

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
April 18, 2013

Summer Out

The Board of Claims received 53 new claims during the month of March, 2013. A total of 54 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned four (4) claims for lack of jurisdiction.

Investigator Jackie Lynch decided 33 claims under \$1,000.00 in March, 2013. Jackie reports that 21 of these claims were denied and 12 were awarded, for a total amount awarded of \$5,118.02.

At its Board meeting on March 21, 2013, the Board dismissed 20 claims and awarded nine (9) claims totaling \$380,888.96. Together with the claims investigated in-house, the Board dismissed a total of 41 claims and awarded a total of 21 claims for a total amount awarded of \$386,006.98 in March, 2013.

For Instructions From the Board

BC-2011-00934

Darlene Johnson vs. University of Kentucky

Notes: Agreed Order awarding \$860.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$860.00 as agreed to by the parties. ✓

BC-2012-00265

Leisha Nickell vs. Justice and Public Safety Cabinet

Notes: April 18, 2013- Set Aside the Default Order

Counsel's Recommendation: Set Aside the Default Order and Re-open the Claim. ✓

BC-2012-00277

David Ernst vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim with prejudice as agreed to by the parties. ✓

BC-2012-00381

Randall Rigdon vs. Finance and Administration Cabinet

Notes: Agreed Order awarding \$2,229.17 to the Claimant

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,229.17 as agreed to by the parties. ✓

BC-2012-00407

Mary Scott vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement for \$2,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$2,000.00 to the Claimant as agreed to by the parties. ✓

BC-2012-00427

Marie Monk vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Agreed Order of Settlement filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding \$596.16 to the Claimant as agreed to by the parties. ✓

BC-2012-00595

Frances Houston vs. Department of Highways / Transportation

Notes: April 18, 2013- Default Order

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

BC-2012-00599

Frances Houston vs. Department of Highways / Transportation

Notes: April 18, 2013- Default Order

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

BC-2012-00605

Geraldine Leedy vs. Commonwealth of Kentucky

Notes: April 18, 2013- Default Order

Counsel's Recommendation- Rule the Claimant in Default. ✓

BC-2012-00611

Timothy Starr vs. Commonwealth of Kentucky

Notes: April 18, 2013- Default Order

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

BC-2013-00002

Josie Taylor vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: April 18, 2013-Default Order

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

Motions

BC-2013-00032

Kenny White vs. Administrative Office of The Courts

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to file within one (1) year from the time for relief accrued, pursuant to KRS 44.110(1) and (2). ✓

BC-2013-00058

Poplar Brook Development, LLC. vs. Uninsured Employers' Fund

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

Counsel's Recommendation: Forthcoming at meeting.

Held over

BC-2013-00065

Edward Dunn vs. University of Kentucky

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

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Mike Wilson for further proceedings. ✓

Recommended Order

BC-2011-00525

Robyn Sanders; Roneisha Sanders vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order recommending dismissal of the claim.

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

BC-2011-01178

Stephen Haviland vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommended Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice at Claimant's request. ✓

BC-2012-00136

Teresa Horine vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2012-00250

Betty Houtchins vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice for Claimants' failure to abide by the orders of this tribunal. ✓

BC-2012-00289

Livingston County Fiscal Court vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's recommendation to accept the Agreed Order to Dismiss entered into by the parties.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim as agreed to by the parties. ✓

BC-2012-00297

James Victor vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order denying the claim for lack of jurisdiction.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2012-00309

Billy Taylor vs. Transportation Cabinet / Dept. of Highways

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 denying payment of the claim. ✓

BC-2012-00342

Tammie Robinson; Tammie Robinson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$1,292.15 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$1,292.15 to the Claimant. ✓

BC-2012-00408

Heather Waddell vs. Ky. Community & Technical College System (KCTCS)

(See GMM)

Notes: Hearing Officer Mike Wilson's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer granting the Respondent's Motion to Dismiss. ✓

Total number of Claims: 23

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

April 18, 2013

BC-2012-00079

Jack Roehm, Jr. v. Dept. of Education and Magoffin Co. Board of Education

Claimant's Motion to Dismiss as resolved in the Magoffin Circuit Court.

Counsel's Recommendation: Enter a Final Order dismissing the claim with
prejudice as settled. ✓

BC-2012-00204

LaToya E. Churchill v. Transportation Cabinet, Dept. of Highways

Agreed Order of Settlement and Dismissal awarding the Claimant \$800.00 in
settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding \$800.00 to the
Claimant. ✓

BC-12-00365

Todd Co. Water District v. Transportation Cabinet, Dept. of Highways

Agreed Order of Settlement awarding \$1,330.00 to the Claimant in settlement of
this matter.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding
\$1,330.00 to the Claimant. ✓
