

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

December 17, 2015

Minutes Accepted

The Board of Claims received 59 new claims during the month of November, 2015. Paula reports that 53 claims were set up and 2 were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 36 claims under \$1,000.00 in November, 2015. Jackie reports that 15 of these claims were denied and 21 were awarded, for a total amount awarded of \$7,132.97.

At its Board meeting on November 19, 2015, the Board dismissed 28 claims and awarded eight (8) claims totaling \$12,141.75. Together with the claims investigated in-house, the Board dismissed a total of 43 claims and awarded a total of 29 claims for a total amount awarded of \$19,274.72 in November, 2015.

For Instructions From the Board

BC-2015-00651

Jayna G. Haffer vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2015-00669

John White vs. University of Kentucky

Notes: Respondent's Amended Answer recommending payment of the claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,800.00 in settlement of this claim. ✓

BC-2015-00887

Garth Cavanaugh vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services that this claim was paid in full by KSAP, the Commonwealth's self-insured auto program.

Counsel's Recommendation: Enter an Order of Dismissal as paid in full by KSAP. ✓

BC-2015-00921

Andrew Krumme vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Answer recommending payment of the claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,366.36 in damages. ✓

BC-2015-00945

Sara Estes vs. University of Kentucky

Notes: Respondent's Answer recommending payment of \$4,160.67 in settlement of this matter.

Counsel's Recommendation: Enter an Order awarding the Claimant \$4,160.67 in settlement of this claim. ✓

Motions

BC-2015-00856

Shirley O'Bryan vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's unopposed Answer and Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted. ✓

BC-2015-00860

Randy Turner vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted. ✓

BC-2015-00897

Betty Dobson vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter an Order of Dismissal for lack of jurisdiction over ~~intention~~ intentional torts. ✓

BC-2015-00931

Nagarajan Karpagam vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.073(15). ✓

Recommended Order

BC-2012-00308

Joseph Gilliam vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Jan West's Recommended Order denying payment of the claim.

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

BC-2013-00275

Louise Moreau vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: ~~Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$15,112.36 and the Agreed Order entered into by the parties accepting the hearing officer's recommendation.~~

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$15,112.36 and enter the Agreed Order of the parties. ✓

BC-2014-00500

Joe Brehm 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-2015-00174

Dana Stiles 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-2015-00320

James Burton vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order dismissing the claim for failure to respond to the order of this tribunal.

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

BC-2015-00517

Clint Wheeler vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order dismissing the claim for failure to respond to the order of this tribunal.

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

BC-2015-00537

James Copley; Courtney Copley vs. Department of Natural Resources / Division of Forestry

Notes: Hearing Officer Natalie Lile's Report and Recommended Order denying Respondent's Motion to Dismiss and Respondent's exceptions filed thereto.

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

Total number of Claims: 16

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
*Addendum***

December 17, 2015

BC-2015-374

John Pannell and Jennifer Pannell v. Transportation Cabinet / Dept. of Highways

Agreed Settlement filed.

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

BC-2015-974

Luchanna Hopkins v. University of Kentucky

Answer recommending payment of the claim filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,898.00 in settlement of this matter. ✓
