

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
February 21, 2013

The Board of Claims received 50 new claims during the month of January, 2013. A total of 49 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned three (3) claims for lack of jurisdiction.

Investigator Jackie Lynch decided 34 claims under \$1,000.00 in January, 2013. Jackie reports that 23 of these claims were denied and eleven (11) were awarded, for a total amount awarded of \$3,681.28.

At its Board meeting on January 17, 2013, the Board dismissed nine (9) claims and awarded nine (9) claims totaling \$229,927.75. Together with the claims investigated in-house, the Board dismissed a total of 32 claims and awarded a total of 20 claims for a total amount awarded of \$233,609.03 in January, 2013.

Minutes Accepted

For Instructions From the Board

BC-2011-00288

Tara Ware vs. University of Kentucky

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim with prejudice. ✓

BC-2011-00689

Rita Compton vs. Eastern Kentucky University

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as agreed to by the parties. ✓

BC-2012-00190

Rosalene Bryant vs. University of Kentucky

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$750.00 to the Claimant in settlement of this matter. ✓

BC-2012-00352

Gilbert Crumes vs. Justice and Public Safety Cabinet

Notes: February 21, 2013- Default Order

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

BC-2012-00355

Cheryl Kiebler vs. Commonwealth of Kentucky

Notes: February 21, 2013- Default Order

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

BC-2012-00372

Kevin Reams vs. University of Kentucky

Notes: February 21, 2013- Default Order

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

BC-2012-00417

William Koerner vs. Commonwealth of Kentucky

Notes: February 21, 2013- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2012-00428

Mark Gentry vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: February 21, 2013- Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss. ✓

BC-2012-00438

Krysten Dekker vs. Commonwealth of Kentucky

Notes: February 21, 2013-Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2012-00440

Wilma Hurt vs. Commonwealth of Kentucky

Notes: February 21, 2013-Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2012-00447

Natalie Anderson vs. University of Kentucky

Notes: February 21, 2013- Order to Set Aside Default Order and Re-Open Claim
Counsel's Recommendation-Set Aside Default Order and Re-Open Claim. ✓

BC-2012-00450

Tonya Gardner vs. University of Kentucky

Notes: February 21, 2013-Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2012-00453

Robert Tapp vs. University of Kentucky

Notes: February 21, 2013-Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2012-00455

Susan Wilkins vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$500.00 to the Claimant in settlement of this matter.

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

BC-2012-00474

Monica Daniel vs. Commonwealth of Kentucky

Notes: February 21, 2013- Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss. ✓

BC-2012-00514

Ophelia Fowiks vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: February 21, 2013- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2012-00539

Jonathan Walters vs. Commonwealth of Kentucky

Notes: February 21, 2013- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2012-00614

Opal Reynolds vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the full amount claimed.
Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$1,657.00 for lost valuables. ✓

BC-2013-00011

John Beran vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer agreeing pay the full amount claimed.
Counsel's Recommendation: Enter a Final Order awarding the Claimant \$1,000.00 in settlement of this matter. ✓

BC-2013-00017

Whitney Turner vs. Western Kentucky University

Notes: Agreed Order awarding the amount claimed to the Claimant.
Counsel's Recommendation: Enter the Agreed Order awarding \$1,000.00 to the Claimant and dismissing the claim with prejudice. ✓

Full Board Review

BC-2012-00496

Lavonda Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: 12/20/12 Board ordered \$393.46
1/9/13 Claimant seeks additional award of \$459
1/10/13 Respondent requests FBR

upheld original award

BC-2012-00537

Betty Lear vs. Justice and Public Safety Cabinet

Notes: 1/4/13 Board ordered dismissed
2/6/13 Claimant requests FBR (\$500, no proof of value in file).

pay \$100⁰⁰

Motions

BC-2007-00049

Phillip Perkins; Andrew Perkins vs. Tourism, Arts & Heritage Cabinet / Dept. of Parks

Notes: Claimant's Motion for Entry of Agreed Order Nunc Pro Tunc.

Counsel's Recommendation: Enter the Agreed Order allowing the Claimant an extension to file his exceptions to the Hearing Officer's recommendation; enter an Order vacating the Board's Final Order dated January 17, 2013 granting the Respondent's Motion for Summary Judgment; and docket this matter for the Board's review at its March 21, 2013 meeting. ✓

BC-2012-00497
Carolyn Ladd vs. Murray State University

No liability alleged

Notes: Respondent's Answer and Motion to Dismiss; no response filed thereto by the Claimant.

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

BC-2012-00544
Norah Rotimi-Layeni vs. Cabinet for Health and Family Services

*No liability alleged;
C does not own property
that was
damaged.*

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

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

BC-2012-00569
Donald Allen vs. Transportation Cabinet / Dept. of Highways

*Rock in road -
no notice.*

Notes: Respondent's Answer and Motion to Dismiss; no response filed by the Claimant.

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

BC-2012-00573
Marquette Transportation Company Offshore, LLC. vs. Transportation Cabinet

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

Counsel's Recommendation: Enter an Order holding the claim in abeyance pending a civil suit in the United States District Court for the Western District of Kentucky, Case No. 5:12-CV-168-R. ✓

Recommended Order

BC-1995-00979
Regina Still, et al. vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order denying payment of this claim. ✓

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

BC-2011-00924
Rina Parker vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer's Recommended Order dismissing the claim at Claimant's request.

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

BC-2011-01082
Philip Hageman vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommended Order of Dismissal for Claimant's failure to appear at the hearing.

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

BC-2011-01105
Jacob Drapkin vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order denying payment of this claim.

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

BC-2012-00088

Shirley Perkins vs. Tourism, Arts and Heritage Cabinet / Dept. of Fish and Wildlife

Notes: Hearing Officer Mike Wilson's Recommended Order dismissing the claim with prejudice for failure to comply with the orders of this tribunal.

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

BC-2012-00149

Sean Bowens vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim at Claimant's request.

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

BC-2012-00291

Chasity Sutton vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order granting the Respondent's Motion for Summary Judgment and denying payment of this claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer granting Motion for Summary Judgment and denying payment of the claim. ✓

BC-2012-00310

Flora Peggs vs. Transportation Cabinet and Finance and Administration Cabinet

Notes: Hearing Officer Mike Wilson's Recommended Order dismissing the Transportation Cabinet as a respondent in this matter.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the Transportation Cabinet as a party in this matter. ✓

Total number of Claims: 35