

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

August 26, 2014

Minutes Accepted

The Board of Claims received 53 new claims during the month of July, 2014. A total of 55 claims were set up and two (2) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 58 claims under \$1,000.00 in July, 2014. Jackie reports that 22 of these claims were denied and 36 were awarded, for a total amount awarded of \$12,156.58.

At its Board meeting on July 17, 2014, the Board dismissed 24 claims and awarded five (5) claims totaling \$6,456.83. Together with the claims investigated in-house, the Board dismissed a total of 46 claims and awarded a total of 41 claims for a total amount awarded of \$18,613.41 in July, 2014.

Refer to G.M. & Tom Handy.

8/22- Ky. Supreme Ct. upheld Gauthier case & awarded over \$140K.

For Instructions From the Board

BC-2012-00244

William Seabolt, Jr., vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal awarding the Claimant \$2,500.00 in settlement of this claim (total award of \$12,500.00 for consolidated claims BC-14-244, BC-14-246, and BC-14-247).

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,500.00. ✓

BC-2012-00246

William Seabolt vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal awarding the Claimant \$2,500.00 in settlement of this claim.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,500.00. ✓

BC-2012-00247

Cindy Wells vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$7,500.00 in settlement of this claim.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$7,500.00. ✓

BC-2013-00156

Dipesh Soma 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-2013-00536

Sharon Wagner vs. Commonwealth of Kentucky

Notes: August 26, 2014- Default Order

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

BC-2013-00549

Charles Sullivan vs. Commonwealth of Kentucky

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00554

Leighdawn Hightower vs. University of Kentucky

Notes: August 26, 2014- Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss the Claim ✓

BC-2013-00567

Lonnie Tackett vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order for \$1,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,000.00 in settlement of this matter. ✓

BC-2013-00606

Jeff Agardy vs. Commonwealth of Kentucky

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00611

Susan Stamper vs. Transportation Cabinet / Dept. of Highways

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00612

Micah Jones vs. Transportation Cabinet / Dept. of Highways

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00618

Logan Lewis vs. Commonwealth of Kentucky

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00626

Arnold and Deborah Coleman vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order for \$1,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimants \$1,000.00 in settlement of this claim. ✓

BC-2014-00018

Michael Wilson vs. Commonwealth of Kentucky

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule The Claimant in Default and Dismiss ✓

BC-2014-00022

Laura Johnson vs. University of Kentucky

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00027

SherRon Jordan vs. Commonwealth of Kentucky

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00053

Kim Mathis vs. Commonwealth of Kentucky

Notes: August 26, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00095

Peggy Tipton v. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order for \$7,500.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$7,500.00 in settlement of this matter. ✓

BC-2014-00282

Gary Knuckles vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services that the claim was paid in full by the Kentucky Self-Insured Auto Program (KSAP).

Counsel's Recommendation: Enter an Order dismissing the claim as paid in full by KSAP. ✓

BC-2014-00460

Mid-South Autos Inc. vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk and Insurance Services that Kentucky's Self-Insured Auto Program (KSAP) paid this claim.

Counsel's Recommendation: Enter an Order dismissing the claim as settled by KSAP. ✓

BC-2014-00510

Kayte Shaw vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$3,928.68 in damages. ✓

BC-2014-00568

Antonia Blevins vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services that the claim was paid in full by the Kentucky Self-Insured Auto Program (KSAP).

Counsel's Recommendation: Enter an Order of Dismissal as the claim was paid by the Commonwealth's liability insurance fund. ✓

BC-2014-00571

Edward Evensen vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,400.00 for a lost hearing aid. ✓

Full Board Review

BC-2014-00437

Christopher Hawkins vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 7/15/14 Board ordered dismissed
7/25/14 Claimant requests FBR (\$150.92)
Copy to Resp.
7/28/14 FBR Memo to CL. and Resp.

Upheld

BC-2014-00533

Wayne Courtney vs. Transportation Cabinet / Dept. of Highways

Notes: 8/8/14 Board ordered dismissed
8/8/14 Claimant's Letter, taken as FBR request.
8/11/14 FBR Letter to Cl. and Resp. Put on agenda
for 8/26/14

Upheld

Motions

BC-2011-00915

Estate of Shirley Nolen vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted pursuant to KRS 44.070(1). ✓

BC-2014-00428

MLB Trucking Mark Smith vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order dismissing the claim as paid by Kentucky's Self-Insured Auto Program. ✓

BC-2014-00537

Gail Thompson vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 44.073(15). ✓

Recommended Order

BC-2011-00574

Paul Litz vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

*Exceptions filed -
e-mailed to Bd. Members
8/14/14. [Signature]*

BC-2012-00607

Tyler Simpson vs. Wayne County Board of Education

Notes: Hearing Officer Florence Huffman's Recommended Order Overruling Claimant's Motion to File Amended Claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying Claimant's motion. ✓

BC-2014-00352

Christina Morgeson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

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

BC-2014-00363

Recardo Bruton vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

Total number of Claims: 32

She moved to address:

Poplar Brook

2013-058

Bd. dismissed 7/17/14 -

Bd. attorney changes recommendation to overrule the motion & assign to a hearing officer.

All in favor —

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

August 26, 2014

BC-2013-00058

Poplar Brook Development, LLC v. Uninsured Employers' Fund

The Board sustained the Respondent's Motion to Dismiss at their last meeting, but counsel for the Board asked that the vote be reconsidered as his recommendation changed upon further review.

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