

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
April 21, 2011

The Board of Claims received 159 new claims during the month of March, 2011. A total of 144 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned four (4) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 76 claims (under \$1,000.00) in March, 2011. Jackie reports that 48 claims were dismissed and 28 claims were awarded, for a total amount awarded of \$10,463.74.

At its Board meeting on March 17, 2011, the Board dismissed nine (9) claims and awarded eight (8) claims totaling \$34,651.04. Together with the claims investigated in-house, the Board dismissed a total of 57 claims and awarded a total of 36 claims for a total amount awarded of \$45,114.78 in March, 2011.

Tom Hardy Absent; minutes accepted.

For Instructions From the Board

BC-2005-00003

William Cunningham; Jeremy Cunningham vs. Justice and Public Safety Cabinet / Dept. of Corrections I

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice as stipulated to by the parties. ✓

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| Notes: William Cunningham; Jeremy Cunningham vs. Justice and Public Safety Cabinet / Dept. of Corrections I | Notes: William Cunningham; Jeremy Cunningham vs. Justice and Public Safety Cabinet / Dept. of Corrections I | Notes: William Cunningham; Jeremy Cunningham vs. Justice and Public Safety Cabinet / Dept. of Corrections I |
| Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice as stipulated to by the parties. ✓ | Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice as stipulated to by the parties. ✓ | Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice as stipulated to by the parties. ✓ |
| BC-2005-00003 | BC-2005-00003 | BC-2005-00003 |
| William Cunningham; Jeremy Cunningham vs. Justice and Public Safety Cabinet / Dept. of Corrections I | William Cunningham; Jeremy Cunningham vs. Justice and Public Safety Cabinet / Dept. of Corrections I | William Cunningham; Jeremy Cunningham vs. Justice and Public Safety Cabinet / Dept. of Corrections I |
| Notes: Agreed Order of Dismissal filed. | Notes: Agreed Order of Dismissal filed. | Notes: Agreed Order of Dismissal filed. |
| Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice as stipulated to by the parties. ✓ | Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice as stipulated to by the parties. ✓ | Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice as stipulated to by the parties. ✓ |

BC-2008-00883

Mitchell Gosser vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order awarding Claimant \$2,000.00 in settlement of this claim. ✓

BC-2009-00708

Ralph Turner vs. Transportation Cabinet

Notes: Agreed Order of Settlement entered into by the parties and executed by Hearing Officer Fugazzi.

Counsel's Recommendation: Enter a Final Order incorporating the Agreed Order of Settlement awarding Claimant \$4,775.00. ✓

BC-2010-00598

BellSouth Telecommunications, Inc., d/b/a/ AT and T Kentucky v. Transportation Cabinet /
Department of Highways

Notes: Agreed Judgment awarding \$4,174.75 to Claimant recommended by the hearing officer.

Counsel's Recommendation: Enter the Agreed Judgment awarding \$4,174.75 to Claimant as stipulated. ✓

BC-2010-00696

Matilda Gibson vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal awarding Claimant \$1,189.00.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as stipulated by the parties, dismissing the claim with prejudice. ✓

BC-2010-00774

David Bair vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement in the amount of \$3,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding Claimant \$3,000.00 in settlement of this claim. ✓

BC-2010-00844

Juanita Thomason vs. Transportation Cabinet / Dept. of Highways

Notes: Agreement to Dismiss Claim.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice at the agreement of the parties. ✓

BC-2011-00059

Arvil Martin vs. Transportation Cabinet

Notes: Notification from the State Risk & Insurance Services Division that Travelers Insurance paid the total amount claimed herein.

Counsel's Recommendation: Enter a Final Order dismissing the claim as paid in full by the Commonwealth's liability insurance carrier. ✓

BC-2011-00149

Cornett Trucking, Inc. vs. Transportation Cabinet

Notes: Notification from the State Risk & Insurance Services Division that Travelers Insurance paid the full amount claimed herein.

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled by the Commonwealth's liability insurance carrier. ✓

BC-2011-00188

Benjamin Prewitt vs. Military Affairs

Notes: Respondent's Investigative Response and Motion to Dismiss and Claimant's notice of voluntary withdrawal of claim filed thereto.

Counsel's Recommendation: Enter a Final Order dismissing the claim at the request of the Claimant. ✓

BC-2011-00305

Lela Hisel; Elbert Hisel vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$1,590.00 in settlement of this claim. ✓

Full Board Review

BC-2010-00361

Troy McPeak vs. Department of Labor / Environmental and Public Protection Cabinet;
Department of Revenue / Finance and Administration Cabinet

Notes: 3/1/11 Board ordered dismissed
3/9/11 Claimant requests FBR (\$454.11)

*Hold over to meet
set mtg.*

BC-2010-00809

Donna Fittje vs. Department of Parks / Tourism, Arts and Heritage

Notes: 2/17/11 Board ordered dismissed
3/7/11 Cl.'s atty. requests FBR.
3/8/11 FBR Memo to CL. & Resp.
3/17/11 Board held over until April 21st Agenda

*Uphold previous
decision*

BC-2011-00028

Shelly Beneteau vs. Department of Highways / Transportation

Notes: 3/08/11 Board ordered dismissed
3/21/11 Claimant requests FBR (\$500)

*Uphold previous
decision*

BC-2011-00055

Toni Carr vs. Department of Highways / Transportation

Notes: 3/08/11 Board ordered dismissed
3/23/11 Claimant requests FBR (\$318.24)

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BC-2011-00067

Everett Crouch vs. Department of Highways / Transportation

Notes: 3/10/11 FOF - Board ordered dismissed
3/25/11 Claimant requests FBR (\$500)

Reverse + award

BC-2011-00080

Mitchell Roe; Kathy Roe vs. Department of Highways / Transportation

Notes: 3/23/11 Board ordered dismissed
4/8/11 Claimant requests FBR (\$500)

Reverse + award

Motions

BC-2010-00087

Gwendolyn Ryan vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Answer and Motion for Summary Judgment; no response filed thereto by the Claimant.

Counsel's Recommendation: Enter a Final Order sustaining the Motion for Summary Judgment and dismissing the claim with prejudice. ✓

BC-2010-00609

Charlene Cripps vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss. No response filed by the Claimant.

*Over-ruled + assign
to HO Rudloff*

BC-2011-00062

Jenna Crowdus; David Crowdus vs. University of Kentucky

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to file within the one year Statute of Limitations, pursuant to KRS 44.110(1) and (3). ✓

BC-2011-00089

Blake Campbell vs. Energy and Environment Cabinet / Dept. of Natural Resources

Notes: Respondent's Motion to Dismiss and Claimant's Response filed thereto.

Counsel's Recommendation: *Sustain Motion to Dismiss based on KRS 353.745(2).* ✓

Recommended Order

BC-2006-00680

David Carlton vs. Tourism, Arts & Heritage Cabinet / Dept. of Parks

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

BC-2008-01188

Paul Brewer vs. University of Kentucky Medical Center

Notes: Hearing Officer Braxton Crenshaw's Recommended Findings of Fact, Conclusions of Law and Order awarding \$38,516.18 to Claimant.

Counsel's Recommendation: *Hold over to next Bd. mtg.* ✓

BC-2009-00365

Blake Simcock vs. Eastern Kentucky University

Notes: Hearing Officer L. Lansden King's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice for Claimant's failure to comply with the orders of this tribunal. ✓

BC-2009-00638

Lora Kelley vs. Ky. Community and Technical College System

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice for the Claimant's failure to comply with the orders of this tribunal. ✓

BC-2010-00694

Ronnie Whitt vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice for the Claimant's failure to comply with the orders of this tribunal. ✓

Total number of Claims: 28

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS**

*Addendum
April 21, 2011*

BC-2010-797

Clarissa J. Rains v. Transportation Cabinet

Agreed Final Order awarding a settlement of \$1,000.00 to Claimant.

Counsel's Recommendation: Enter the Agreed Order of Dismissal, awarding Claimant \$1,000.00 and dismissing the claim with prejudice as settled. ✓

BC-2011-104

Eppie Thacker v. Transportation Cabinet, Dept. of Highways

Claimant's Motion for Voluntary Dismissal.

Counsel's Recommendation: Enter a Final Order granting the Claimant's motion and dismissing the claim with prejudice. ✓
