

**COMMONWEALTH OF KENTUCKY**  
**Board of Claims**  
**Agenda**  
**April 17, 2008**

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1. Chair Billy Goodman convenes the meeting.
2. Minutes of the March 21, 2008 meeting are read and approved.
3. Executive Director's Report for March, 2008:

The Board of Claims received 184 new claims during the month of March, 2008. Of these, 101 were set up under \$1,000.00, 13 were set up under \$100.00, and seven (7) were set up over \$1,000.00, for a total of 121 new claims processed.

The Board awarded nine (9) claims for a total of \$21,557.83 at its March 21, 2008 meeting. Of these, seven (7) claims were decided by Agreed Order. There were also 15 claims dismissed by the Board at that meeting. Eleven (11) claims over \$1,000.00 were assigned to Hearing Officers in March.

Jackie Lynch reports that as of April 1, there were 125 active claims under \$1,000. She also reports that the number of claims under \$1,000 has increased significantly over the last month due to the large number of pothole claims. Jackie feels that it will be difficult to stay ahead of the deadline for the next several months with only one (1) investigator.

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**For Instructions From the Board**

3C-2007-00736

Pat Townsend vs. Department of Parks / Commerce Cabinet

Notes: October 30, 2007      Order for More Information  
January 16, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss Claim.

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3C-2007-00737

Rick Ledford; Susan Ledford vs. Department of Highways / Transportation Cabinet

Notes: October 29, 2007      Order for More Information  
November 9, 2007      Order  
January 16, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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3C-2007-00750

Christopher House vs. Department of Highways / Transportation Cabinet

Notes: October 30, 2007      Order for More Information  
January 16, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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3C-2007-00764

Henry Banta vs. Justice and Public Safety Cabinet

Notes: November 2, 2007 Order for More Information  
January 16, 2008 Order to Comply of Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss Claim.

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3C-2007-00768

Larry Walls vs. University of Kentucky Medical Center

Notes: November 2, 2007 Order for More Information  
January 16, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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3C-2007-00769

Sheryl Morris vs. Transportation Cabinet

Notes: November 14, 2007 Order for More Information  
January 16, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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3C-2007-00772

Sam Garrett vs. Justice and Public Safety Cabinet

Notes: November 14, 2007 Order for More Information  
January 16, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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3C-2007-00782

Phillip Flynn vs. University of Kentucky Medical Center

Notes: November 14, 2007 Order for More Information  
January 16, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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3C-2007-00783

Brenda Mahoney vs. Department of Highways / Transportation Cabinet

Notes: November 13, 2007 Order for More Information  
December 6, 2007 Order  
January 22, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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3C-2007-00789

Raymond Williams vs. Transportation Cabinet

Notes: November 14, 2007 Order for More Information  
January 16, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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IC-2007-00796

ames Peterson vs. Department of Highways / Transportation Cabinet

Notes: November 14, 2008      Order for More Information  
January 16, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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IC-2007-00805

. Applegate vs. University of Kentucky Medical Center

Notes: November 21, 2007      Order for More Information  
January 16, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss Claim.

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IC-2007-00822

lehdi Spadavecchia vs. Department of Highways / Transportation Cabinet

Notes: November 21, 2008      Order for More Information  
January 16, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss Claim.

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IC-2007-00830

hner Portwood vs. Transportation Cabinet

Notes: December 10, 2007      Order for More Information  
February 14, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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IC-2007-00847

Michael Phillips vs. University of Kentucky Medical Center

Notes: December 13, 2007      Order for More Information  
February 14, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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IC-2007-00856

ora Bradley vs. Department of Highways / Transportation Cabinet

Notes: December 17, 2008      Order for More Information  
February 14, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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IC-2007-00867

Joah Hall vs. University of Kentucky Medical Center

Notes: December 17, 2007      Order for More Information  
February 14, 2008      Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim.

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### **Full Board Review**

3C-2007-00527

Susanna Saunders vs. Department of Highways / Transportation Cabinet

Notes: 11/1/07 Board dismissed claim.  
2/11/08 Claimant called askign for a Full Board Review  
2/21/08 Claimant's written request for an FBR (\$631)  
3/6/08 On agenda for 3/20/08 to see if Bd. will reopen  
3/20/08 Full Board held over until 4/17/08 agend for FBR.

3C-2007-00529

Walter Combs; Ruvisela Combs vs. Department of Highways / Transportation Cabinet

*(Additional info on Addendum)*

Notes: 1/16/08 Board awarded \$500  
2/4/08 Claimant's requests FBR  
2/13/08 Claimant's Notice of Additional Claim and Request for Extension to File Additional Evidence (HAND OUT)  
2/21/08 BD allowed claim to be put on March agenda at Cl's request..  
3/12/08 Cl.'s attorney requests 2nd award of \$1,395  
3/20/08 Full Board held over for Respondent's response.

3C-2007-00691

Amanda Warth; John Warth vs. Department of Highways / Transportation Cabinet

Notes: 12/13/07 Board ordered dismissed (Findings of Fact, Opinion and Order)  
3/5/08 Claimant called to ask for a Full Board Review.  
3/18/08 Claim placed on agenda to see if Board will re-open claim. If the Board reopens claim, it will be placed on agenda next month for a FBR.  
3/20/08 Full Board re-opened and held over for 4/17/08 Bd Agenda.

3C-2007-00791

Edward Stover vs. Justice and Public Safety Cabinet

Notes: 2/28/08 Board ordered dismissed  
3/10/08 Claimant requests FBR (\$151.65)

3C-2007-00837

Mark Dixon vs. Justice and Public Safety Cabinet

*(Additional info on Addendum)*

Notes: 3/20/08 Board ordered dismissed  
3/26/08 Claimant requests FBR (\$106.80).

### Motions

3C-2004-00716

James Sallie vs. Department of Highways / Transportation Cabinet

Notes: Respondent's Motion to Place Claim in Abeyance; no response filed.

Counsel's Recommendation: Enter Order Holding Claim in Abeyance pending the outcome of the Claimant's Social Security disability claim.

3C-2007-00401

Connie Duncan; Joyce Duncan vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss and Claimant's letter to the Board regarding same.

Counsel's Recommendation: Allow Claimants 30 days to obtain counsel to respond to the Motion to Dismiss.

3C-2008-00133

Jerryl Gold vs. Department of Education / Department of Education; Paducah County Board of Education / Paducah County Board of Education

Notes: Joint Motion for Extension of Time to Answer Claim.

Counsel's Recommendation: Enter Order Granting Joint Motion for Extension of Time.

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**Recommended Order**

3C-2001-00780

Sycilla Collins vs. Department of Highways / Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order Dismissing.

Respondent's Exceptions to Recommended Order filed 2/13/08.  
Claimant's Exceptions to Recommended Order filed 2/15/08.

Counsel's Recommendation: Adopt the Recommended Order and Dismiss the Claim.

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3C-2002-00059

Amanda Guffey (Melton) vs. Transportation Cabinet

Notes: Agreed Order of Payment and Dismissal.

Counsel's Recommendation: Enter Agreed Order and Award \$197,292.64 to Claimant.

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3C-2005-01069

Donna Nolan vs. University of Kentucky Medical Center

Notes: Respondent's Answer and Offer of Settlement and Claimant's acceptance.

Counsel's Recommendation: Enter Final Order Awarding \$76,200.00 to Claimant due to negligence of Respondent.

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3C-2006-00434

Limmie Pedigo vs. Transportation Cabinet

*(Exceptions on Addendum)*

Notes: Hearing Officer Jan West's Recommended Order Awarding \$15,800.90 to Claimants.

Counsel's Recommendation: Adopt the Recommended Order and Award \$15,800.90 to Claimants.

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3C-2006-00598

Carolyn Meza; Joseph Meza vs. Department of Education / Russell County Board of Education

Notes: Agreed Order of Dismissal as settled.

Counsel's Recommendation: Enter Final Order Dismissing claim.

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3C-2006-00625

Paul Rose; Sondra Rose vs. Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order Awarding \$1,458.07 to Claimants.

Counsel's Recommendation: Adopt Recommended Order and Award \$1,458.07 to Claimants.

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3C-2007-00573

Michael Cox vs. University of Kentucky Medical Center

Notes: Respondent's Answer and Offer of Settlement; Claimant's Acceptance of Settlement of \$2,595.00.

Counsel's Recommendation: Enter Final Order Awarding \$2,595.00 to Claimant.

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3C-2008-00103

Alejandro Pina vs. Transportation Cabinet

Notes: Agreed Order of Dismissal and Settlement of \$1787.33.

Counsel's Recommendation: Enter Agreed Order of Dismissal and Settlement and Award Claimant \$1,787.33.

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Total number of Claims: 33

**COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS**

*Addendum  
April 17, 2008*

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BC-2007-00529  
Ruvisela Combs, et ux. v. Transportation Cabinet  
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Additional information filed by Respondent on 4/9/08.  
Additional information filed by Claimants on 4/15/08.

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BC-2006-00434  
Jimmie Dee Pedigo v. Transportation Cabinet  
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Exceptions to Recommended Order filed by Claimant on 4/9/08.

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BC-2007-837  
Mark Dixon v. Transportation Cabinet  
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Additional information filed by Respondent on 4/14/08.

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BC-2006-00733  
Gregory Hoskins v. Transportation Cabinet

Agreed Order of Dismissal filed 4/9/08.

Counsel's Recommendation: Enter Agreed Order and Dismiss claim.

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BC-2006-00746  
Zachary Hoskins v. Transportation Cabinet

Agreed Order of Dismissal filed 4/9/08.

Counsel's Recommendation: Enter Agreed Order and Dismiss claim.

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BC-2006-00747

Alexis Hoskins v. Transportation Cabinet

Agreed Order of Dismissal and Settlement Agreement filed 4/9/08.

Counsel's Recommendation: Enter Agreed Order and Award \$50,000 to Claimant.

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BC-2007-00887

Stanley Cunningham v. Transportation Cabinet

Agreed Order of Dismissal filed 4/10/08.

Counsel's Recommendation: Enter Agreed Order and Dismiss claim.

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BC-2008-00062

Heather Mullins v. Transportation Cabinet

Agreed Order of Dismissal and Settlement Agreement filed 4/9/08.

Counsel's Recommendation: Enter Agreed Order and Award \$1,000.00 to Claimant.

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BC-08-00097

Ernest Mappins v. Transportation Cabinet

Agreed Order of Dismissal and Settlement Agreement filed 4/10/08.

Counsel's Recommendation: Enter Agreed Order and Award \$1,103.99 to Claimant.

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BC-08-00105

Bradley Perrine v. Transportation Cabinet

Agreed Order of Dismissal and Settlement Agreement filed 4/9/08.

Counsel's Recommendation: Enter Agreed Order and Award \$1,062.65 to Claimant.

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BC-08-00171

Larry McCarty v. Transportation Cabinet

Agreed Order of Dismissal filed 4/9/08.

Counsel's Recommendation: Enter Agreed Order and Dismiss claim.

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