

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas Claims Commission

OCT 31 2013

E2

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Darrell Melvin Thrasher Claimant

vs.

State of Arkansas, Respondent
FA/RD Dept. of Motor Vehicle

Do Not Write in These Spaces		
Claim No.	14-0369-CC	
Date Filed	October 31, 2013	
	(Month)	(Day) (Year)
Amount of Claim \$	192.00	
Fund	DFA/RD/DMV	

COMPLAINT Refund of expenses

Darrell Thrasher the above named Claimant, of 414 Poplar Street Van Buren
 (Name) (Street or R.F.D. & No.) (City)
AR 72956 (479) 553-8219 County of Crawford represented by N/A
 (State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)
 of _____ any:

State agency involved: Motor Vehicle Division Amount sought: \$ 192.00

Month, day, year and place of incident or service: April 1, 2006 To April 30, 2014

Explanation: Met The Requirements for Viet NAM Era Military Service License plate fee reductions to \$3.75. I have been charged \$27.75 a year for the last 8 years. \$27.75 - \$3.75 = \$24 x 8 = \$192.00 over payment. Was never informed of this benefit. See copy of my DD214 Record of Military Service enclosed with this form
839 KRT

Arkansas
State Claims Commission

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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? _____; to whom? _____
 (Yes or No) (Month) (Day) (Year) (Department)

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

N/A
 (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: _____; and was acquired 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 verify believes that they are true.

Darrell Melvin Thrasher (Print Claimant/Representative Name) Darrell Melvin Thrasher (Signature of Claimant/Representative)

SWORN TO and subscribed before me at _____ (City) (State)



on this _____ day of _____, _____
 (Date) (Month) (Year)
[Signature]
 (Notary Public)

SF1- R7/99

My Commission Expires: _____ (Month) (Day) (Year)

L. CUMMINGS 27 JAN 81 #52

THIS IS AN IMPORTANT MILITARY DOCUMENT

PERSONAL DATA	1. LAST NAME FIRST NAME MIDDLE NAME THRASHER DARRELL MELVIN		2. DEPARTMENT COMPONENT AND BRANCH ARMY RA SIG C		3. GRADE SP4		4. STATUS EA		5. DATE OF BIRTH 12 MAY 73		
	6. U.S. CITIZEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		7. PLACE OF BIRTH NC ALLISTER, OKLA.		8. SOCIAL SECURITY NUMBER NA		9. SELECTIVE SERVICE NUMBER NA		10. DATE OF TRANSFER OR DISCHARGE 14 AUG 73		
	11. TYPE OF TRANSFER OR DISCHARGE DISCHARGE		12. REASON AND AUTHORITY 72nd SIG BN, KARLSRUHE, FRG		13. LAST DUTY ASSIGNMENT AND GRADE 72nd SIG BN, USACC-EUR		14. DISTRICT AREA COMMAND NA		15. TYPE OF TRANSFER OR DISCHARGE HONORABLE		16. DISTRICT AREA COMMAND DD-756-A
TRANSFER OR DISCHARGE DATA	17. GENERAL TYPE OF SERVICE NA		18. SPECIALTY NA		19. GRADE NA		20. DATE OF TRANSFER OR DISCHARGE 05 27 AUG 71		21. GRADE RE-1		
	22. FROM WHERE AT ENLISTMENT NONE		23. GRADE PV1 E1		24. PLACE OF BIRTH AREES, OKLAHOMA CITY, OK.		25. ADDRESS 17 S. HOGALAS ST. TULSA, OKLAHOMA 74104		26. SOCIAL SECURITY NUMBER 02 02 05		
	27. SPECIALTY 3222T Fxd Spa		28. GRADE 957.282 CONTROL		29. DUTY ASSIGNMENT TechCont "SEESG ROOM TECHNICIAN"		30. GRADE EURA		31. DATE OF TRANSFER OR DISCHARGE 02 02 05		
SERVICE DATA	32. DECORATIONS MEDALS NATIONAL DEFENSE SERVICE MEDAL		33. EDUCATION AND TRAINING COMPLETED FIXED STATION TECHNICAL CONTROLLER-23 WEEKS-1972		34. NONPAY PERIODS TIME LOST NONE		35. DAYS ACCRUE LEAV NONE		36. AMOUNT OF ALLIANCE NA		
	37. CLAIM NUMBER NA		38. REPLACEMENT GROUP NA		39. LIFE INSURANCE COVERAGE NA		40. CIVILIAN EDUCATION: MS GED		41. BLOOD GROUP: A+		
	42. PRISON BONDS: NONE		43. REENLISTED		44. REF ITEM 23a; PMS AWARDED, 12 MAY 72; PMS EVAL SCORE, 96, OCT 73		45. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED <i>Darrell Melvin Thrasher</i>		46. SIGNATURE OF OFFICER AUTHORIZED TO SIGN <i>Minhato City</i>		
OTHER DATA	47. PREVIOUS ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE SAME AS ITEM 21		48. SIGNATURE OF OFFICER AUTHORIZED TO SIGN <i>Minhato City</i>		49. GRADE NA		50. DATE OF TRANSFER OR DISCHARGE 14 AUG 73		51. GRADE NA		
	52. SIGNATURE OF OFFICER AUTHORIZED TO SIGN <i>Minhato City</i>		53. GRADE NA		54. DATE OF TRANSFER OR DISCHARGE 14 AUG 73		55. GRADE NA		56. DATE OF TRANSFER OR DISCHARGE 14 AUG 73		

Arkansas
State Claims Commission
OCT 8 12013

1. NAME (Last, first, middle) **THRASHER DANIEL M. METVIN**

2. DEPARTMENT, COMPONENT AND BRANCH **ARMY/RA**

3. SOCIAL SECURITY NO.

4a. GRADE, RATE OR RANK **SSG**

4b. PAY GRADE **SG**

5. DATE OF BIRTH **530814**

6. PLACE OF ENTRY INTO ACTIVE DUTY **Kansas City MO**

7. LAST DUTY ASSIGNMENT AND MAJOR COMMAND **B Btry 333rd (TAB) Fwd Port Ord CA FC**

8. STATION WHERE SEPARATED **Fort Ord CA**

9. COMMAND TO WHICH TRANSFERRED **USAR Control Group (REINF) RCPAC 9700**

10. SGU COVERAGE

AMOUNT \$ **35** 000 NONE

11. PRIMARY SPECIALTY NUMBER, TITLE AND YEARS AND MONTHS IN SPECIALTY (Additional specialty numbers and titles involving periods of one or more years)

17C30 Field Artillery Target Acquisition Specialist//05 yrs and 03 mos//3223084 Station Technical Controller//11 yrs and 07 mos//NOTHING FOLLOWS

12. RECORD OF SERVICE	YEAR (s)	MON (s)	DAY (s)
a. Date Entered AD This Period	78	07	05
b. Separation Date This Period	83	11	75
c. Net Active Service This Period	05	03	11
d. Total Prior Active Service	06	02	09
e. Total Prior Inactive Service	00	01	26
f. Foreign Service	02	04	15
g. Sea Service	00	00	00
h. Effective Date of Pay Grade	81	04	07
i. Reserve Oblig. Term. Date	00	00	00

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)

National Defense Service Medal//Army Service Ribbon//Overseas Service Ribbon (1)// Good Conduct Medal (3rd Award)// Army Achievement Medal// NOTHING FOLLOWS.

14. MILITARY EDUCATION (Course Title, number weeks, and month and year completed)

German Headstart (2 wks) (1980)// NOTHING FOLLOWS.

Arkansas State Univer Commission
OCT 3 12013

15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM YES NO

16. HIGH SCHOOL GRADUATE OR EQUIVALENT YES NO

17. DUE RECEIVED LEAVE PAID NONE

18. REMARKS

Immediate reenlistment this period: 791116. Selective reenlistment bonus (SRB): Date: 791116. "Dental Care provided within 90 days to separation" NOTHING FOLLOWS.

FILED

OCT 03 2011

1253 O'CLOCK PM. 60

SHARON L. BLOUNT, CIRCUIT CLERK
CRAWFORD COUNTY, VAN BUREN, AR

STATE OF NEW MEXICO
COUNTY OF SOCORRO
FILED FOR RECORD

1987 OCT 20 PM 2:36

417 PG 724

19. MAILING ADDRESS AFTER SEPARATION **P.O. Box 56 Lennan MO 64852**

20. MEMBER REQUESTS COPY 6 BE SENT TO DIR. OF VET AFFAIRS YES NO

21. SIGNATURE OF MEMBER BEING SEPARATED **Daniel M. Thrasher**

22. TYPED NAME, GRADE, TITLE AND SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN **W. H. Henderson Sgt USA Ret 37**

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION **Discharge**

24. CHARACTER OF SERVICE (Includes upgrades) **Honorable**

25. SEPARATION AUTHORITY **AR 635-200, Chap 4**

26. SEPARATION CODE **100**

27. REENLISTMENT CODE **RE-1A**

28. NARRATIVE REASON FOR SEPARATION **Expiration term of service**

29. DATES OF TIME LOST DURING THIS PERIOD **None**

30. MEMBER REQUESTS COPY 4 INITIALS **DM**

Discharge 9 page 37

MEMBER - 7

Arkansas Claims Commission

OCT 31 2013

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State Claims Commission

OCT 31 2013

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CERTIFICATE

State of Arkansas
County of Crawford
Van Buren, AR 72956

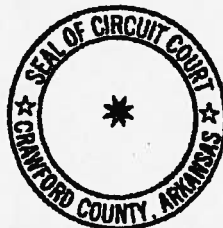
I, Sharon L. Blount, Clerk of the Circuit Court and Ex-Officio Recorder, do hereby certify this is a true copy of the original. I have hereunto subscribed my name and official seal of the aforesaid Court this 3rd day of October 2011

SHARON L. BLOUNT, CLERK
BY Bridget Dodson D.C.

CERTIFICATE OF RECORD

STATE OF ARKANSAS }
COUNTY OF CRAWFORD } SS

I, SHARON L. BLOUNT, Circuit Clerk and Ex-Officio Recorder for the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 3rd day of October A.D. 2011, at 12:30 o'clock p m., and the same now duly recorded with the acknowledgments and certificates thereon, in Record Book Discharge 9 Page 637 IN



WITNESS WHEREOF, I have hereunto set my Hand and affixed my Seal of said Court, this 3rd day of October 2011.

SHARON L. BLOUNT
Circuit Clerk and Ex-Officio Recorder
Bridget Dodson D.C.

File, 638

4

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

Arkansas
State Claims Commission
NOV 19 2013

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CLAIMANT

DARRELL THRASHER

VS.

CLAIM NO. 14-0369-CC

DFA/REVENUE DIVISION – DMV

RESPONDENT

RESPONDENT'S ANSWER

Comes now the Respondent, DFA/Revenue Division – DMV, by and through its attorney, Todd G. Cockrill, who submits this Answer to Claimant's Complaint:

1. Respondent is without knowledge or information sufficient to form a belief as to the truth of every allegation contained in the Claim filed herein and therefore denies these allegations.
2. Claimant should be held to strict proof with respect to his claim and statement of damages.
3. Respondent reserves the right to amend its Answer upon discovery of further evidence related to this claim.
4. The Claim should be dismissed pursuant to Arkansas Claims Commission Rule 1.5 and Rule 12(b)(6) of the Arkansas Rules of Civil Procedure for failure to state a claim or cause of action upon which relief can be granted. Respondent further states that Claimant has not pled any facts to demonstrate that he either applied for or was affirmatively denied a reduced fee military service license plate by Respondent.

5. Respondent affirmatively states that every person is presumed to know the law. *Hill v. American Book Co.*, 171 Ark. 427, 285 S.W. 20, 24 (Ark. 1926). There is no duty imposed upon the Department of Finance and Administration, either by statute or by case law, to affirmatively notify individuals of a change in the law that would entitle them to apply for any type of special license plate.

6. Respondent lacks the resources or knowledge to ascertain those persons among the general population who would or would not be eligible for specialty license plates. Ark. Code Ann. § 27-24-203(8) defines "Vietnam Era Veteran" to mean a veteran who can establish active-duty service during the time of the Vietnam War by presenting his or her military service discharge record in the form of the certificate of release or DD Form 214. Therefore, the burden of proof is on the claimant to present his eligibility upon making application for a particular specialty license plate.

7. Should the Commission approve the Claim, the amount awarded should be paid from: Agency – 0630; Fund Center 241; Cost Center 397671; GL Accounting 5110003000; Internal Order I0630164.

WHEREFORE, premises considered, Respondent prays that the Commission dismiss Claimant's Complaint, and for all other relief to which it may show itself entitled.

Respectfully Submitted,

DFA/REVENUE DIVISION-DMV
STATE OF ARKANSAS

By:



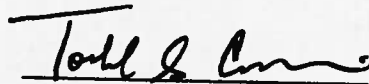
Todd G. Cockrill, ABN 97020
Office of Revenue Legal Counsel
Attorney for Respondent

PO Box 1272, Room 2380
Little Rock, Arkansas 72203
Telephone: (501) 682-7030
Fax: (501) 682-7599
Email: todd.cockrill@dfa.arkansas.gov

CERTIFICATE OF SERVICE

I, Todd G. Cockrill on this 19th day of November, 2013, do hereby certify that I have served a true and correct copy of the above and foregoing document upon the Claimant by depositing the same in the U.S. Mail, postage prepaid, addressed as follows:

Darrell Thrasher
414 Poplar Street
Van Buren, AR 72956



Todd G. Cockrill
Attorney for Respondent

ARKANSAS STATE CLAIMS COMMISSION

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



NORMAN L. HODGES, JR.
DIRECTOR

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

December 18, 2013

Mr. Darrell Thrasher
414 Poplar Street
Van Buren, AR 72956

Re: Darrell Thrasher
Claim #: 14-0369-CC
Vs.
DFA/RD/Motor Vehicle

Dear Mr. Thrasher:

The above-styled claim has been scheduled for a thirty minute hearing beginning at 1:15 P.M. on Thursday, January 9, 2014. The hearing will be held in the Commission's Hearing Room, 101 East Capitol Avenue, Suite 410, (SE corner of Capitol Avenue and Main Street), Little Rock, Arkansas 72201.

All hearing parties should maintain very flexible schedules on the hearing date as exact hearing times frequently, as conditions dictate, require change during the day. Please make every effort to be present outside the Commissions' hearing room at least thirty minutes prior to the above-listed scheduled hearing time.

Should there be questions regarding this matter don't hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "N. L. Hodges".

Norman L. Hodges, Jr.
Director

NLH/jh

cc: Mr. Todd Cockrill, Attorney, DFA

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1818
FAX (501) 682-2823



NORMAN L. HODGES, JR.
DIRECTOR

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

January 2, 2014

Mr. Darrell Thrasher
414 Poplar Street
Van Buren, AR 72956

Re: Darrell Thrasher
Claim #: 14-0369-CC
Vs.
DFA/RD/Motor Vehicle

Dear Mr. Thrasher:

The above-styled claim has been rescheduled for a thirty minute hearing beginning at 12:00 P.M. (noon), on Thursday, January 9, 2014. The hearing will be held in the Commission's Hearing Room, 101 East Capitol Avenue, Suite 410, (SE corner of Capitol Avenue and Main Street), Little Rock, Arkansas 72201.

All hearing parties should maintain very flexible schedules on the hearing date as exact hearing times frequently, as conditions dictate, require change during the day. Please make every effort to be present outside the Commissions' hearing room at least thirty minutes prior to the above-listed scheduled hearing time.

Should there be questions regarding this matter don't hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "N. L. Hodges".

Norman L. Hodges, Jr.
Director

NLH/jh

cc: Mr. Todd Cockrill, Attorney, DFA

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 192.00

Claim No. 14-0369-CC

Darrell Melvin Thrasher Claimant Attorneys
vs. Pro se Claimant
DFA/Revenue Division/Motor Vehicle Respondent Todd Cockrill, Attorney Respondent
State of Arkansas Refund of expenses
Date Filed October 31, 2013 Type of Claim

FINDING OF FACTS

This claim was filed for refund of expenses in the amount of \$192.00 against the Department of Finance and Administration/Revenue Division/Motor Vehicle.

Present at a hearing January 9, 2014 was the Respondent, represented by Todd Cockrill, Attorney.

The Claims Commission hereby unanimously granted Respondent's oral "Motion to Dismiss" this claim for Claimant's failure to appear and prosecute claim at the scheduled hearing time.

Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission hereby unanimously denied and dismissed this claim for Claimant's failure to appear and prosecute claim at the schedule hearing time.

Date of Hearing January 9, 2014

Date of Disposition January 9, 2014

Richard May Chairman
Harmon Commissioner
Bill Lancaster Commissioner

Darrell M. Thrasher
GS-13, Department of The Army, Retired
414 Poplar Street
Van Buren, AR 72956-4230
(479)553-8219
email: darrellthrasher@hotmail.com

18 January 2014

Arkansas
State Claims Commission
JAN 21 2014

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Arkansas State Claims Division
101 E. Capital Ave., Suite 410
Little Rock, Arkansas 72201-3823

Please find enclosed a copy of Correspondence relating to a claim, number 14-0369-CC, I submitted to the Arkansas Claims Commission. Electronic copies of this correspondence, in Open Office format, are available, by email, upon request.

Exhibit A: Original Claim.

This claim is asking for a refund of \$192.00 for overpayment of fees imposed by the Department of Finance and Administration/Motor Vehicle Division, from 2006 thru 2014. A law passed in 2006 states Viet Nam Era Veterans are entitled to reduced fees for license plate for their vehicles.

Opinion: It has always been my opinion Public Entities, Department of Motor Vehicles in this case, have a responsibility to properly ascertain and impose the proper fees for their services or any requirement they impose upon the public, which they serve and have their salaries paid for by the public. I believe it is their duty to inform the public what they are entitled to and let them chose which service they are entitled to and prefer. I had no idea I was entitled to a reduced fee license plate, nor was I informed of any such option at any time since I moved to Arkansas, in February 2006. My brother moved here recently and upon his application for a registration of his motor vehicle he was told by the DMV that he was eligible for the reduced fee license plate because he served during the Viet Nam War Era. This was the first time I had heard of this change in the law.

Exhibit B: DD214 Record of service

Exhibit C: Letter of response from the Attorney representing the Department of Motor Vehicles.

Opinion: This letter is vicious and clearly states the intent is to not allow any Viet Nam Era Veteran a refund for overpayment of improperly imposed fees paid to the DMV.

Exhibit D: Reply from the Arkansas Claims Division to the DMV Lawyer.

Opinion: The letter clearly states the Claims Division intends to award the claim unless the DMV Lawyer has any further reason to deny the claim. I stated my case and the lawyer stated his. The Claims Division clearly states that if the DMV Lawyer intended to appear before the Claims Board he was to inform them of such, in writing. I did not receive any letter in regard to that matter. I believe I am entitled to receive a copy of all correspondence involved in said claim.

Exhibit E: Notice of Hearing Date and Time

Exhibit F: Notice of Change to Hearing Date and Time

Opinion: Neither of these notices informed me that I had to be present or that the DMV Lawyer was planning to attend.

Exhibit G: State Claims Division Docket Opinion

Opinion: The DMV lawyer, conveniently shows up and files a motion to dismiss the claim due to non appearance of me.

Synopsis: The distance to the Claims Division from Van Buren, AR, where the claim originated, is far too excessive for a Veteran to travel for such a small claim. In addition, the weather did not permit traveling on the date of the meeting. I have a concern that the claims division and the DMV intentionally handle these matters in this way in an attempt to deceive people into not appearing and thus not paying legitimate claims submitted to them. A notice should have been provided to me, either by mail or telephone, stating that the DMV Lawyer was planning to attend and that if I did not appear the claim would be dismissed.

Recommendations:

The venue for such meetings should either be held in the vicinity of the claimant or an optional form of attendance be provided, such as telephonic or even Video teleconference. A checklist should be provided to the DMV customers informing them of options they are entitled to by law.

Complaint:

I was not properly assessed fees for my Vehicle Registration, which makes the DMV negligent in their duties to the public, which they serve. I was not treated fairly by either the Claims Division or The DMV. Request an exception to policy and allow my claim dismissal to be overturned and immediate repayment of the overpayment of the fees paid. I also believe fraud by deception may have occurred to avoid payment of this claim.

P.S. I am allowing time for your reply before sending this correspondence to the additional recipients for a short period of time to allow your response.

Cordially:

Darrell M. Thrasher

CF:

Representative Steve Womack

Governor Mike Beebe

AG Dustin McDaniel

ARKANSAS STATE CLAIMS COMMISSION

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



NORMAN L. HODGES, JR.
DIRECTOR

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

January 21, 2014

Mr. Darrell M. Thrasher
414 Poplar Street
Van Buren, AR 72956

Re: Darrell Thrasher
Claim #14-0369-CC
Vs.
DFA/Revenue Davison

Dear Mr. Thrasher:

This will acknowledge receipt of your recent correspondence to this office, concerning the above-styled claim. The Commission granted the Respondent's oral "Motion to Dismiss" for the Claimant's failure to appear and prosecute the claim at the scheduled hearing time.

Your option is to file a "Motion for Reconsideration" or an "Appeal" of the Commission's decision with this office within 40 days of the disposition (January 9, 2014).

If we can be of further assistance do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink that reads "N. L. Hodges".

Norman L. Hodges, Jr.
Director

NLH/es

In reference to claim, number 14-0369-CC, this is an appeal of the decision to dismiss this claim due to my failure to appear and prosecute the claim at the scheduled hearing time. I fully intended to prosecute this claim.

On the date of the hearing, icy road conditions prohibited travel by the claimant, myself, which would have placed the claimant at risk of serious injury or even death. The weather conditions prohibited me from traveling the long distance required to attend the hearing and placed me at an unfair disadvantage.

Should the claim hearing be rescheduled, please consider rescheduling it after April, 2014, as I have a prior commitment out of Country during the period of 7 March through 20 April.

Please be advised that I am awaiting a response from the Veteran's Administration, in Little Rock, AR, to provide legal representation on my behalf.

Sincerely,



Darrell M. Thrasher

Arkansas
State Claims Commission
JAN 31 2014

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