

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
April 16, 2009

Michael Alummer
Absent

The Board of Claims received 118 new claims during the month of March, 2009. A total of 117 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed 10 claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 75 claims (under \$1000.00) in March, 2009. Forty three (43) claims were dismissed and 32 claims were awarded, for a total amount awarded of \$10,868.37.

At its Board meeting on March 19, 2009, the Board dismissed 40 claims and awarded eight (8) claims totaling \$18,670.83. Together with the claims investigated in-house, the Board dismissed a total of 83 claims and awarded a total of 40 claims for a total amount awarded of \$29,539.20 in March, 2009.

Minutes Approved.

For Instructions From the Board

BC-2008-00010

Deyon Lorquette vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: January 15, 2008- Order for More Information
June 19, 2008 - Order
January 23, 2009 - Order to Comply or Show Cause

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

BC-2008-00131

Frank Battaglia vs. Department of Highways / Transportation

Notes: February 29, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00727

Mayme Adams vs. Department of Highways / Transportation

Notes: June 30, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00797

Dawn Hedgepath vs. Department of Highways / Transportation

Notes: July 1, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00864

Gary Ballard vs. Department of Highways / Transportation

Notes: August 15, 2008 Order for More Information
January 20, 2009 Order to Comply or Show Cause

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

BC-2008-00885

Windstream vs. Department of Parks / Tourism, Arts and Heritage Cabinet

Notes: August 20, 2008 Order for More Information
January 20, 2009 Order to Comply or Show Cause

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

BC-2008-00945

Samuel White vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: September 8, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause

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

BC-2008-01017

Aaron Key vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: September 29, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause

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

BC-2009-00079

Leisa Spencer; Willie Spencer vs. Justice and Public Safety Cabinet / Campbell Co. Detention Center

Notes: Respondent's Answer and Motion to Dismiss.

Counsel's Recommendation: Enter Final Order dismissing the claim for lack of jurisdiction over county governmental entities. ✓

BC-2009-00246

William Cody vs. Clay County Fiscal Court

Notes: Clay Co. Fiscal Court's Motion to Dismiss; Claimant's Response to Motion to Dismiss; and Respondent's Reply filed thereto.

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction. ✓

Full Board Review

BC-2008-00746

Mark Rountree vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 1/30/09 Board ordered dismissed
2/12/09 Claimant Requests FBR
3/19/09 Held over for the April 16th agenda

\$204.56 claimed

*held over from 03/09
Agenda for further
investigation.*

Pay 50% of claim

-JA Abstained-

BC-2008-00947

Scottie Carruba; Bessie Carruba vs. Department of Highways / Transportation

Notes: 2/26/09 Board dismisses claim for lack of jurisdiction
3/24/09 Claimant requests Full Board Review
3/25/09 FBR memo to Claimant and Respondent

*Original decision reversed
Pay \$ 502.71*

BC-2008-00991

Douglas Day vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 2/25/09 Board ordered dismissed.
3/9/09 Claimant requests FBR (\$173.33)

Dismissed upheld

BC-2009-00105

Reggie McKenzie vs. Department of Highways / Transportation

Notes: 3/26/09 Board ordered dismissed, beyond Statute of Limitations
4/3/09 Claimant requests FBR (\$412.05)

Overrule Dismissal

*Hold over for further
investigation*

Motions

BC-2008-00847

Crystal Williams vs. Cabinet for Health and Family Services

Notes: Respondent's Verified Motion to Dismiss filed January 5, 2009. No response received from Claimant, despite several extensions of time.

Counsel's Recommendation: Sustain Motion to Dismiss. *for Extension of Time.* ✓

*Response filed
4/15/09.*

BC-2008-01016

Trent Fry; Tracey Fry vs. Scott County Board of Education

Notes: Respondent's Motion to Reconsider Board's Order of 2/19/09; no response received from Claimant.

Counsel's Recommendation: Sustain Motion to Reconsider; Sustain Motion to Dismiss Claims of Tracy L. Fry, Individually; Assign Claim to Hearing Officer Jan West for further proceedings. ✓

BC-2009-00100

Windstream, CMR Claims, TPA vs. Transportation Cabinet / Department of Highways

Notes: Respondent's Answer and Motion to Dismiss. No response received from Claimant.

Counsel's Recommendation: Sustain Motion to Dismiss for lack of jurisdiction over contractors. ✓

Recommended Order

BC-2006-00289

Nickie Robinson vs. Environmental and Public Protection Cabinet / Division of Forestry

Notes: Hearing Officer Darren Embry's Recommended Order denying the claim; Claimant's Exceptions to the Recommended Order and Respondent's Response to Claimant's Exceptions.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer and enter a Final Order denying the claim. ✓

BC-2006-00497

Kevin Baker vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Agreed Order Dismissing as Settled for \$270.00.

Counsel's Recommendation: Enter Agreed Order and dismiss claim as settled for \$270.00. ✓

BC-2007-00314

Stacie Greer vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law, and Recommended Order awarding Claimant \$5,180.55.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and awarding Claimant \$5,180.55. ✓

BC-2007-00849

Victor Rice; Bridgett Rice; Brittany Rice; Dominique Rice vs. University of Kentucky Medical Center

Notes: Agreed Order of Dismissal with prejudice recommended by Hearing Officer Braxton Crenshaw.

Counsel's Recommendation: Enter Agreed Order dismissing claim with prejudice. ✓

BC-2007-00860

Jaime Hardison vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Todd Farmer's Recommended Order of Dismissal.

Counsel's Recommendation: Enter Final Order dismissing claim for failure to prosecute. ✓

BC-2008-00834

Heather Price vs. Transportation Cabinet

Notes: Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal and award Claimant \$800.00 in settlement. ✓

BC-2008-00902

Lee Backus vs. Transportation Cabinet

Notes: Hearing Officer Todd Farmer's Opinion and Recommended Order denying claim.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and denying the claim. ✗

BC-2008-00944

Wholesale Petroleum vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Todd Farmer's Recommended Order of Dismissal for failure to comply with the Orders of the Board.

Counsel's Recommendation: Enter Final Order dismissing the claim for failure to comply. ✗

BC-2008-01053

Patricia Gentry vs. Western Kentucky University

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimant \$1,316.31 in settlement of this claim. ✓

BC-2008-01090

Ambrose Sturgill vs. University of Kentucky Medical Center

Notes: Stipulation of Dismissal filed by the parties.

Counsel's Recommendation: Enter Final Order dismissing claim as stipulated by the parties. ✗

Total number of Claims: 27

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS

Addendum
April 16, 2009

BC-2009-248

Jason Hicks v. Transportation Cabinet, Dept. of Highways

Agreed Settlement filed.

Counsel's Recommendation: Enter Agreed Settlement and award Claimant ✓
\$750.00 in settlement of this claim.

BC-2008-133

Derryl Lamonte Gold v. Paducah Board of Education, et al.

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal ✓
and dismiss claim as settled.

BC-2009-113

Michael Eyes v. Transportation Cabinet

Agreed Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and award ✓
Claimant \$500.00 in settlement of this claim.

BC-2006-007

Mary Frances Regalado, Administratrix of the Estate of Julian V. Regalado v.
University of Kentucky Children's Hospital

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal ✓
and dismiss claim with prejudice.

\$209,000.00

\$208,816.86