

Cite as 2021 Ark. 188
SUPREME COURT OF ARKANSAS
No. CV-19-63

	Opinion Delivered: October 21, 2021
ARKANSAS DEPARTMENT OF HUMAN SERVICES CRIMES AGAINST CHILDREN DIVISION APPELLANT	APPEAL FROM THE IZARD COUNTY CIRCUIT COURT [NO. 33CV-18-76]
V.	HONORABLE MAUREEN HARROD, JUDGE
STEVEN D. MITCHELL APPELLEE	<u>ADMINISTRATIVE LAW JUDGE</u> <u>DECISION AFFIRMED; CIRCUIT</u> <u>COURT ORDER REVERSED; COURT</u> <u>OF APPEALS OPINION VACATED.</u>

SHAWN A. WOMACK, Associate Justice

Appellant Arkansas Department of Human Services (DHS) appeals two orders from the Izard County Circuit Court reversing the DHS administrative law judge's (ALJ's) finding in separate administrative appeals that appellee Steven Mitchell sexually abused two minors, B.T. and J.C., by sexual contact. In reversing, the circuit court determined that DHS failed to properly notify Mitchell of its true findings against him in both cases.

DHS has separately appealed both circuit court orders. This case concerns the ALJ's true finding with respect to J.C. In a companion case addressing the ALJ's true finding with respect to B.T., DHS argued (1) substantial evidence supported the ALJ's finding that Mitchell sexually abused B.T. by sexual contact; (2) Mitchell was not deprived due process

because he received an administrative hearing; and (3) Mitchell's substantial rights were not prejudiced. *Ark. Dep't of Human Servs. v. Mitchell*, 2021 Ark. 187 (CV-19-62). We determined that substantial evidence supported the ALJ's decision and that Mitchell received the requisite notice and a meaningful hearing. *Id.* DHS raises the same arguments in this case. Thus, for the reasons set forth in *Mitchell*, 2021 Ark. 187, we affirm the ALJ's finding of sexual abuse with respect to J.C.

Administrative law judge decision affirmed; circuit court order reversed; court of appeals opinion vacated.

Ellen K. Howard, Office of Chief Counsel, for appellant.

Steven D. Mitchell, pro se appellee.