

Arkansas State Claims Commission
DEC 26 2013

RECEIVED

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

- Mr.
- Mrs.
- Ms.
- Miss

Northeast Arkansas Community Mental Health Center, Inc
DBA Mid-South Health Systems, Inc

State of Arkansas, Respondent
DHS/Behavioral Health

| Do Not Write in These Spaces | |
|------------------------------|---|
| Claim No. | 14-0498-CC |
| Date Filed | December 26, 2013 (Month) (Day) (Year) |
| Amount of Claim \$ | 30,283.00 |
| Fund | DHS/BHS |

COMPLAINT

Refund of Expenses/Salaries Due

Mid-South Health Systems, Inc, the above named Claimant, of 2707 Browns Lane, Jonesboro, AR 72401 (870)972-4010 County of Craighead represented by Ruth Allison Dover 2707 Browns Lane Jonesboro, AR 72401 (870)972-4058 (870)972-4968 Arkansas Dept Human Services, Division of Behavioral Health \$30283.00

Month, day, year and place of incident or service: Oct 1, 2012 - Dec 31, 2012

Explanation: Mid-South Health Systems, Inc had a Grant # 5U79SM057014 with Arkansas Department of Human Services, Division of Behavioral Health Services, which had a no-cost extension through September 30, 2012. In the final close out procedures, it was understood that Mid-South Health Systems, Inc had up to 120 days to close out and submit all reports, and during that time period could also pay the Action for Kids staff who were responsible to compile and submit the final reports, and would be reimbursed out of the remaining funds for that grant. It was verified on July 23, 2012 by Gwendolyn Simpson, CMHS Team Leader/Lead Grants Management Specialist, SAMSHA/OER/Division of Grants Management, in an email responding to Marilyn Copeland, cc to Paula Stone, with DHS, and Bonnie White, Polly Hayes, and Nancy Barkley, with Mid-South Health Systems. Based on that understanding, we continued billing the state for those salaries through the end of December until all the reports had been submitted for close-out. After requesting the funds several times and checking on the status of those invoices, Mid-South Health Systems, Inc was informed on March 1, 2013 in an email from Julie Carpenter, Assistant Director for Finance, DHS / Division of Behavioral Health Services that they do not intend to pay the salaries or fringe of those employees that occurred after September 30, 2012.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? Yes when? 02 14 2013, to whom? DHS/ Department of Behavioral Health, Julie Carpenter & John Shook; and that the following action was taken thereon: email response from them saying the charges were ineligible, and that \$ 0.00 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 surety thereof is as follows: ; and was required on ; 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.
Ruth Allison Dover (Print Claimant/Representative Name) RA Dover (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Jonesboro AR

(SEAL)

on this 23 day of December 2013

Gina A. Dycus (Notary Public)

SF1- R7/99

My Commission Expires: February 20 2022



RECEIVED

Please Read Instructions on Reverse Side of Yellow copy
Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

- Mr.
- Mrs.
- Ms.
- Miss

Northeast Arkansas Community Mental Health Center, Inc
DBA Mid-South Health Systems, Inc

State of Arkansas, Respondent
DHS/Behavioral Health

| Do Not Write in These Spaces | |
|------------------------------|---|
| Claim No. | 14-0498-CC |
| Date Filed | December 26, 2013 (Month) (Day) (Year) |
| Amount of Claim \$ | 30,283.00 |
| Fund | DHS/BHS |

COMPLAINT

Refund of Expenses/Salaries Due

Mid-South Health Systems, Inc, the above named Claimant, of 2707 Browns Lane, Jonesboro, AR 72401 (870)972-4010, County of Craighead, represented by Ruth Allison Dover, 2707 Browns Lane, Jonesboro, AR 72401 (870)972-4058 (870)972-4968, Arkansas Dept Human Services, Division of Behavioral Health, Amount sought: \$30283.00

Month, day, year and place of incident or services: Oct 1, 2012 - Dec 31, 2012

Explanation: Mid-South Health Systems, Inc had a Grant # 5U79SM057014 with Arkansas Department of Human Services, Division of Behavioral Health Services, which had a no-cost extension through September 30, 2012. In the final close out procedures, it was understood that Mid-South Health Systems, Inc had up to 120 days to close out and submit all reports, and during that time period could also pay the Action for Kids staff who were responsible to compile and submit the final reports, and would be reimbursed out of the remaining funds for that grant. It was verified on July 23, 2012 by Gwendolyn Simpson, CMHS Team Leader/Lead Grants Management Specialist, SAMSHA/OER/Division of Grants Management, in an email responding to Marilyn Copeland, cc to Paula Stone, with DHS, and Bonnie White, Polly Hayes, and Nancy Barkley, with Mid-South Health Systems. Based on that understanding, we continued billing the state for those salaries through the end of December until all the reports had been submitted for close-out. After requesting the funds several times and checking on the status of those invoices, Mid-South Health Systems, Inc was informed on March 1, 2013 in an email from Julia Carpenter, Assistant Director for Finance, DHS / Division of Behavioral Health Services that they do not intend to pay the salaries or fringe of those employees that occurred after September 30, 2012.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? Yes; when? 02 14 2013, to whom? DHS/ Department of Behavioral Health, Julie Carpenter & John Shook; and that the following action was taken thereon: email response from them saying the charges were ineligible.

and that \$ 0.00 was paid thereon: (2) Has any third person or corporation an interest in this claim? No; if so, state name and address

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.

Ruth Allison Dover (Print Claimant/Representative Name) RA Dover (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Jonesboro AR (City) (State)

on this 23 day of December 2013 (Date) (Month) (Year)

GINA A. DYCUS (Notary Public)

My Commission Expires: February 20 2022 (Month) (Day) (Year)

SF1-R799



Mid-South Health Systems
Activity Report

6/24/2013

[Main Account] = '0110' And [Sub Account] = '12'

| Report Filter | Source From | View Date | Include Zero Balance Account | Trans Date | Description | Entry Number | Fiscal Period | Source Code | Cash Flow | Reference | Post | Alloc | Debit Amt | Credit Amt | |
|----------------|-------------|-------------------------|------------------------------|----------------------------|-------------|--------------|--------------------------|-------------|-----------|------------|------------|-------|------------|------------|--|
| | | | | Thru | | | | | | | Yes | No | | | |
| | | | | Print Inactive Accounts | | | | | | | Yes | No | | | |
| | | | | Search for Missing Entries | | | | | | | Yes | No | | | |
| Account ID | Trans Date | Description | Entry Number | Fiscal Period | Source Code | Cash Flow | Reference | Post | Alloc | Debit Amt | Credit Amt | | | | |
| 001-00-0110-12 | | A/R: SOC Grant | | | | | | | | | | | | | |
| | 7/31/2012 | Record July AFK billing | 754137 | 1 | M1 | Yes | 0712029 | Yes | No | 16,931.00 | | | 16,931.00 | | |
| | 8/28/2012 | ACTION FOR KIDS | 758403 | 2 | BR | Yes | 107713 | Yes | Yes | 38,553.00 | | | 38,553.00 | | |
| | 8/28/2012 | ACTION FOR KIDS | 758407 | 2 | BR | Yes | 107715 | Yes | Yes | 55,484.00 | | | 55,484.00 | | |
| | 8/31/2012 | Record Aug AFK billing | 779009 | 2 | M1 | Yes | 0812029 | Yes | No | | | | | | |
| | 9/30/2012 | Record Sep AFK billing | 802572 | 3 | M1 | Yes | 0912029 | Yes | No | 32,705.00 | | | 32,705.00 | | |
| | 9/30/2012 | Record addn'l billing | 802716 | 3 | M1 | Yes | 0912029 | Yes | No | 426.00 | | | 426.00 | | |
| | 10/3/2012 | AFK | 783447 | 4 | BR | Yes | 116483 | Yes | Yes | 53,510.00 | | | 53,510.00 | | |
| | 10/31/2012 | Record Oct AFK billing | 829278 | 4 | M1 | Yes | 1012029 | Yes | No | 29,505.00 | | | 29,505.00 | | |
| | 11/30/2012 | Record Nov AFK billing | 864098 | 5 | M1 | Yes | 1112029 | Yes | No | 50,310.00 | | | 50,310.00 | | |
| | 12/10/2012 | AFK GRANT | 836446 | 6 | BR | Yes | 120288 | Yes | Yes | 9,493.00 | | | 9,493.00 | | |
| | 12/20/2012 | AFK | 866066 | 6 | BR | Yes | 212842 | Yes | Yes | 59,803.00 | | | 59,803.00 | | |
| | 12/31/2012 | Record Dec AFK billing | 883369 | 6 | M1 | Yes | 1212029 | Yes | No | 9,478.00 | | | 9,478.00 | | |
| | | | | | | | Ending Balance Period 6 | | | 30,283.00 | | | 30,283.00 | | |
| | | | | | | | Ending Balance Period 7 | | | 30,283.00 | | | 30,283.00 | | |
| | | | | | | | Ending Balance Period 8 | | | 30,283.00 | | | 30,283.00 | | |
| | | | | | | | Ending Balance Period 9 | | | 30,283.00 | | | 30,283.00 | | |
| | | | | | | | Ending Balance Period 10 | | | 30,283.00 | | | 30,283.00 | | |
| | | | | | | | Ending Balance Period 11 | | | 30,283.00 | | | 30,283.00 | | |
| | | | | | | | Ending Balance Period 12 | | | 140,539.00 | | | 140,539.00 | | |
| | | | | | | | GL Activity Balance | | | 127,187.00 | | | 127,187.00 | | |

3



Polly Hayes < pJones@mshs.org >

Fiscal close out conversation grant SM057014

12 messages

Marilyn Copeland < mCopelan@mshs.org >

Fri, Jul 20, 2012 at 12:53 PM

To: "Gwendolyn.Simpson@samhsa.hhs.gov" < gwendolyn.simpson@samhsa.hhs.gov >

Cc: Polly Hayes < phayes@mshs.org >, "White, Bonnie" < bwhite@mshs.org >, "Owens, Denese" < dowens@mshs.org >, Nancy Barkley < nbarkley@mshs.org >, "Stone, Paula" < paula.stone@arkansas.gov >

Gwen

I am following up with you after our conversation this morning concerning No-Cost Extension Grant Close-Out procedures. I want to make sure that I am clear on key points of our conversation. These key points included:

1. We have up to 120 days (Jan 30, 2013) to close out and submit our reports.
2. During that 120 time period we are allowed to finish paying all bills and financial obligations.
3. During the 120 close out time period we are allowed to pay ACTION for Kids staff who are responsible to compile and submit the final reports.
4. We are to follow the close-out guidelines as outlined in the Grant Closeout section of SAMHSA Grants Management which includes: Federal Financial Report (FFR), Standard Form 425(SF-425); Tangible Personal Property Reports; Final Progress Report (FPR) and Record Retention (keeping all records for three years).

I really appreciated your time and your assistance in clarifying our questions. We will miss you next week in Orlando. Please let me know if I have correctly understood the key points from this morning.

Thank you -
Marilyn

Marilyn Copeland, Project Director
ACTION for Kids/Project LIFT
Office phone: 870-972-4941
Office fax: 870-972-4968

Simpson, Gwendolyn G. (SAMHSA/OFR) < Gwendolyn.Simpson@samhsa.hhs.gov >

Mon, Jul 23, 2012 at 9:00 AM

To: Marilyn Copeland < mCopelan@mshs.org >

Cc: Polly Hayes < phayes@mshs.org >, "White, Bonnie" < bwhite@mshs.org >, "Owens, Denese" < dowens@mshs.org >, Nancy Barkley < nbarkley@mshs.org >, "Stone, Paula" < paula.stone@arkansas.gov >

It was good talking with you on Friday morning. The key points you have listed are correct.

The primary purpose of the additional 120 days (use to be 90 days) after the end of the project period end date is to allow the grantee sufficient time to prepare the final program and financial reports, pay the salaries of the staff, especially those staff members who will be responsible for preparing the final reports, pay final invoices etc. Also, the 120 days is consistent with the Division of Payment Management's reporting due date.

If you or the Arkansas State's Project Director have any additional questions, please do not hesitate to contact me.

Thank you,

Gwendolyn Simpson

CMHS Team Leader/Lead Grants Management Specialist

SAMHSA/OFR/Division of Grants Management

1 Choke Cherry Road, 7-1085

240-276-1408

Gwendolyn.simpson@samhsa.hhs.gov

From: Marilyn Copeland [mailto:mcopelan@mshs.org]
Sent: Friday, July 20, 2012 1:54 PM
To: Simpson, Gwendolyn G. (SAMHSA/OFR)
Cc: Polly Hayes; White, Bonnie; Owens, Denese; Nancy Barkley; Stone, Paula
Subject: Fiscal close out conversation grant SM057014

[Quoted text hidden]

Polly Hayes <phayes@mshs.org>
To: "Huckabee, Hadyn" <hadyn@mshs.org>

Thu, Aug 9, 2012 at 2:01 PM

FYI - See emails below

----- Forwarded message -----

From: **Marilyn Copeland** <mcopelan@mshs.org>
Date: Fri, Jul 20, 2012 at 12:53 PM
Subject: Fiscal close out conversation grant SM057014

[Quoted text hidden]

Polly Hayes <phayes@mshs.org>
To: "Huckabee, Hadyn" <hadyn@mshs.org>

Thu, Aug 9, 2012 at 2:02 PM

FYI - See answer below to Marilyn's email from Gwen

5

----- Forwarded message -----

From: **Simpson, Gwendolyn G. (SAMHSA/OFR)** <Gwendolyn.Simpson@samhsa.hhs.gov>
Date: Mon, Jul 23, 2012 at 9:00 AM
Subject: RE: Fiscal close out conversation grant SM057014
To: Marilyn Copeland <mcopelan@mshs.org>
Cc: Polly Hayes <phayes@mshs.org>, "White, Bonnie" <bwhite@mshs.org>, "Owens, Denese" <dowens@mshs.org>, Nancy Barkley <nbarkley@mshs.org>, "Stone, Paula" <paula.stone@arkansas.gov>

[Quoted text hidden]

Polly Hayes <phayes@mshs.org>

Thu, Feb 14, 2013 at 9:20 AM

To: John Shook <John.Shook@arkansas.gov>, Julie Carpenter <Julie.Carpenter@arkansas.gov>

John,

Please see attached email where we got it in writing that it was ok to bill for those 3 months of salaries.

Thanks
Polly

----- Forwarded message -----

From: **Marilyn Copeland** <mcopelan@mshs.org>
Date: Fri, Jul 20, 2012 at 12:53 PM
Subject: Fiscal close out conversation grant SM057014
To: "Gwendolyn.Simpson@samhsa.hhs.gov" <gwendolyn.simpson@samhsa.hhs.gov>
Cc: Polly Hayes <phayes@mshs.org>, "White, Bonnie" <bwhite@mshs.org>, "Owens, Denese" <dowens@mshs.org>, Nancy Barkley <nbarkley@mshs.org>, "Stone, Paula" <paula.stone@arkansas.gov>

[Quoted text hidden]

Julie Carpenter <Julie.Carpenter@arkansas.gov>

Fri, Mar 1, 2013 at 2:02 PM

To: Polly Hayes <phayes@mshs.org>, John Shook <John.Shook@arkansas.gov>
Cc: Paula Stone <Paula.Stone@arkansas.gov>, Tim Bodishbaugh <tim.bodishbaugh@arkansas.gov>, Latreasa Mullins <Latreasa.Mullins@arkansas.gov>

Hi Polly,

I had previously asked John Shook of our contracts management team to work with you on trying to resolve open issues regarding billing under the Action for Kids grant. It our understanding, and stance, that the federal grant period ended 09/30/2012, and that the grant included the standard liquidation period with which to bill for services under the grant. However, as explained by Mr. Shook, while you do have 120 days after the close of the grant term to bill for services, those bills have to be for services delivered on or before 9/30/12.

With that being said this is where we stand with regard to your billing for this grant:

On the September invoice you billed us for \$20,805 for services delivered within the terms of the grant and therefore that \$20,805 would be allowable and payable under the terms of the grant. However, you also billed us for salaries and fringe in October and November which would not be allowable under the terms of the grant because the charges were incurred after the end of the grant period. For October and November we paid a total of \$21,940 in salaries and fringe that were ineligible and should not have been paid. You also invoiced us for \$9,478 in salaries and fringe for December that we will not pay as those charges were incurred after the end of the grant period and are also ineligible for reimbursement. The net of the transactions is this:

| | |
|---------------------------------------|---------------------|
| Allowable charges billed but not paid | \$20,805 |
| Charges paid but not eligible | < <u>\$21,940</u> > |
| Amount OVER paid per the contract | <\$1,135> |

For our records, we will use the September invoice that you submitted as back-up for the \$21,940 paid from October and November invoices. With this we will consider the sub-grant paid to you in full, and proceed with closing out the grant with the federal government.

If you have any questions regarding the above analysis, please feel free to contact me.

Sincerely,

Julie Carpenter, CPA (inactive)

Assistant Director for Finance

DHS/Division of Behavioral Health Services

Julie.Carpenter@arkansas.gov

D 501-686-9463


M 501-413-4179

From: Polly Hayes [mailto:phayes@mshs.org]
Sent: Thursday, February 14, 2013 9:21 AM
To: John Shook; Julie Carpenter
Subject: Fwd: Fiscal close out conversation grant SM057014

[Quoted text hidden]

NOTICE: The Arkansas Department of Human Services has determined that this message may contain confidential or otherwise protected information. We have used transport encryption to help protect this message while in transit to you. Please take all reasonable measures to protect any protected or confidential data that might be in this message, including the limitation of re-disclosure to the minimum

number of recipients necessary. Please report any inappropriate disclosure to <https://dhs.arkansas.gov/reporting> or as required by law.

 noname.eml
1107K

Polly Hayes <phayes@mshs.org> Mon, Mar 4, 2013 at 8:51 AM
To: Bonnie White <bwhite@mshs.org>, "Copeland, Marilyn" <mcopelan@mshs.org>

FYI - This email came in on Friday while I was out with William having surgery. We have been going back & forth with them on these last 2 invoices. Sounds like their final answer is no to the salaries for Oct, Nov & Dec even though Gwen Simpson had said they would.

[Quoted text hidden]

 noname.eml
1107K

mcopelan@mshs.org <mcopelan@mshs.org> Mon, Mar 4, 2013 at 8:59 AM
To: Polly Hayes <phayes@mshs.org>

Did u send Gwen's email?

Sent from my Verizon Wireless 4G LTE DROID

[Quoted text hidden]

Polly Hayes <phayes@mshs.org> Mon, Mar 4, 2013 at 9:02 AM
To: "mcopelan@mshs.org" <mcopelan@mshs.org>

Yes, that was the last thing I had sent to them - both John Shook & Julie Carpenter was the email from Gwen.

[Quoted text hidden]

Marilyn Copeland <mcopelan@mshs.org> Mon, Mar 4, 2013 at 10:25 AM
To: Polly Hayes <phayes@mshs.org>

I guess now it will be in Paula and Bonnie's hands. I am having lunch with Bonnie and will talk with her.

On Monday, March 4, 2013, Polly Hayes <phayes@mshs.org> wrote:

> Yes, that was the last thing I had sent to them - both John Shook & Julie Carpenter was the email from Gwen.

>

> On Mon, Mar 4, 2013 at 8:59 AM, mcopelan@mshs.org <mcopelan@mshs.org> wrote:

>

> Did u send Gwen's email?

> Sent from my Verizon Wireless 4G LTE DROID

>

> Polly Hayes <phayes@mshs.org> wrote:

>

> FYI - This email came in on Friday while I was out with William having surgery. We have been going back & forth with them on these last 2 invoices. Sounds like their final answer is no to the salaries for Oct, Nov & Dec even though Gwen Simpson had said they would.

>

> ----- Forwarded message -----

> From: Julie Carpenter <Julie.Carpenter@arkansas.gov>

> Date: Fri, Mar 1, 2013 at 2:02 PM

8

> Subject: RE: Fiscal close out conversation grant SM057014
> To: Polly Hayes <phayes@mshs.org>, John Shook <John.Shook@arkansas.gov>
> Cc: Paula Stone <Paula.Stone@arkansas.gov>, Tim Bodishbaugh <tim.bodishbaugh@arkansas.gov>, Latreasa Mullins <Latreasa.Mullins@arkansas.gov>

>
>
> Hi Polly,
>
>
>

> I had previously asked John Shook of our contracts management team to work with you on trying to resolve open issues regarding billing under the Action for Kids grant. It our understanding, and stance, that the federal grant period ended 09/30/2012, and that the grant included the standard liquidation period with which to bill for services under the grant. However, as explained by Mr. Shook, while you do have 120 days after the close of the grant term to bill for services, those bills have to be for services delivered on or before 9/30/12.

>
>
>
> With that being said this is where we stand with regard to your billing for this grant:
>
>
>

> On the September invoice you billed us for \$20,805 for services delivered within the terms of the grant and therefore that \$20,805 would be allowable and payable under the terms of the grant. However, you also billed us for salaries and fringe in October and November which would not be allowable under the terms of the grant because the charges were incurred after the end of the grant period. For October and November we paid a total of \$21,940 in salaries and fringe that were ineligible and should not have been paid. You also invoiced us for \$9,478 in salaries and fringe for December that we will not pay as those charges were incurred after the end of the grant period and are also ineligible for reimbursement. The net of the transactions is this:
>
>
>

> Allowable charges bil

—
Marilyn Copeland, Project Director
Arkansas Statewide System of Care/Project LIFT
[Quoted text hidden]

Bonnie White <bwhite@mshs.org>
To: Polly Hayes <phayes@mshs.org>

Mon, Mar 4, 2013 at 2:10 PM

Marilyn is going to call Paula. We may have to go and meet with them.
We'll keep you posted

Sent from my iPhone

On Mar 4, 2013, at 9:51 AM, Polly Hayes <phayes@mshs.org> wrote:

> FYI - This email came in on Friday while I was out with William having
> surgery. We have been going back & forth with them on these last 2
> invoices. Sounds like their final answer is no to the salaries for Oct, Nov
> & Dec even though Gwen Simpson had said they would.

>
> ----- Forwarded message -----

> From: Julie Carpenter <Julie.Carpenter@arkansas.gov>

9

> Date: Fri, Mar 1, 2013 at 2:02 PM
 > Subject: RE: Fiscal close out conversation grant SM057014
 > To: Polly Hayes <phayes@mshs.org>, John Shook <John.Shook@arkansas.gov>
 > Cc: Paula Stone <Paula.Stone@arkansas.gov>, Tim Bodishbaugh <
 > tim.bodishbaugh@arkansas.gov>, Latreasa Mullins <
 > Latreasa.Mullins@arkansas.gov>

> Hi Polly,****

> ** **

> I had previously asked John Shook of our contracts management team to work
 > with you on trying to resolve open issues regarding billing under the
 > Action for Kids grant. It our understanding, and stance, that the federal
 > grant period ended 09/30/2012, and that the grant included the standard
 > liquidation period with which to bill for services under the grant.
 > However, as explained by Mr. Shook, while you do have 120 days after the
 > close of the grant term to bill for services, those bills have to be for
 > services delivered on or before 9/30/12. ****

> ** **

> With that being said this is where we stand with regard to your billing for
 > this grant:****

> ** **

> On the September invoice you billed us for \$20,805 for services delivered
 > within the terms of the grant and therefore that \$20,805 would be allowable
 > and payable under the terms of the grant. However, you also billed us for
 > salaries and fringe in October and November which would not be allowable
 > under the terms of the grant because the charges were incurred after the
 > end of the grant period. For October and November we paid a total of
 > \$21,940 in salaries and fringe that were ineligible and should not have
 > been paid. You also invoiced us for \$9,478 in salaries and fringe for
 > December that we will not pay as those charges were incurred after the end
 > of the grant period and are also ineligible for reimbursement. The net of
 > the transactions is this:****

> ** **

| | |
|---|---------------|
| > Allowable charges billed but not paid | \$20,805**** |
| > Charges paid but not eligible | *<\$21,940>* |
| > Amount OVER paid per the contract | <\$1,135>**** |

> ** **

> For our records, we will use the September invoice that you submitted as
 > back-up for the \$21,940 paid from October and November invoices. With this
 > we will consider the sub-grant paid to you in full, and proceed with
 > closing out the grant with the federal government. ****

> ** **

> If you have any questions regarding the above analysis, please feel free to
 > contact me.****

>
> 1. During that 120 time period we are allowed to finish paying all
> bills and financial obligations.****
>
>
> 1. During the 120 close out time period we are allowed to pay ACTION for
> Kids staff who are responsible to compile and submit the final reports. *
> ***
>
>
> 1. We are to follow the close-out guidelines as outlined in the Grant
> Closeout section of SAMHSA Grants Management which includes: Federal
> Financial Report (FFR), Standard Form 425(SF-425); Tangible Personal
> Property Reports; Final Progress Report (FPR) and Record Retention
> (keeping all records for three years). ****
>
> I really appreciated your time and your assistance in clarifying our
> questions. We will miss you next week in Orlando. Please let me know
> if I have correctly understood the key points from this morning.****
>
> Thank you - ****
>
> Marilyn ****
>
> _ ****
>
> ****
>
> Marilyn Copeland, Project Director****
>
> ACTION for Kids/Project LIFT****
>
> Office phone: 870-972-4941****
>
> Office fax: 870-972-4968****
>
> ** **
>
> ** **
> ****NOTICE:**** The Arkansas Department of Human Services has determined that
> this message may contain confidential or otherwise protected information.
> We have used transport encryption to help protect this message while in
> transit to you. Please take all reasonable measures to protect any
> protected or confidential data that might be in this message, including the
> limitation of re-disclosure to the minimum number of recipients necessary.
> Please report any inappropriate disclosure to
> <https://dhs.arkansas.gov/reporting> or as required by law.
> <mime-attachment>

Polly Hayes < phayes@mshs.org> Mon, Mar 25, 2013 at 3:41 PM
To: John Shook <John.Shook@arkansas.gov>, "Copeland, Marilyn" <mcopelan@mshs.org>, Bonnie White
<bwhite@mshs.org>

John,
I am forwarding you the email from Gwen Simpson talking about the close-out procedures on the Action for
Kids grant. See email below.

Thanks

12

Polly

----- Forwarded message -----

From: **Simpson, Gwendolyn G. (SAMHSA/OFr)** <Gwendolyn.Simpson@samhsa.hhs.gov>
Date: Mon, Jul 23, 2012 at 9:00 AM
Subject: RE: Fiscal close out conversation grant SM057014
To: Marilyn Copeland <mcopelan@mshs.org>
Cc: Polly Hayes <phayes@mshs.org>, "White, Bonnie" <bwhite@mshs.org>, "Owens, Denese" <dowens@mshs.org>, Nancy Barkley <nbarkley@mshs.org>, "Stone, Paula" <paula.stone@arkansas.gov>

[Quoted text hidden]

13

JAN 24 2014

BEFORE THE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

RECEIVED

MID-SOUTH HEALTH SYSTEMS, INC.

CLAIMANT

VS.

CLAIM #14-0498-CC

STATE OF ARKANSAS
DHS/DBHS

RESPONDENT

ANSWER

Comes on the Respondent herein and for its answer states:

1. That Respondent denies all liability in the above referenced claim and contests this claim. Account information is:

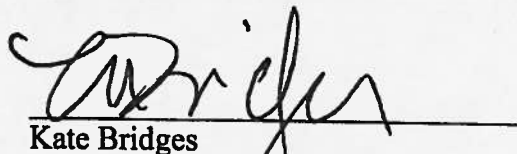
| | |
|-----------------|----------|
| Agency Number: | 0710 |
| Cost Center: | 417900 |
| Internal Order: | HGXX01XX |
| Fund: | PWP3500 |
| Fund Center: | 896 |

2. That Respondent denies any and all allegations of the claim not specifically admitted herein;

WHEREFORE, Respondent prays this Commission discharge Respondent from any liability herein, that the claim be dismissed, and for all other just and proper relief.

Respectfully submitted,

ARKANSAS DEPARTMENT
OF HUMAN SERVICES
OFFICE OF POLICY AND LEGAL SERVICES



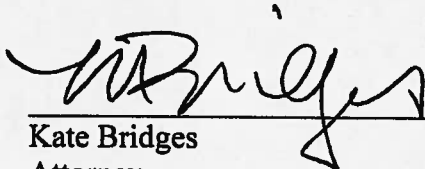
Kate Bridges
Attorney - Bar #2001224
P.O. Box 1437, Slot S260

Little Rock, Arkansas 72203
Telephone # (501) 320-6292

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing Answer by depositing same in the U.S. Mail in a properly addressed envelope with adequate postage thereon this 24th day of January, 2014, to:

Ruth Allison Dover
Mid-South Health Systems
2707 Brown Lane
Jonesboro, AR 72401



Kate Bridges
Attorney

APR 03 2014

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**NORTHEAST ARKANSAS COMMUNITY
MENTAL HEALTH CENTER, INC.
D/B/A MID-SOUTH HEALTH SYSTEMS****CLAIMANT****VS.****CLAIM:14-0498-CC****STATE OF ARKANSAS****RESPONDENT****CLAIMANT'S BRIEF****I.****INTRODUCTION**

Northeast Arkansas Community Mental Health Center d/b/a Mid-South Health Systems, the Claimant, (hereinafter referred to as "MSHS") is a non-profit community mental health center, serving thirteen (13) counties in Northeast Arkansas. MSHS's mission is to provide quality community-based mental health services that are accessible to the public. MSHS is designated by the State of Arkansas to provide mental health services to the indigent and underinsured residents of the State who otherwise could not afford mental health services. MSHS strives to provide mental health services to all residents of Arkansas, without regard for ability to pay, in spite of continuing cuts in State funding for mental health services by community mental health centers. MSHS has a limited budget to serve a growing population of seriously mentally ill individuals.

II.

FACTS

In 2005, the State of Arkansas was the Grantee of a federal Systems of Care grant through the Substance Abuse and Mental Health Services Administration (SAMHSA). The State, through its Department of Behavioral Health Services, DBHS, designated MSHS to fulfill a majority of the terms of the grant. The grant ended on September 30, 2012, and both the State and the MSHS were advised by SAMHSA that they had one-hundred twenty (120) days to close out the grant and submit the numerous final federal reports due from this seven (7) year grant.

In preparing for the close out, Marilyn Copeland, the Project Director for the Grant employed by MSHS, verified key points of how the close-out period would operate in an email dated Friday, July 20, 2012, to Gwen Simpson, the SAMSHA Grants Management Specialist. Please see Exhibit A attached and incorporated herein. This email summarized a previous phone conversation between the two. Copied on this email was Paula Stone, the Principal Investigator of the Grant and an employee of DBHS. Gwen Simpson responded to Marilyn Copeland on Monday, July 23, 2012 and confirmed the points in the previous email and stated as follows:

The primary purpose of the additional 120 days (use to be 90 days) after the end of the project period end date is to allow the grantee sufficient time to prepare the final program and financial

reports, pay the salaries of the staff, especially those staff members who will be responsible for preparing the final reports, pay final invoices, etc. Also the 120 days is consistent with the Division of Payment Management's reporting due date.

Please see Exhibit B attached and incorporated herein.

Additionally, numerous phone conversations took place with all involved individuals to prepare for the close out period, and Paula Stone of DBHS participated in this communication and planning process. In numerous conversations with representatives of DBHS, it was understood by the parties that there was a surplus of approximately \$40,000 left in the grant which would be used during the close out period to pay salaries for those individuals who would be working during the close out period to prepare the final reports.

In reliance on these conversations and emails including both SAMHSA representatives and DBHS representatives, MSHS paid salaries for these individuals during the close out period. MSHS sent DBHS an invoice for those salaries and fringe costs for the months of October and November during the close out period. DBHS paid these invoices without comment. In reliance upon this, MSHS continued to pay salaries and fringe for the month of December 2012. This invoice was not paid. It was not until March 1, 2013, that Julie Carpenter, the Assistant Director of Finance for DBHS, notified Polly Hayes, the CFO of the MSHS, that DBHS would not be paying salaries and fringe for grant staff during

the close out period. DBHS then recouped the amount it had previously approved and paid for salaries in October and November by deducting that amount from the final amounts due MSHS under the grant. Please see Exhibit C which is attached and incorporated herein. At this point, MSHS had already paid \$30,283.00 in salaries and fringe for the close out period during October, November and December 2012 and produced all final grant reports for the State. Please see Exhibit D which is attached and incorporated herein.

III.

ARGUMENT

MSHS simply seeks reimbursement of \$30,283.00 spent in salaries for staff to prepare final reports which were the obligation of the State as the Grantee. MSHS acted diligently in planning and preparing for the close out period to prepare all reports due on behalf of the State under the grant. Communications as to the plan were sent to all parties. MSHS relied upon SAMHSA's permission that it was allowable to pay salaries during the close out period and on the State's promise to reimburse MSHS for salaries for grant staff during the close out period. Further, DBHS made payment to MSHS for those salaries for the months of October and November which made MSHS continue to detrimentally rely on the promise by the State to reimburse MSHS for salaries during the close out period.

Had the State communicated to MSHS at any point during the close out period that it would not reimburse those salaries under the grant, MSHS would have ceased to pay out those salaries. However, quite the contrary, the State made payments to MSHS for those first two months of salaries. The end result is that MSHS expended \$30,283.00, in salaries during the close out period for which it was not reimbursed. This amount was approved by SAMHSA to be paid out of grant funds. However, the state failed to fulfill its obligation to reimburse MSHS.

MSHS cites the legal principals of detrimental reliance, also referred to as promissory estoppel, and quantum meruit in support of its position.

In *Van Dyke v. Glover*, 326 Ark. 736, 744-45, 934 S.W.2d 204, 209 (1996) the Supreme Court stated:

The blackletter law on promissory estoppel is found in the Restatement (Second) of Contracts:

A promise which the promisor should reasonably expect to induce action or forbearance on the part of the promisee or a third person and which does induce such action or forbearance is binding if injustice can be avoided only by enforcement of the promise. The remedy granted for breach may be limited as justice requires.

Clearly from the communications between the parties, the State reasonably expected MSHS to pay grant staff salaries during the close out period. The State knew that MSHS expected to be reimbursed for those salaries through grant funds available to the State. MSHS detrimentally relied on this and was paid for two

months of these salaries before being informed that the State would not fulfill its obligation and would be taking back monies previously paid.

Additionally, MSHS would show that the facts in this case point to an argument for recovery under the theory of quantum meruit. In *Dews v. Halliburton Industries, Inc.*, 288 Ark. 532, 708 S.W.2d 67 (1986), the Supreme Court cites *Dunn v. Phoenix Village, Inc.*, 213 F. Supp. 936 (W.D.Ark. 1963), the *Arkansas Law of Damages*, Section 15-3, Brill (1984) and *Handbook on the Law of Remedies*, Section 4.2, Dobbs (1973) in stating:

The basis for recovery under this theory is the benefit that the party has received and it is restitutionary in nature. Recovery may be had under quasi-contract where services have been performed, whether requested or not, which have benefited a party. Courts, however, will only imply a promise to pay for services where they were rendered in such circumstances as authorized the party performing them to entertain a reasonable expectation of their payment by the party beneficiary. Id.

In this instance, all elements of this test are met. MSHS and its staff rendered valuable services in preparing the final reports due under the grant, these services were rendered at request of the State as the Grantee, and these services were accepted, used and enjoyed by the State to fulfill its grant responsibility, and the State was aware that the MSHS reasonably expected to be paid by the State.

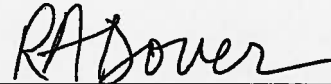
III.

CONCLUSION

MSHS is seeking reimbursement of \$30,283.00 from the State. MSHS expended these funds on salaries in detrimental reliance that the State would cover these salaries out of grant funds. This \$30,283.00 has a significant impact on services which may be provided by a non-profit community mental health center. For example, MSHS could employ a full time case manager for a year to render over 800 hours of community based services to seriously mentally ill clients for that amount of money or employ a licensed mental health professional for 8 months to provide professional individual services to a caseload of about 70-75 mentally ill clients.

MSHS simply requests that this Commission uphold the State's promise to reimburse MSHS in the amount of \$30,283.00 for salaries spent to do to the work of the State in fulfilling its grant responsibilities.

Respectfully Submitted, this the 2nd day of April, 2014.

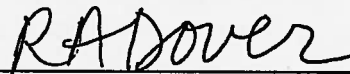


Ruth Allison Dover
AR Supreme Court No. 99191
Attorney for Claimant
2707 Browns Lane
Jonesboro, AR 72401
(870)972-4000

CERTIFICATE OF SERVICE

On this 2nd day of April, 2014, a copy of the foregoing was sent, postage prepaid via U.S. Postal Service, to the following:

Kate Bridges
Arkansas Department of Human Services
Office of Policy and Legal Services
P.O. Box 1437, S260
Little Rock, AR 72203



Ruth Allison Dover



Marilyn Copeland < mcopelan@mshs.org >

Fiscal close out conversation grant SM057014

1 message

Marilyn Copeland < mcopelan@mshs.org >

Fri, Jul 20, 2012 at 12:53 PM

To: "Gwendolyn.Simpson@samhsa.hhs.gov" <gwendolyn.simpson@samhsa.hhs.gov>

Cc: Polly Hayes <phayes@mshs.org>, "White, Bonnie" <bwhite@mshs.org>, "Owens, Denese"

<dowens@mshs.org>, Nancy Barkley <nbarkley@mshs.org>, "Stone, Paula" <paula.stone@arkansas.gov>

Gwen

I am following up with you after our conversation this morning concerning No-Cost Extension Grant Close-Out procedures. I want to make sure that I am clear on key points of our conversation. These key points included:

1. We have up to 120 days (Jan 30, 2013) to close out and submit our reports.
2. During that 120 time period we are allowed to finish paying all bills and financial obligations.
3. During the 120 close out time period we are allowed to pay ACTION for Kids staff who are responsible to compile and submit the final reports.
4. We are to follow the close-out guidelines as outlined in the Grant Closeout section of SAMHSA Grants Management which includes: Federal Financial Report (FFR), Standard Form 425(SF-425); Tangible Personal Property Reports; Final Progress Report (FPR) and Record Retention (keeping all records for three years).

I really appreciated your time and your assistance in clarifying our questions. We will miss you next week in Orlando. Please let me know if I have correctly understood the key points from this morning.

Thank you -

Marilyn

Marilyn Copeland, Project Director

ACTION for Kids/Project LIFT

Office phone: 870-972-4941

Office fax: 870-972-4968

EXHIBIT A

24



Marilyn Copeland < mcopelan@mshs.org >

Fwd: Fiscal close out conversation grant SM057014

1 message

Marilyn Copeland < mcopelan@mshs.org >

Wed, Aug 1, 2012 at 8:39 AM

To: "Sweet, Elizabeth" < elizabeth.sweet@samhsa.hhs.gov >

Here is the email from Gwen. It was so great talking with you yesterday, it really brightened my day. Hope to talk with you sometime late August after you have had time to recuperate.

Thanks again - Marilyn

----- Forwarded message -----

From: **Simpson, Gwendolyn G. (SAMHSA/OFR)** < Gwendolyn.Simpson@samhsa.hhs.gov >

Date: Mon, Jul 23, 2012 at 9:00 AM

Subject: RE: Fiscal close out conversation grant SM057014

To: Marilyn Copeland < mcopelan@mshs.org >

Cc: Polly Hayes < phayes@mshs.org >, "White, Bonnie" < bwhite@mshs.org >, "Owens, Denese" < dowens@mshs.org >, Nancy Barkley < nbarkley@mshs.org >, "Stone, Paula" < paula.stone@arkansas.gov >

It was good talking with you on Friday morning. The key points you have listed are correct.

The primary purpose of the additional 120 days (use to be 90 days) after the end of the project period end date is to allow the grantee sufficient time to prepare the final program and financial reports, pay the salaries of the staff, especially those staff members who will be responsible for preparing the final reports, pay final invoices etc. Also, the 120 days is consistent with the Division of Payment Management's reporting due date.

If you or the Arkansas State's Project Director have any additional questions, please do not hesitate to contact me.

Thank you,

Gwendolyn Simpson

CMHS Team Leader/Lead Grants Management Specialist

SAMHSA/OFR/Division of Grants Management

1 Choke Cherry Road, 7-1085

EXHIBIT B

25



Polly Hayes < pjoness@mshs.org >

Fwd: Fiscal close out conversation grant SM057014

1 message

Polly Hayes < phayes@mshs.org >

Mon, Mar 4, 2013 at 8:51 AM

To: Bonnie White < bwhite@mshs.org >, "Copeland, Marilyn" < mcopelan@mshs.org >

FYI - This email came in on Friday while I was out with William having surgery. We have been going back & forth with them on these last 2 invoices. Sounds like their final answer is no to the salaries for Oct, Nov & Dec even though Gwen Simpson had said they would.

----- Forwarded message -----

From: Julie Carpenter < Julie.Carpenter@arkansas.gov >

Date: Fri, Mar 1, 2013 at 2:02 PM

Subject: RE: Fiscal close out conversation grant SM057014

To: Polly Hayes < phayes@mshs.org >, John Shook < John.Shook@arkansas.gov >

Cc: Paula Stone < Paula.Stone@arkansas.gov >, Tim Bodishbaugh < tim.bodishbaugh@arkansas.gov >, Latreaa Mullins < Latreaa.Mullins@arkansas.gov >

Hi Polly,

I had previously asked John Shook of our contracts management team to work with you on trying to resolve open issues regarding billing under the Action for Kids grant. It our understanding, and stance, that the federal grant period ended 09/30/2012, and that the grant included the standard liquidation period with which to bill for services under the grant. However, as explained by Mr. Shook, while you do have 120 days after the close of the grant term to bill for services, those bills have to be for services delivered on or before 9/30/12.

With that being said this is where we stand with regard to your billing for this grant:

On the September invoice you billed us for \$20,805 for services delivered within the terms of the grant and therefore that \$20,805 would be allowable and payable under the terms of the grant. However, you also billed us for salaries and fringe in October and November which would not be allowable under the terms of the grant because the charges were incurred after the end of the grant period. For October and November we paid a total of \$21,940 in salaries and fringe that were ineligible and should not have been paid. You also invoiced us for \$9,478 in salaries and fringe for December that we will not pay as those charges were incurred after the end of the grant period and are also ineligible for reimbursement. The net of the transactions is this:

Allowable charges billed but not paid \$20,805

Charges paid but not eligible < \$21,940 >

EXHIBIT C

26

Amount OVER paid per the contract <\$1,135>

For our records, we will use the September invoice that you submitted as back-up for the \$21,940 paid from October and November invoices. With this we will consider the sub-grant paid to you in full, and proceed with closing out the grant with the federal government.

If you have any questions regarding the above analysis, please feel free to contact me.

Sincerely,

Julie Carpenter, CPA *(inactive)*

Assistant Director for Finance

DHS/Division of Behavioral Health Services

Julie.Carpenter@arkansas.gov

D 501-686-9463

M 501-413-4179

From: Polly Hayes [mailto:phayes@mshs.org]
Sent: Thursday, February 14, 2013 9:21 AM
To: John Shook; Julie Carpenter
Subject: Fwd: Fiscal close out conversation grant SM057014

John,

Please see attached email where we got it in writing that it was ok to bill for those 3 months of salaries.

Thanks

Polly

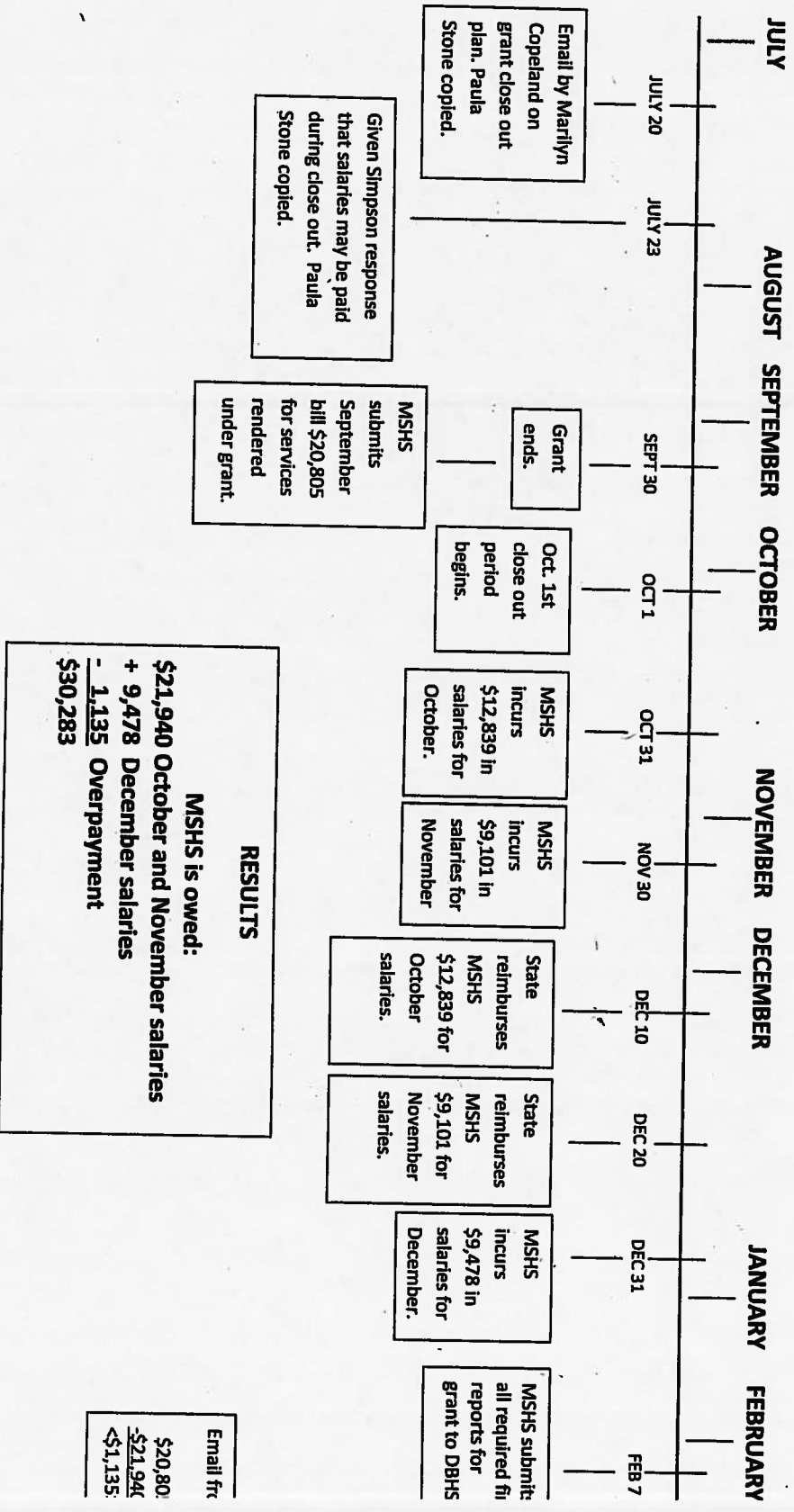
----- Forwarded message -----

From: Marilyn Copeland <mcopelan@mshs.org>
Date: Fri, Jul 20, 2012 at 12:53 PM
Subject: Fiscal close out conversation grant SM057014
To: "Gwendolyn.Simpson@samhsa.hhs.gov" <gwendolyn.simpson@samhsa.hhs.gov>
Cc: Polly Hayes <phayes@mshs.org>, "White, Bonnie" <bwhite@mshs.org>, "Dowens, Paula" <dowens@mshs.org>, Nancy Barkley <nbarkley@mshs.org>, "Stone, Paula" <paula.stone@arkansas.gov>

EXHIBIT C

27

TIMELINE OF EVENTS



BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

Arkansas
State Claims Commission
APR 08 2014
RECEIVED

NE AR COMMUNITY MENTAL HEALTH CENTER
DBA MID-SOUTH HEALTH SYSTEMS

CLAIMANT

V.

NO. CLAIM #14-498-CC

DEPARTMENT OF HUMAN SERVICES
DIVISION OF BEHAVIORAL HEALTH SERVICES

RESPONDENTS

PREHEARING BRIEF

COME NOW the Respondents, Department of Human Services and Division of Behavioral Health Services, by and through their attorney and for their Brief state:

1. Claimant seeks \$30,283.00 for salaries Claimant paid pursuant to a grant with Respondents. This grant had a Project Period of Sept. 30, 2005, through September 29, 2012. The Budget Period was Sept. 30, 2010, through September 29, 2012.

2. Under 45 CFR § 92.23, "(a) *General*. Where a funding period is specified, a grantee may charge to the award only costs resulting from obligations of the funding period unless carryover of unobligated balances is permitted, in which case the carryover balances may be charged for costs resulting from obligations of the subsequent funding period.

(b) *Liquidation of obligations*. A grantee must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period (or as specified in a program regulation) to coincide with the submission of the annual Financial Status Report (SF-269). The Federal agency may extend this deadline at the request of the grantee."

This grant had a specified Budget Period. Pursuant to federal grant law, any charges to the grant could only be made for services provided by Sept. 29, 2012. The Claim is for October,

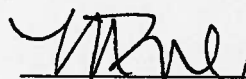
November, and December 2012, salaries totaling \$30,283. This amount was incurred after the Budget Period, and as such does not result from "obligations of the funding period."

Claimant has attached an email from Gwendolyn Simpson, CMHS Team Leader/Lead Grants Management Specialist at SAMHSA. Claimant argues that this email permits the payment of the claimed salaries. The email does not grant permission to bill outside the Budget Period. It states that the additional 120 day time period after the end of the Project Period is to allow time to essentially wind up the grant by preparing closing reports, paying invoices, and to "pay the salaries of the staff." It would be consistent with the terms of the grant and federal grant law to pay salaries incurred in September after the end of the Project Period, but not for salaries incurred in October, after the Project Period. The purpose of the additional 120 days is for example, to pay staff who worked on September 29. Nowhere does the email state that permission is granted to extend any time period. SAMHSA requirements state that "only the grants management officer (GMO) is authorized to approve actions requiring 'prior approval,' which will be in the form of a revised NoA. No other written or oral approval will be recognized or binding on SAMHSA and the Department of Health and Human Services (HHS)." DBHS neither requested nor received a revised Notice of Award (NoA) evidencing formal written approval by SAMHSA to incur costs outside the authorized federal budget period.

Further, Respondent had no contract in place with Claimant at the time of the incurred salaries. Therefore, there was no legally binding instrument on which Claimant could rely and no contract under which Respondent could legally pay Claimant. DBHS Grants Analyst John Shook had a conversation with Claimant representatives in which the risks associated with acting without a state contract and Respondent's inability to legally pay for any service charges incurred beyond Sept. 29, 2012, were discussed.

WHEREFORE, Respondent prays this Claim be denied in full and for all other just and proper relief.

Respectfully Submitted,

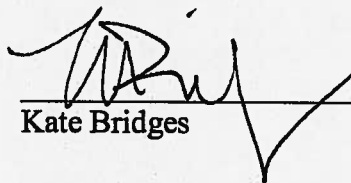


Kate Bridges, ABN 2001224
Office of Policy and Legal Services
P.O. Box 1437 – Slot S260
Little Rock, AR 72203-1437
501-320-6292 tel; 501-682-1390 fax
kate.bridges@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Kate Bridges, certify that the foregoing was sent this 8th day of April, 2014, to:

Ruth Allison Dover



Kate Bridges



Office of Policy and Legal Services

P.O. Box 1437, Slot S260 · Little Rock, AR 72203-1437
501-320-6292 · Fax: 501-682-1390 · TDD: 501-682-8933



May 2, 2014

Norman Hodges Director
AR State Claims Commission
101 E. Capitol, Suite 410
Little Rock, AR 72201

Re: *Claim No. 14-0498-CC*

Mr. Hodges,

We are writing to advise that the parties have resolved this Claim, pending approval. The parties propose to settle this matter for \$23,500.00. A hearing on this Claim is currently set for May 9 at 9:45. We will contact you on Monday for further information on how to proceed. Please see below the signature of Claimant's attorney approving this settlement proposal. Thank you very much.



Kate Bridges
Attorney Specialist

CC: Ruth Allison Dover



Ruth Allison Dover
Counsel for Mid-South

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 30,283.00

Claim No. 14-0498-CC

NE AR Community Mental, d/b/a Mid-South
Health Systems, Inc. Claimant

Attorneys

Ruth Allison Dover, Attorney Claimant

DHS/Division of Behavioral Health Services
State of Arkansas Respondent

Breck Hopkins, Chief Counsel
Brenda Jackson, Accts. Payable
Kate Bridges, Attorney Respondent

Date Filed December 26, 2013

Jerry Berry, Fiscal Officer
Type of Claim Refund of travel expenses
Salaries Due

FINDING OF FACTS

This claim was filed for refund of expenses and salaries due in the amount of \$30,283.00 against the Department of Human Services/Division of Behavioral Health Services.

A "Negotiated Settlement Agreement" by the claim parties was presented to the Claims Commission in an oral presentation, May 9, 2014, by the parties, along with the Respondent's recommendation of payment in the amount of \$23,500.00.

Upon consideration of all the facts as stated above the Claims Commission hereby **unanimously allows the Claimant the amount of \$23,500.00 and will include the claim in a claims bill to be submitted to the 90th General Assembly, Arkansas State Legislature 2015 for subsequent approval and payment.**

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission hereby **unanimously allowed this claim in the amount of \$23,500.00 and will include the claim in a claims bill to be submitted to the 90th General Assembly, Arkansas State Legislature 2015 for subsequent approval and payment.**

Date of Hearing May 9, 2014

Date of Disposition May 9, 2014

H. H. Moore Chairman
Pat Moran Commissioner
Jim Baker Commissioner