

Cite as 2021 Ark. 188

**SUPREME COURT OF ARKANSAS**

No. CV-19-63

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES CRIMES  
AGAINST CHILDREN DIVISION  
APPELLANT

V.

STEVEN D. MITCHELL  
APPELLEE

**Opinion Delivered:** October 21, 2021

APPEAL FROM THE IZARD  
COUNTY CIRCUIT COURT  
[NO. 33CV-18-76]

HONORABLE MAUREEN  
HARROD, JUDGE

ADMINISTRATIVE LAW JUDGE  
DECISION AFFIRMED; CIRCUIT  
COURT ORDER REVERSED;  
COURT OF APPEALS OPINION  
VACATED.

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**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.