

AMENDED

KENTUCKY CLAIMS COMMISSION

April, 2018

Monthly Report

The Kentucky Claims Commission received 127 negligence claims filed against the Commonwealth during the month of April, 2018. Angela reports that 65 were set up and served on state agencies.

Investigators Angela Robertson and Raymond Shields decided 27 claims under \$2,500.00 in April, 2018. Angela reports that 13 of these claims were dismissed and 14 were awarded, for a total amount awarded of **\$10,239.56**.

At its meeting on April 24, 2018, the Kentucky Claims Commission dismissed four (4) negligence claims and awarded two (2) negligence claims totaling **\$15,800.00**. Together with the claims investigated in-house, the Claims Commission dismissed a total of 17 negligence claims and awarded a total of 16 negligence claims for a total amount awarded of **\$26,039.56** in April, 2018.

Lisa Gayle Robinson
Claims Clerk

Delayed out
in June 2018

COMMONWEALTH OF KENTUCKY
Claims Commission
Agenda
April 24, 2018

Minutes Accepted
Marcus Out
Amanda In
McCracken

The Kentucky Claims Commission received 155 negligence claims filed against the Commonwealth during the month of March, 2018. Angela reports that 37 of these claims were set up and served on state agencies.

Investigators Angela Robertson and Raymond Shields decided 26 claims under \$2,500.00 in March, 2018. Angela reports that 10 of these claims were dismissed and 16 were awarded, for a total amount awarded of **\$11,212.90**.

At its meeting on March 27, 2018, the Kentucky Claims Commission dismissed nine (9) negligence claims and awarded five (5) negligence claims, totaling \$14,830.68. Together with the claims investigated in-house, the Claims Commission dismissed a total of 19 negligence claims and awarded a total of 21 negligence claims for a total amount awarded of **\$26,043.58** in March, 2018.

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-1998-133

Estate of Lebron Gaither v. Justice & Public Safety Cabinet, Ky. State Police

Notes: Opinion and Order of the Kentucky Supreme Court dated February 19, 2018, awarding interest from the date of the initial, albeit erroneous, January 5, 2011 judgment of the Franklin Circuit Court; Order of the Franklin Circuit Court dated March 27, 2018 remanding this matter to the Board of Claims [sic] for entry of a Final Order awarding the Claimant Estate interest at 12% per annum from January 1, 2011 on the original award of \$148,787.12 (paid in February, 2015) within thirty (30) days of the Order date; KRS 360.040, Interest on Judgment, amended on June 29, 2017 to 6% compounded annually from the date the judgment is entered.

See also *Gaither v. Justice & Public Safety Cabinet*, 447 S.W.3d 628 (Ky., 2014).

Counsel's Recommendation: For discussion.

\$85,332.74 Order
awarding

RECOMMENDED ORDERS:

BC-2016-295

Estate of Shawn E. Rhodes v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Carson Kerr's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant Estate's exceptions filed thereto.

Counsel's Recommendation: For discussion.

adopted recommendation.

BC-2017-225

Larry Robinson #174524 v. Justice & Public Safety Cabinet, Dept. of Corrections

Notes: Hearing Officer James Howard's Findings of Fact, Conclusions of Law and Recommended Order of Dismissal denying payment of the claim and the Claimant's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer.

BC-2017-386

Jocelyn and Claude Jones v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Tim Cocanougher's Recommended Order of Dismissal granting the Respondent's Motion to Dismiss for failure to comply with the orders of this tribunal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer.

BC-2017-527

Amos Bennett v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Tim Cocanougher's Recommended Order of Dismissal with prejudice at the Claimant's request.

Counsel's Recommendation: Adopt the recommendation of the hearing officer.

Total number of Claims: 5

COMMONWEALTH OF KENTUCKY
CLAIMS COMMISSION
Addendum

April 24, 2018

BC-2015-723

Laura Willett v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding the Claimant \$10,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$10,000.00 in settlement of this claim. ✓

BC-2018-112

Kandace Brooke Debolt v. University of Kentucky

Respondent's Answer recommending payment of the claim filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$5,800.00 in settlement of this claim. ✓
