
 of the matter that because Arkansas law
 Requires fact pleadings, and complaints
 must state facts, not as alleged mere
 conclusions, in order to entitle the so
 had pleader to Relief... thus, Claimant
 avers that he has stated in concise
 language a claim of "failure to follow

RECEIVED

policy... showing facts that the pleader
is entitled to Relief... plus the claimant
has supplied sufficient factual matter, that
was initially accepted as plausible on its
face by the (director) of this commission,
plus even now so the same claim has so
been (more definitely stated) to enhance
same's ability to draw the reasonable
inference that the defendant is liable
for misconduct as alleged... explicitly
so, this Claimant has made no (thread
bare) recital of the elements of a cause
of action, unsupported by only conclusory
statements... and, specifically his cause
of action should not be dismissed (per)
ARCP-12 (b)(6).

State of Arkansas)
County of Lee)
Respectfully Submitted
By: Walter A. McCullough
#091867
Executed and sworn to before me 33
a notary public GENEVA V. JONES
NOTARY PUBLIC STATE OF ARKANSAS
LEE COUNTY
My Commission Expires 01-10-2015
1-10-2015
day of August 2014.
mccommision & notad (1...)

(Attachment)

Before The Arkansas State Claims
— Commission —

Walter A. McCullough Claimant

V.S. NO. 14-0788-CC

Ark. Dept. of Correction Respondent

"Response To"
Answer!

Comes, now the Claimant one (Walter A. McCullough), with his (Response) that is so now (twice) being made... out of what can only be termed as an abundance of Caution! Please, see the attached (first copy)... i.e. - Attachment. Because, it is of noteworthy interest that although this claimant was directed to provide the office with more precise concise language as to issues claimant alleged

in his Claims Complaint ... Explicitly,
their letter of Request can in no way be
so seen as the Commission having Dismissed
the "original Complaint" ... Cause of ac-
tion, thusly so the case cause number did
Remain the same (per) letter of Receipt had
from the "Commission office" ... dated, (6/16/14)! Please, see the Attachment-II.

Wherefore, now at this time (Judicial
Notice) is Requested from the Commission
as to the further had and final statement
made again (per) the Relevant (letter) of
attachment-II, "Therefore, we have en-
closed a new Claim for you to Refile ...
your Claim." Ultimately, this Claimant
did use the claims form for only the
expressed purpose of providing more
precise concise language as to his
issues alleged in the "original Compl-

aint "... specifically so, commencing the
 new form by explaining that " comes, now the
 claimant acting - in order to provide a more de-
 finitive statement & to incorporate the "ori-
 ginal copy" ... Complaint, also it is of (note
 worthy interest) to observe that at the top
 of the (new complaint form) this claimant ...
 did duly (note) the same to be (only) actually
 a "Supplemental Pleading" ... made, (i.e.) to,
 the original complaint filed! Also, Please
 see the Attachment - III, for its probative
 value in that the "Answer/Reply" ... To, The
 Respondent's motion For A more Definitive --
 Statement; was so met by averments so
 had therein from this claimant that did
 thoroughly so ... point out the employment
 of "subterfuge most foul" ... being so at-
 tempted by the Respondent's seeking to
 be allowed by this Commission to make

RECEIVED

an (end Run) around what had so been deemed sufficient by the (Director) initially to commence a claim thru (Respondents)... "Bare assertion" that such was in need of (more Definite statement) and, even once the "original copy complaint" was so (supplemented) too, in order to provide the (changed for (more Definite statement), the Respondent has now gone on to try and (separate) the claimants two (2) parts had to the one complaint, (i.e.) # 14-788-CC... so filed and pending the fair & just adjudication needed and sought from the (State Claims Commission) even after (Respondents) having achieved a (payout) per

the use of "subterfuge most foul" and, or thru the use of "false proffering" of a "Bare assertion" that they were in need of a (more Definitive statement)... then once the same was so (supplimentally) made to the (original copy complaint)... the (Respondents) have again attempted the use of "subterfuge most foul" to talk about the (Suppliment) as though it could be separated from the "original copy complaint" for their purpose of so making a "false proffer" that the (Suppliment) is separate and presented to stand alone... when, nothing could be farther from the truth so this Claimant (Begs) again to know just how the (Director) could process a claim that even after being

(supplimented) too, by the adding of a (more Definite statement) ... not some totally (new) and separate complaint form still not himself (initially) found fault with or so determined to (Kick back) any such defective Complaint! Or, how now can this commission fail to garner totally the gist of the Complaint presently before same!

In Conclusion

This, Claimant states that although the (Respondent's) has so denied liability in this matter, so before the commission (only) so asserting such desire to hold the claimant to strict proof on each of issues & claims or, allegations made ... This so

occurring again even though said...
claimant has so adhered exactly to
that standard (per) the filed complaint
attaching in like manner as here in
all of the support and strict proof,
plus evidence needed to prove his so
made every allegation!

wherefore, for the Reason's cited this
claimant prays that his claim be fairly
and justly adjudicated (per) a date set
certain for a hearing concerning the
complaint so filed!

State of Arkansas)
County of Lee) } Respectfully Submitted
By: Walter H. McCullough
#091861

Executed, and sworn to before
me a notary public this 1st day
of Aug. 20 14.

1-10-2015
Notary Public
Geneva Jones
Notary Public

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 5000.00

Claim No. 14-0788-CC

Walter McCullough, #091861

Claimant

Attorneys

Pro se

Claimant

vs.

Department of Correction

Respondent

Lisa Wilkins, Attorney

Respondent

State of Arkansas

Date Filed April 9, 2014

Type of Claim

Failure to Follow Procedure,

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing August 14, 2014

Date of Disposition August 14, 2014

Richard May

Chairman

Bill Lancaster

Commissioner

Jim Baker

Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

RECEIVED

Before The Arkansas State Claims
— Commission —

Walter A. McCullough Claimant

VS. NO. 14-0788-CC

Ark. Dept. of Correction Respondent

"Petition For Rehearing"

And/or

Motion For Reconsideration!

Comes, now the Claimant one (Walter A. McCullough), with his "Petition For Rehearing" and/or; his "Motion For Reconsideration" ... as to the "Finding of Facts" so had from the Commission (per) the hearing held concerning the above so styled complaint - date, of hearing ... was (August 14,th 2014). Wherefore,

now pursuant to the (Rules & Regulations)
plus also the jurisdiction of this Commission
had under the Arkansas Code Annotated
219-10-201 et Seq. - Citing: to
(Rule-7.1) specifically, the power &
duty had to so entertained said (petition/
motion) is so being envoke by the
(fact of the matter) that, "new or additional
evidence which was not available
to this moving party at the time of the
hearing ... so, being held!" Thusly, so
Requiring this petitioner to set forth
his conclusive (proof) that the "Con-
clusion" ... Reached, by the Commission
at the hearing held on (8/14/2014) ...
i.e. - "The Claims Commission here
by unanimously grants the Respon-
dent's "motion To Dismiss," solely --

for Claimant's failure to Respond."

Therefore, the Claim was unanimously denied and dismissed & Emphatically so, ought not be allowed to stand because said "Finding of Facts" had by the Commission as the basis for the denial & dismissal... Namely, - as now quoted "solely for Claimant's failure to Respond"... Can now so be demonstrated and proven to be (totally false) as the "Findings and determinations" ... of the Commission to had toward this Claimant's Complaint is timely so being challenged with in the (40) forty days as allowed by Rule from the hearing date of (August 14th 2014)... therefore, Claimant now submits his proof

in the form of his (Evidentiary Exhibits - #1 thru, #5.) and/also - per his factual averments!

Averments!

This Claimant Cites to his "new and additional evidence"... Which was not available to the ~~(moving)~~^(party) at the time of the hearing held (Aug. 14th, 2014)... as same is so to be listed, enumerated and explained here now (per) the submission of the -- proof need and set forth to conclusively demonstrate that there (was/is) no factual basis for the finding's made by the Commission in order to deny and dismiss this Claimant's complaint!

#1. The, (Evidentiary Exhibit - #1) herein attached and being submitted is a (Inmate Request Form) that was utilized

to inform the (E. A. R. U. - mailroom) ... supervisor that she was so being called upon to help this Claimant demonstrate that he was blameless (per) any alleged "failure to Respond to a motion To Dismiss" ... as Requested of (Mrs. D. Roberts) she helped me by passing my need on to the appropriate (staff personnel member) ... One, (Mrs. Shelia Otner) "Book-Keeper" or, "Business manager at the (E. A. R. U. - facility) and, so it was she who did ultimately provide me this Claimant With the proof Requested, (Evidentiary Exhibit-#2.)!

#2. The, (Evidentiary Exhibit-#2) is a copy of the (Inmate personal Withdrawal Request Form) that was so

utilized to send out my pleadings
so sent to the Commission the same
is so dispositive of several facts-
that show the (Mailroom Supervisor
and, (this Claimant) to be blameless
(per) any alleged non delivery or
"failure on claimant part to have so
Responded"... the most germane fact
and noteworthy listing so deposited
on to the face of the Relevant copy
at issue is that the same conclusively
states the quote: "purpose of
Withdrawal Request -- Legal mail
postage, per The Lodging of #1. Letter
For Hearing; #2. Response To Answer;
#3. Answer To motion To Dismiss!"

#3. The (Evidentiary Exhibit-3.) is a letter of Receipt had from the Commission by this Claimant dated (8/8/14), the gist of said letter is that the Commission had so Received the listed #1.- item as so founded (per) the copy (Evidentiary Exhibit-#2.) herein, i.e. - "Letter For Hearing", and thusly so it is to be considered as a given that the (only) way that the (#1.- item) could have so been Received by the Commission is that said items also listed on the (Evidentiary Exhibit-#2.) as items (#2. and #3.) were also Received, axiomatically these same items are so again being submitted herein attached as the (Evidentiary Exhibits-#4. & #5.) all of which does so make for a conclusive demonstration that there

is no basis in fact for any finding of a failure to respond!

#4. The, (Evidentiary Exhibit - #4.) is herein Resubmitted for its probative Value in demonstration of just what the (#2.- item) as listed on the copy (Evidentiary Exhibit - #2.) herein had as attached does state, and for what purpose the same did serve!

#5. The, (Evidentiary Exhibit - #5.) its self is herein Resubmitted for its probative Value in demonstration of just what the (#3.- item) as so listed on the copy (Evidentiary Exhibit - #2.) had as attached does state and for what purpose the same did so serve!

In conclusion

This, Claimant will finally aver the fact of his pleadings being so demonstrated to have been timely prepared, notarized and mail out, plus even so reviewed by the Commission pursuant to conclusive proof and evidence submitted - then, thus it can be so stated that the finding's had from the Commission pursuant to a hearing held (August 14th 2014) that cited to a "failure to Respond..." by the Claimant as its (sole Reason) had to deny & dismiss the complaint (No. 14-0788) was so an errant finding & as such in need of being Reconsidered and corrected by the Commission!

State of Arkansas) 22 Respectfully Submitted
County of Lee) Walter A. McCullough
My Commission Expires 01-10-2015

August 2014, before a notary public for the State. 50
10-2015 101 Done

(Evidentiary Exhibit)
#10

Received
Business Office

#01.

AUG 25 2014

Arkansas Dept. of Correction
East Arkansas Regional Unit

Inmate Request Form

This form is to be used by inmates to contact staff with request on issues they may have. You should allow five working days to receive a response to your request. This is the East Arkansas Regional Unit in house form.

Name: W. McCallough ADC Number: #91862 Barracks: 17-20 Date: 8/21/14

Staff Directed to: Ms. Roberts

Office: mail Room Supervisor

My request is directed to the following area: (check one)

Chaplain ☐	Classification ☐	Commissary ☐	Assistant/Deputy Warden ☐
Issuance ☐	Food Service ☐	Hobby Craft ☐	General Library ☐
Law Library ☐	Laundry ☐	Mail Room ☒	Medical ☐
Mental Health ☐	Parole ☐	Property ☐	Records ☐
Security ☐	Visitation ☐	Warden ☐	Other: ☐

Give a detailed reason for your request:

Requested to demonstrate proof that I did mail out two (2) different state court pleadings on 8-1 or 2-2014. This can be done by showing copies of the inmate checks used to process the same please do interview me or, so provide me with copies of these inmate checks one - addressed to Lisa Wilkins Atty. for the ADC. & one to the state claims commission.

Have you talked to any staff about your request? Yes ☒ No ☐
If yes, to whom did you speak with and when?

Sgt. Davis

W. McCallough (8/21/14)
Inmate Signature/ Date

Staff Responding:

Roberts

Date:

Response:

The Mailroom does not process inmate checks.

I am referring this to:

Business Office

Cc:

Staff Signature

Date

51

(Evidentiary Exhibit - #2.)

#02.

INMATE PERSONAL WITHDRAWAL REQUEST FORM

E. A. R. U.

ADC Unit

Walter H. McCullough 095861

Inmate Name

ADC Number

17-20

Barracks Number

PLEASE PRINT REQUESTED INFORMATION

Date of Request July 30th 2014 Amount of Request \$ 5.32

Dollars

Check is to be Payable To: (Post master)

5.32

~~Check~~ to be Mailed To: Ark. State Claims Commission Name

101 E. Capitol Ave. Street or P.O. Box

Little Rock, Ark-72201 City, State, Zip

Purpose of Withdrawal Request Legal mail postage, per

The Filing of #1 Letter for Hearing; #2 Response to Answer; #3 Answer

(Domestic
Petitioner)

Walter H. McCullough

Inmate Signature

x Sgt. Barton

ADC Witnessed Signature

Approved: Circle One

YES

NO

Reason for Denial

Signature Warden/Warden Designee

Business Manager - Print Name

Business Manager Signature

Inmate Banking: Inmate Funds Available - Circle One

Yes

No

52

(Evidentiary Exhibit - #3)
ARKANSAS STATE CLAIMS COMMISSION

#03,

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



NORMAN L. HODGES, JR.
DIRECTOR

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

August 8, 2014

Mr. Walter McCullough, #091861
P.O. Box 180
Brickeys, AR 72320

Re: Walter McCullough
Claim #14-0788-CC
Vs.
Department of Correction

Dear Mr. McCullough:

This will acknowledge receipt of your recent letter inquiring about attending a hearing regarding your claim. The Respondent has filed a "Motion to Dismiss" this claim on July 25, 2014. Therefore, the Commission cannot proceed to hearing with this claim until the motion is dealt with. You will be notified of the Commission's decision soon thereafter.

Sincerely,

A handwritten signature in dark ink, appearing to read "N. L. Hodges", is written over a horizontal line.

Norman L. Hodges
Director

NLH/jw

CC: Lisa Wilkins, DOC Attorney

(Evidentiary Exhibit - #4) (Personal copy) #1.

Before The Arkansas State Claims
— Commission —

Walter A. McCullough Claimant

V.S. NO. 14-0788-CC

Ark. Dept. of Correction Respondent

"Response To"
Answer!

Comes, now the Claimant one (Walter A. McCullough), With his (Response) that is so now (twice) being made... out of what can only be termed as an abundance of Caution! Please, see the attached (first copy)... i.e. - Attachment. Because, it is of noteworthy interest that although this Claimant Was directed to provide the ^{claims} office with th more precise, concise language as to issues Claimant alleged

in his Claims Complaint... Explicitly, their letter of Request can in no way be so seen as the Commission having dismissed the "original Complaint" ... Cause of action, thusly so the case cause number did remain the same (per) letter of Receipt had from the "commission office" ... dated, (6/16/14)! Please, see the Attachment-II.

Wherefore, now at this time (Judicial notice) is Requested from the Commission as to the further had and final statement made again (per) the Relevant (letter) of attachment-II, "Therefore, we have enclosed a new Claim for you to Refile ... your Claim." ultimately, this claimant did use the claims form for only the expressed purpose of providing more precise, concise language as to his issues alleged in the "original Compl-

aint "... specifically so, commencing the
 new form by explaining that "comes, now the
 Claimant acting - in order to provide a more de-
 finite statement & to incorporate the "ori-
 ginal copy"... Complaint; also it is of (note
 worthy interest) to observe that at the top
 of the (new complaint form) this Claimant...
 did duly (note) the same to be (only) actually
 a "Supplemental Pleading"... made, (i.e.) to,
 the original complaint filed! Also, Please
 see the Attachment - III, for its probative
 value in that the "Answer/Reply"... To, The
 Respondent's motion For A more Definitive--
 Statement; Was so met by averments so
 had therein from this Claimant that did
 thoroughly so... point out the employment
 of "subterfuge most foul"... being so at-
 tempted by the Respondent's seeking to
 be allowed by this Commission to make

an (end Run) around what had so been deemed sufficient by the (Director) initially to commence a claim thru (Respondents) ... "Bare assertion" that such was in need of (more Definite statement) and, even once the "original copy complaint" ... was so (supplemented) toward in order to provide the fianzed for (more Definite statement), the Respondent has now gone on to try and (separate) the Claimants two (2) parts had to the one complaint, (i.e.) # 14-788-CC ... so filed and--pending the fair & just adjudication needed and sought from the (State Claims Commission) even after (Respondents) having achieved abeyance per

the use of "subterfuge most foul" and
 or thru the use of "false proffering"
 of a "Bare assertion" that they were in
 need of a (more Definitive statement)...
 then once the same was so (supplement-
 tally) made to the (original copy com-
 plaint)... the (Respondents) have again
 attempted the use of "subterfuge most
 foul" to talk about the (Supplement)
 as though it could be separated from the
 "original copy complaint" for their--
 purpose of so making a "false proffer"
 that the (Supplement) is separate and
 presented to stand alone... when,
 nothing could be farther from the
 truth so this claimant (Begs) again
 to know just how the (Director) could
 process a claim that even after being

(supplimented) too, by the adding of a (more Definite statement) ... not some totally (new) and separate Complaint form still not himself (initially) ~~found~~ found fault with or so determined to (Kick back) any such defective Complaint! Or, how now can this commission fail to garner totally the gist of the Complaint presently before same!

In Conclusion

This, Claimant states that although the (Respondents) has so denied liability in this matter so before the commission (only) so asserting such desire to hold the claimant to strict proof on each of issues & claims or, allegations made ... ^{the} this so

occurring again even though said...
 Claimant has so adhered exactly to
 that standard (per) the filed complaint
 attaching in like manner as here in
 all of the support and strict proof,
 plus evidence needed to prove his so
 made every allegation! See, Total Complaint

Wherefore, for the Reason's cited this
 Claimant prays that his claim be fairly
 and justly adjudicated (per) a date set
 certian for a hearing concerning the
 complaint so filed! (Totally)

State of Arkansas)
 County of Lee)
 Respectfully Submitted
 By: Walter A. McCullough
 #091861

Executed, and sworn to before
 me a notary public this 11 day
 of August 2014.

GENEVA JONES
 NOTARY PUBLIC-STATE OF ARKANSAS
 LEE COUNTY
 My Commission Expires 01-10-2015

1-10-2015

Per 11

Geneva Jones

(Attachment)

"Personal copy" #8.

Before The Arkansas State Claims
Commission

Walter H. McCullough

Claimant

Vs.

No. 14-0788-CC

Arkansas Dept. of Correction

Respondent

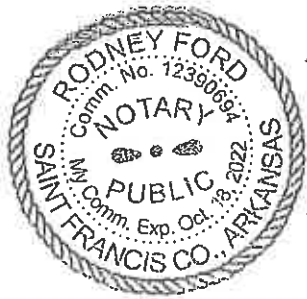
"Response To Answer"

Comes, now the Claimant one (Walter H. McCullough), with his (Response) and he does state:

"1. That, although the Respondent has so denied liability in this claim so asserting (only) same desire to hold the Claimant to strict proof on each of his allegation raised. This, occurs even though said Claimant has so adhered exactly to that standard (per) the filed complaint although in support of the

some said Complaint such strict
proof & evidence needed to prove his
allegation!

#2. This Claimant furthermore
states that the Respondent has no right
to plea further after conducting what
amounts to a stalling tactic. Rather
than any investigation had by its own
internal affairs division - Claimant,
does not seek nor need any a belab-
ored effort made on the part of Respon-
dent as Claimant needs only his Com-
plaint heard and adjudicated by
this honorable "Arkansas State Claims
Commission"!



Wherefore, for the above reasons cited too
Claimant prays that his claim not be dis-
missed, and that alternatively that it be
be set aside for a hearing!

State of Arkansas, Respectfully Submitted
County of Saint Francis, Ark. By: [Signature]

Executed, and sworn to before #91861 62
Public on this day of 21 2014
Oct. 18, 2022 [Signature]

(Attachment-II)
ARKANSAS STATE CLAIMS COMMISSION

#10.

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



NORMAN L. HODGES, JR.
DIRECTOR

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

June 16, 2014

Mr. Walter McCullough, #091861
P. O. Box 180
Brickeys, AR 72320

Re: Walter McCullough
Claim #14-0788-CC
Vs.
Dept. of Correction

Dear Mr. McCullough:

The Claims Commission directs that you provide this office with more precise concise language as to the issues you allege in your claim. Therefore, we have enclosed a new claim for you to refile your claim.

Sincerely,

A handwritten signature in dark ink, appearing to read "N. L. Hodges", written over the printed name.

Norman L. Hodges, Jr.
Director

NLH/es

cc: Ms. Lisa Wilkins, Attorney, DOC

#11

(Attachment - III.)

Before The Arkansas State Claims
— Commission —

Walter McCullough Claimant

VS. No. 14-788-CC

Ark. Dept. of Correction Respondent

"Answer/Reply"

To, Respondent's Motion For more Definite
Statement

Comes, now the Claimant with his (Answer / Reply)... to the Respondent's (motion) as so duly filed on the 25th day of April - 2014!

#1. Claimant, first points this honorable commission's attention to the fact of the matter that per the Respondent's (original Answer) filed, toward the complaint it can be so asserted that the respon-

dent has so previously sought to... illegally employ the use of an evasive strategy so calculated to delay and deny the holding of a prayed for hearing as held before this Commission, (i.e.)... "subterfuge most foul," is so alleged due to the Respondent having sought to have this Commission to hold the complaint in (abeyance) while the Respondent performs its own investigation of the matter. (I.E.), Explicitely... as if such investigation would ever lead the same to make any admission of the truth!

#2. Claimant, now states that it is axio/matic that the claimant would so see this attempted end run around the fact that such afore

mentioned (ploy) was both transparent to practically the claimant & this Commission which took note of such (ploy)... but proceeded on as routinely practiced by the Commission... when it has been able to perceive a "failure to follow policy"... Claim!

#3. Claimant, thusly states that it is not the understanding of the Respondent toward his duly filed complaint that is so being sought by claimant but... only the understanding had by this honorable "Claims Commission" as to the "Statement of complaint" which, so has the authority to adjudicated the matter (not) leaving such to the Respondent!

State of Arkansas } 22
County of Lee

Respectfully Submitted

Executed, before me, on 30 day of April 2014
GENEVA V. JONES
NOTARY PUBLIC, STATE OF ARKANSAS
My Commission Expires 01-10-2015
By: Walter H. McCullough

Before The Arkansas State Claims
— Commission —

Walter A. McCullough Claimant

V.S. NO. 14-0788-CC

Ark. Dept. of Correction Respondent

"Answer"

To, Respondents - Motion To Dismiss!

comes, now the Claimant with his (Answer
To, Respondents - Motion To Dismiss).

#1. Claimant, has so alleged that the ...
Respondents failed to follow policy, plus
initially so this Claimant states that
by (open admission) the Respondent cited
to the fact of matter being evidence
to clearly have been Represented too,
and determined to be at the initial
processing of the Relevant complaint

^{so}
 easily understood to be a claim of...
 "failure to follow policy" ... quoting: to
 the (Respondents) duly filed (motion for a
 more Definite Statement) at; (Appendage-
 #2.) ... "Respondent cannot ascertain what
 Claimant is alleging happened, when it
 happened, or any other matters! The, cl-
 aims Commission has designated this as a
 "failure to follow procedure", which
 Respondent cannot discern from the
 pleadings the basis of that cause of ac-
 tion. Thusly, what this Claimant is
 asking the Commission ^{to} ascertain is that
 the (Respondent) has so made a subtle
 play on words (policy/procedure) to go
 ahead with a "false proffer" seeking
 to employ an evasive strategy of (i.e.)
 "subterfuge most foul" ... that has so
 been made to be manifest by this Clai-

mant to the Commission wherein the (Respondent) has sought from the outset to cause the holding of said Complaint filed in (abeyance) per any determination so prayed for and had from the Commission toward a case of "failure to follow policy" and now even after so having achieved the same (Respondent) now seeks to so continue the employment of said thus far successful use of "subterfuge most foul" ... if again so allowed by this--Commission!

#2. This Claimant states that even after such bogus need being (manipulated) and (manufactured) for the filing of a (more Definite Statement) Citing; explicitly to such ploy & policy that each (Respondent) failed to follow and so listing the date of such actions (supplementally) making for a (more Definite Statement) the Respondent now seeks

seeks to continue the (ill gotten) gains
 had from his (totally) made "false proffer"
 that was (merely) accepted & not true
 that (Respondent) "... was in Receipt of a
 vague, verbose, confusing, rambling, and
 ambiguous complaint which lists multi-
 ple dates, none of which can be decipher-
 ed as a date of a specific incident!

All, of which as had from the (respon-
 dent) might could be expected but for the
 claims commission to allow (such) is of
 a particular concern to this claimant
 as the injured (moving) party seeking
 to be heard per his complaint filed,
 therefore this (claimant) cites to and so
 does rely upon his (total) one complete
 claim filed to evidence and prove to
 the commission that the (Respondent)
 has "false Proffered" ... that, claimant

does not state any facts to support his...
 allegation's that, three employees of the
 (ADC), Deputy Warden Mills in claim one,
 Warden Danny Burl in Claim Two, and
 Warden Burl plus Deputy Director Grant
 Harris in claim Three, did all fail to
 follow policy! (Please, see Also the
 Attached copy of the "Response To An-
 swer" had herein as contrasted to the
 duly filed by (Respondents)... "Motion For
 A more Definite Statement."

#3. Claimant, hereby cites to the fact
 of the matter that because Arkansas Law
 Requires fact pleadings, and complaints
 must state facts, not as alleged mere
 conclusions, in order to entitle the so
 had pleader to Relief... thus, Claimant
 aver's that he has stated in concise
 language a claim of "failure to follow

policy... showing facts that the pleader is entitled to Relief... plus the claimant has supplied sufficient factual matter, that was initially accepted as plausible on its face by the (director) of this Commission, plus even now so the same claim has so been (more definitely stated) to enhance same's ability to draw the reasonable inference that the defendant is liable for misconduct as alleged... explicitly so, this Claimant has made no (thread bare) recital of the elements of a cause of action, unsupported by only conclusory statements... and, specifically his cause of action should not be dismissed (per) ARCP-12 (b)(6).

State of Arkansas)
County of Lee) } Respectfully Submitted
By: Walter H. McCullough

#091861

Executed and sworn to before me
a notary public

GENEVA V. JONES
NOTARY PUBLIC STATE OF ARKANSAS
LEE COUNTY
My Commission Expires 01-10-2015

1-10-2015

day of August 2014

#20.

(Attachment)

Before The Arkansas State Claims
— Commission —

Walter A. McCullough Claimant

V.S. NO. 14-0788-CC

Ark. Dept. of Correction Respondent
(Attachment)

"Response To"
Answer!

Comes, now the Claimant one (Walter A. McCullough), with his (Response) that is so now (twice) being made... out of what can only be termed as an abundance of Caution! Please, see the attached (first copy)... i.e. - Attachment. Because, it is of noteworthy interest that although this Claimant was directed to provide the office with more precise concise language as to issues Claimant alleged

in his Claims Complaint... Explicitly,
their letter of Request can in no way be
so seen as the Commission having Dismissed
the "original Complaint"... Cause of ac-
tion, thusly so the case number did
Remain the same (per) letter of Receipt had
from the "Commission office"... dated, (6/16/14)! Please, see the Attachment - II.

Wherefore, now at this time (Judicial
Notice) is Requested from the Commission
as to the further had and final statement
made again (per) the Relevant (letter) of
attachment - II, "Therefore, we have en-
closed a new Claim for you to Refile...
your Claim." ultimately, this Claimant
did use the claims form for only the
expressed purpose of providing more
precise concise language as to his
issues alleged in the "original Compl-

aint "... specifically so, commencing the new form by explaining that "comes, now the Claimant acting in order to provide a more definitive statement & to incorporate the "original copy" ... Complaint, also it is of (note worthy interest) to observe that at the top of the (new complaint form) this Claimant ... did duly (note) the same to be (only) actually a "Supplemental Pleading" ... made, (i.e.) to, the original Complaint filed! Also, Please see the Attachment - III, for its probative value in that the "Answer/Reply" ... To, The Respondent's Motion For A more Definitive Statement, was so met by averments so had therein from this Claimant that did thoroughly so ... point out the employment of "subterfuge most foul" ... being so attempted by the Respondent's seeking to be allowed by this Commission to make

an (end Run) around what had so been deemed sufficient by the (Director) initially to commence a claim thru (Respondents)... "Base assertion" that such was in need of (more Definite statement) and, even once the "original copy complaint" ... was so (supplemented) too, in order to provide the (changed for (more Definite statement), the Respondent has now gone on to try and (separate) the Claimants two (2) parts had to the one complaint, (i.e.) # 14-788-CC ... so filed and - pending the fair & just adjudication needed and sought from the (State Claims Commission) even after (Respondents) having achieved a preyance per

the use of "subterfuge most foul" and
or thru the use of "false proffering"
of a "Bare assertion" that they were in
need of a (more Definitive statement)...
then once the same was so (supplimen-
tally) made to the (original copy com-
plaint)... the (Respondents) have again
attempted the use of "subterfuge most
foul"... to talk about the (Supplement)
as though it could be separated from the
"original copy complaint" for their--
purpose of so making a "false proffer"
that the (Supplement) is separate and
presented to stand alone... when,
nothing could be farther from the
truth so this claimant (Begs) again
to know just how the (Director) could
process a claim that even after being

(supplimented) too, by the adding of a (more Definite statement)... not some totally (new) and separate complaint form still not himself (initially) found fault with or so determined to (Kick back) any such defective Complaint! Or, how now can this commission fail to garner totally the gist of the Complaint presently before same!

In Conclusion

This, Claimant states that although the (Respondent's) has so denied liability in this matter, so before the commission (only) so asserting such desire to hold the claimant to strict proof on each of issues & claims or, allegations made... this so

occurring again even though said...
 claimant has so adhered exactly to
 that standard (per) the filed complaint
 attaching in like manner as here in
 all of the support and strict proof,
 plus evidence needed to prove his so
 made every allegation!

Wherefore, for the Reason's cited this
 claimant prays that his claim be fairly
 and justly adjudicated (per) a date set
 certain for a hearing concerning the
 complaint so filed!

State of Arkansas)
 County of Lee)
 Respectfully Submitted
 By: Walter A. McCullough
 #091861

Executed, and sworn to before
 me a notary public this 1st day
 of Aug. 20 14.

1-10-2015

Geneva Jones

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

WALTER MCCULLOUGH (ADC #091861)

Arkansas
State Claims Commission
CLAIMANT

V.

NO. 14-0788-CC

SEP 12 2014

ARKANSAS DEPARTMENT OF CORRECTION

RECEIVED

RESPONDENT

RESPONDENT'S REPLY TO THE MOTION FOR RECONSIDERATION

COMES NOW the Respondent, Arkansas Department of Correction, and for its REPLY TO THE MOTION FOR RECONSIDERATION, states and responds as follows:

1. Claimant seeks reconsideration based on an assertion that he submitted his Answer to the Motion to Dismiss to the mailroom for postage. As he provided, the mailroom does not provide postage.
2. Claimant then provided an Inmate Personal Withdrawal Request Form listed as Exhibit #2 and dated July 30, 2014, with purportedly 3 documents included in the postage request. However, the Answer to Motion to Dismiss clearly looks like it was written in at a later date.
3. Furthermore, the Answer to the Motion to Dismiss was not signed by the Claimant until August 1, 2014, as evidenced by the notarized signature; therefore, he could not have submitted it for postage and mailing on July 30, 2014, as it was not signed by him until two days later.
4. Since Claimant did not file a Response to the Motion to Dismiss, but merely filed an Answer to the Complaint and the Request for Reconsideration should be dismissed.

WHEREFORE, for the reasons stated above and the evidence submitted, the Respondent prays that the Request for Reconsideration and Petition for Rehearing be dismissed.

Respectfully submitted,

Department of Correction
Office of Counsel

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 11 day of September, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

WALTER MCCULLOUGH (ADC #091861)

EARU

P. O. BOX 180

BRICKEYS, AR 72320-0180

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

80

Before The Arkansas State Claims

— Commission —

Arkansas
State Claims Commission
SEP 18 2014

Walter McCullough
A.D.C. #091861

Claimant

RECEIVED

VS.

NO. 14-0788-CC

Ark. Dept. of Correction

Respondent

"Letter of Judicial Notice"

Comes, now the Claimant (Walter McCullough), with his letter of "Judicial Notice" given to the Claims Commission - and, its (Director - Norman Hodges) in particular; citing, that with regards to the fact of the matter that this Claimant was so made to be in Receipt of a letter so had from the Commission's (Director) Norman L. Hodges, dated (August 8th 2014), it can easily be made manifest just what any so had pleadings sent to the Commission that did so prompt the (letter of Aug. 8th 2014) to

sent to this Claimant by the (Director)...
of the commission! Wherefore, now it is so
emphatically being stated that "Judicial
notice"... is given to the (Norman Hedges)
and the commission that any lack on their
part to so examine the duly filed doc-
uments had all at the same time (per)
Receipt by the (Director's Office) that did
trigger the letter of (Aug. 8th 2014) to be
sent to this Claimant -- will be made
the (subject) of a separate lawsuit con-
cerning such Refusal to acknowledge the
Receipt of all timely had documents as
Received by the (Director's Office) and the
commission - who, knew or should have
known that such action by the (Director,
and the commission) would violate this
Claimant's Rights, privileges, customs &
treaties as so founded up under the ...

State of Arkansas' plus also that of the
United States of America's Constitution's!

In conclusion!

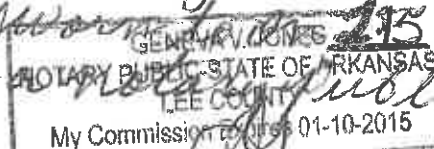
A, tapestry/travesty - of justice is
so being attempted to be finalized per
a bogus "Response" having been so filed
with the Commission Concerning... A,
duly filed by this Claimant (motion/peti-
tion) "For, Rehearing And/or - Recon-
sideration"! Wherein, the Respondent
has false proffered in conjunction with
failure by the (Director, and the Com-
mission) to correctly examine and/or
interpret the duly submitted, reviewed
timely had pleading's of this Claimants!

State of Arkansas)
County of Lee) 22

Respectfully Submitted

By: Walter A. McCullough

Executed, And sworn to on
2014 . Before, me



215 day of Sept

1-10-2015

(3.)

Geneva V. Jones

STATE CLAIMS COMMISSION CHECKET
OPINION

Amount of Claim \$ 5,000.00

Claim No. 14-0788-CC

Walter McCullough, #091861 Claimant vs. Pro se Claimant
Department of Correction Respondent Lisa Wilkins, Attorney Respondent
State of Arkansas
Date Filed April 9, 2014 Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denies the Claimant's "Motion for Reconsideration" for the Claimants failure to offer evidence that was not previously available. Therefore, the Commission's August 14, 2014, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies the Claimant's "Motion for Reconsideration" for the Claimants failure to offer evidence that was not previously available. Therefore, the Commission's August 14, 2014, order remains in effect.

Date of Hearing October 15, 2014

Date of Disposition October 15, 2014

Hanna Chairman
Commissioner
Commissioner

RECEIVED

Before The Arkansas State Claims
— Commission —

Walter H. McCullough

Claimant/Appellant

VS. NO. 14 - 0788 - CC

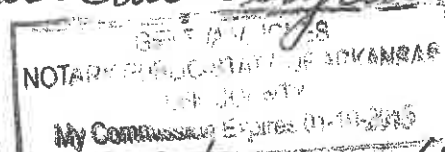
Ark. Dept. of Correction

Respondent/Appellee

"Appeal"
To The General Assembly!
Pursuant, 208 19-10-211, (b)(2) & (b)(3)

Comes, now the (Appellant/claimant) with...
his (Appeal, To The General Assembly) as to the
(Aug. 14th 2014), "Finding of Facts"... that was placed
back before the commission for (Reconsideration)
that was had (per) a (Oct. 15th 2014), hearing date
whereby the claims commission entered a "Find-
ing of Fact"... that has so caused this timely so
had appeal of the entire case cause styled above!

State of Arkansas)
County of Lee) 22



Executed, on this 28 day of Oct 2014
1-10 2015 (1.) Alvin C. Jones 85
my Commission Expires Notary Public