



Andy Beshear
GOVERNOR
Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Office of Claims and Appeals
Board of Claims

500 Mero Street, 2SC1
Frankfort, KY 40601
Phone: (502) 782-8255
Fax: (502) 573-4817

Ray A. Perry
SECRETARY

John Hardesty
EXECUTIVE DIRECTOR

Samuel T. Wright, III
BOARD CHAIRPERSON

Dale Sights
MEMBER

Kathryn M. Thomas
MEMBER

NOTICE OF REGULAR MEETING

Date: August 29, 2023

Time: 10:00 AM Eastern Standard Time (EST)

Location: Zoom

- Call to order and roll call
- Executive Director's Report
- Approval of July 2023 minutes
- Full Board Review
- Motions
- Recommended Orders
- Agreed Orders or For Instructions
- Review of calendar and setting next meeting
- Adjournment

Zoom Link: <https://us06web.zoom.us/j/82553847640>



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Meeting Agenda

Date: August 29, 2023

When moving into Executive Session, use the following language: [Move for the Board to enter executive session, pursuant to KRS 61.815 and KRS 61.810 (1) (c) and (j) to discuss proposed or pending litigation and deliberate on individual adjudications in “*please state the relevant case number of all cases to be discussed in closed session.*” Motion must be seconded.]

I. JULY 2023 MONTHLY REPORT

During the month of July 2023, the Board of Claims received **80** negligence claims filed against the Commonwealth.

The Board rendered **63** decisions in claims *under \$2,500.00* in July 2023. Of those, **30** were dismissed and **33** were awarded for a total amount awarded of **\$22,103.33**.

At its July 2023 meeting, the Board dismissed **5** claims upon *sua sponte* dismissals or Recommended Orders; affirmed **2** claims upon Full Board Review; reversed and remanded **1** claim upon Full Board Review; and, approved **3** Agreed Orders of Dismissal, awarding an additional amount of **\$56,583.04**. With the claims under \$2,500.00, and those decided at the July 2023 Meeting, the Board decided **75** claims, dismissing a total of **37** claims, and awarding a total of **38** claims for a total amount awarded of **\$78,686.37**.

II. APPROVAL OF JULY MINUTES

1st: 2nd:

III. FULL BOARD REVIEW

BC-23-0090
RANDY TURNER

v.
JUSTICE & PUBLIC SAFETY CABINET
DEPARTMENT OF CORRECTIONS (DOC)
-Order Dismissing for Under \$250.00
-Claimant’s Request for Full Board Review



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BC-23-0517

JAY BUCKNER

v.

TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS (KYTC)

- Order Dismissing (Contractor)
- Claimant's Request for Full Board Review

IV. MOTIONS

BC-22-0877

DIANE LAMB

v.

JUSTICE & PUBLIC SAFETY CABINET
KENTUCKY STATE POLICE

- Respondent's Motion to Dismiss
- Respondent's Response to Motion to Dismiss
- Respondent's Motion to Strike
- Claimant's Response to Motion to Strike
- Respondent's Reply to Motion to Strike
- Claimant's Motion to Consolidate Claims

BC-23-0230

NASHAWN TYUS

v.

DOC

- Respondent's Motion to Dismiss (passed from July)

BC-23-0422

ANTONIO SMITH

v.

CABINET OF HEALTH AND FAMILY SERVICES

- Respondent's Motion to Dismiss



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V. RECOMMENDED ORDERS

BC-21-0035
TONY DUNCAN
v.
KYTC

-Recommended Order of Dismissal

BC-21-0691
PACIFIC MOUNTAIN EXPRESS
v.
KYTC

-Recommended Order of Dismissal

BC-22-0670
SHERRY MATTHEWS
v.
UNIVERSITY OF KENTUCKY (UK)
-Recommended Order of Dismissal

VI. AGREED ORDERS OR FOR INSTRUCTIONS

BC-21-0214
TANYA RUSSELL
v.
KYTC
-Agreed Order of Dismissal



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BC-21-0670

CHARLES VINSON

v.

CITY OF EVANSVILLE, INDIANA and
CHIEF BILLY BOLIN

-Dismiss, *sua sponte*, for lack of jurisdiction over municipality and non-Kentucky entity

BC-22-0651

GREGORY FASSBENDER

v.

KYTC

-Agreed Order of Dismissal

BC-22-0789

PRESTONSBURG DAIRY CHEER

v.

DEPARTMENT OF VETERAN AFFAIRS

-Agreed Order of Settlement

BC-22-1003

ELAINE BURNS

v.

KYTC

-Agreed Order of Dismissal

BC-23-0153

ERIKA ARNOLD

v.

KYTC

-Agreed Order of Dismissal



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BC-23-0169

DAVID SEIGEL

v.

KYTC

-Agreed Order of Dismissal

BC-23-0279

ERIC SAUNDERS

v.

KYTC

-Agreed Order of Dismissal

BC-23-0342

RODRIGO MACIAS

v.

UK

-Respondent's Supplemental Answer for Entry of Final Order Awarding

BC-23-0363

SHEILYN PATTON

v.

KYTC

-Agreed Order of Settlement

BC-23-0440

GERALD JEFFERY

v.

KYTC

-Respondent's Answer for Entry of Final Order Dismissing



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BC-23-0451
DERRICK CROSS
v.
KYTC

-Respondent's Answer for Entry of Final Order Awarding

VII. SCHEDULING OF SEPTEMBER MEETING

VIII. ADJOURNMENT

1st: 2nd: