

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

February 18, 2010

The Board of Claims received 70 new claims during the month of January, 2010. A total of 84 claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed six (6) claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 59 claims (under \$1,000.00) in January, 2010. Jackie reports that 49 claims were dismissed and 10 claims were awarded, for a total amount awarded of \$2,623.68.

At its Board meeting on January 21, 2010, the Board dismissed 15 claims and awarded five (5) claims totaling \$4,288.46. Together with the claims investigated in-house, the Board dismissed a total of 74 claims and awarded a total of 15 claims for a total amount awarded of \$6,912.14 in January, 2010.

For Instructions From the Board

BC-2004-00320

Christy Trees vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Dismissal.

Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim. ✓

BC-2004-00340

Kevin Trees vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Dismissal.

Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim. ✓

BC-2007-00127

Regina Bush vs. Transportation Cabinet

Notes: Agreed Order of Settlement and Dismissal.

Counsel's Recommendation: Enter Agreed Order of Dismissal and award Claimant \$1,800.00. ✓

BC-2007-00305

Patricia Roach vs. Tourism, Arts & Heritage Cabinet / Kentucky State Fair Board

Notes: Claimant's Status Report filed 1/25/10 requesting termination of her claim.

Counsel's Recommendation: Enter Final Order dismissing the claim at the request of the Claimant. ✓

BC-2007-00603

Howard Bailey vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Status Report filed 1/22/10 moving to dismiss the claim as settled.

Counsel's Recommendation: Enter Final Order dismissing as settled. ✓

BC-2007-00831

Mary Robertson vs. Tourism, Arts & Heritage Cabinet / Frankfort Convention Center

Notes: Claimant's request for reconsideration of Board's dismissal.

Counsel's Recommendation: Deny the request for reconsideration and uphold the original dismissal. ✓

BC-2008-00570

Brian Vice vs. Transportation Cabinet

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter and approve the Agreed Order of Settlement and award Claimant \$30,000.00. ✓

BC-2008-01111

Holly Rosser vs. Cabinet for Health and Family Services / Western State Hospital

Notes: Board Order of 1/25/10 requesting status report of Claimant's Workers' Compensation claim.

Counsel's Recommendation: Enter Final Order dismissing the claim for Claimant's failure to respond to the order of the Board. ✓

BC-2009-00547

Johnnie Leonard vs. Transportation Cabinet

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter and approve the Agreed Settlement between the parties, awarding Claimant \$800.00. ✓

BC-2009-00686

Teresa Baker vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter and approve the Agreed Order of Dismissal. ✓

BC-2009-00689

Dellilah Marshall vs. Department of Highways / Transportation

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

BC-2009-00713

Chrisite Bailey vs. Department of Highways / Transportation

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

BC-2009-00740

Patricia Church vs. Department of Highways / Transportation

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

BC-2009-00745

Ruby Lee vs. Department of Highways / Transportation

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

BC-2009-00759

Deborah Stevens vs. Department of Highways / Transportation

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

BC-2009-00781

Billy Tate vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

BC-2009-00807

Craig Childers vs. Department of Highways / Transportation

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

BC-2009-00842

Bobby Banfield vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

BC-2009-01019

April Younce vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order Holding Claim in Abeyance.

Counsel's Recommendation: Enter the Agreed Order and hold the claim in abeyance pursuant to the agreement of the parties. ✓

BC-2010-00786

David Angel vs. Department of Highways / Transportation

Notes: Default Order

Counsel's Recommendation: Rule the claimant in default and dismiss the claim. ✓

Full Board Review

BC-2009-00583

Brian Scholbrock vs. Department of Highways / Transportation

Notes: 8/12/09 Board awarded \$500, insurance deductible.

9/2/09 Claimant called to say he may want a FBR.

10/15/09 Mitch/Jackie's letter to Claimant regarding how to request a FBR. He wants 4 tires/rims rather than the 2 that were damaged.

Has recovered for 2 tires from insurance, plus \$500 from the Transportation Cabinet.

1/20/10 Claimant submitted documents, no letter. Called later and left message.

1/22/10 FBR Memo to Claimant and Respondent.

*Pay claimant. That is amt. that is the difference between 2 + 4 tires.
\$632.22*

BC-2009-00766

George Williams vs. Department of Highways / Transportation

Upheld Dismissal

Notes: 1/7/10 Board ordered dismissed, failed to give location info.
1/14/10 Claimant's letter
1/22/10 Jackie's letter to Claimant
1/22/10 FBR Memo to Claimant and Respondent (\$500)

BC-2009-00787

Garland Rhodes vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

upheld Dismissal

Notes: 1/26/2010 Board ordered dismissed.
2/02/2010 Claimant requests FBR (\$250).

BC-2009-00821

Jacqueline Bean vs. Department of Highways / Transportation

*Pay \$ 500⁰⁰
& Reverse*

Notes: 12/30/09 Board ordered dismissed
1/13/10 Claimant requests FBR (\$500)

BC-2009-00843

Kelvin Heard vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Upheld Dismissal

Notes: 1/26/10 Board ordered dismissed
2/01/10 Claimant requests FBR (\$709.75)

BC-2009-00888

Jacquelyn Marriott vs. Department of Highways / Transportation

*Reverse &
Pay \$ 500⁰⁰*

Notes: 1/14/10 Board ordered dismissed
1/26/10 Claimant requests FBR (\$500)

BC-2009-00907

Nathan Hardison vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Upheld Dismissal

Notes: 1/28/10 Board ordered dismissed
2/2/10 Claimant's request for FBR (\$678.02)

BC-2009-00917

Ottie Hayes vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

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Notes: 1/26/10 Board ordered dismissed.
2/04/10 Claimant requests FBR (\$140.58)

Motions

BC-2009-00638

Lora Kelley vs. Ky. Community and Technical College System

Notes: Respondent's Motion for Judgment on the Pleadings. No response received from Claimant.

Counsel's Recommendation: Overrule the Respondent's motion and assign claim to a hearing officer for further proceedings. ✓

BC-2009-00669

James Grim vs. Energy and Environment Cabinet / Dept. for Natural Resources

Notes: Respondent's Motion to Dismiss. No response filed by the Claimant.

Counsel's Recommendation: Overrule the Respondent's motion and assign claim to a hearing officer for further proceedings. ✓

BC-2009-00811

Parvaneh Nikou vs. University of Kentucky

Notes: Respondent's Motion to Dismiss. No response received from Claimant.

Counsel's Recommendation: Overrule the Respondent's motion and assign claim to a hearing officer for further proceedings. ✓

BC-2009-00851

Lisa Barbosa vs. Cabinet for Health and Family Services

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

Counsel's Recommendation: Overrule the Motion to Dismiss and assign claim to a hearing officer for further proceedings. ✓

(✓ Order)

BC-2009-00857

Elizabeth Gaines vs. University of Kentucky

Notes: Respondent's Motion to Dismiss. No response filed by the Claimant.

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2009-00957

Joshua Clark vs. Transportation Cabinet

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

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction over contractors, pursuant to KRS 44.073(15). ✓

BC-2009-00964

Jason Skinner vs. Scott County Board of Education

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

Counsel's Recommendation: Sustain the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2009-01010

Brian Schmidt vs. Kenton County Detention Center

Notes: Respondent's Motion to Dismiss for Lack of Jurisdiction.

Counsel's Recommendation: Dismiss the claim for lack of jurisdiction over county governmental entities. ✓

Recommended Order

BC-2003-00333

Crystal Atkins 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 and deny payment of the claim. ✓

BC-2007-00745

Richard Stinnett vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Todd Farmer's Recommended Order granting the Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and grant the Motion for Summary Judgment, dismissing the claim with prejudice. ✓

BC-2007-00809

Minnie Penix vs. Tourism, Arts & Heritage Cabinet / Kentucky State Fair Board

Notes: Hearing Officer Jan West's Opinion and Recommended Order denying the Respondent's Motion to Dismiss and Motion for Summary Judgment.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and overrule the Respondent's motions. ✓

BC-2008-00910

Jessica Gramig vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

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

BC-2009-00073

Manus Products vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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

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

BC-2009-00078

Johney Carpenter vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Darren Embry's Recommended Order denying payment of the claim.

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

BC-2009-00414

Eric Newman vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Todd Farmer's Opinion and Recommended Order awarding the Claimant \$1,245.79.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and award the Claimant accordingly. ✓

Total number of Claims: 43

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
February 18, 2010

BC-07-542

Harvey Saylor, Individually and as Administrator of the Estate of Barbara Saylor v.
University of Kentucky, Albert B. Chandler Medical Center

Joint Motion to Dismiss as settled filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal
awarding Claimant \$150,000.00. ✓

BC-2008-599

Cathy Huffman v. Transportation Cabinet

Agreed Order of Dismissal filed.

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

BC-2009-910

David P. Routson v. Transportation Cabinet

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order awarding Claimant \$700.00 in
settlement of this claim. ✓
