

**COMMONWEALTH OF KENTUCKY**

**Board of Claims**

**Agenda**

**January 21, 2016**

*Minutes Accepted*

The Board of Claims received 50 new claims during the month of December, 2015. Paula reports that a total of 58 claims were set up and four (4) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 48 claims under \$1,000.00 in December, 2015. Jackie reports that 26 of these claims were denied and 22 were awarded, for a total amount awarded of \$8,414.61.

At its Board meeting on December 17, 2015, the Board dismissed 10 claims and awarded seven (7) claims totaling \$26,337.39. Together with the claims investigated in-house, the Board dismissed a total of 36 claims and awarded a total of 33 claims for a total amount awarded of \$34,752.00 in December, 2015.

**For Instructions From the Board**

BC-2015-00030

Patricia Darnell 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-2015-00238

Stephon Tramber vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Agreed Order of Dismissal for \$150.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$150.00 in settlement of this matter. ✓

BC-2015-00422

Delores Wesley vs. Transportation Cabinet / Dept. of Highways

Notes: January 21, 2016-Default Order

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

BC-2015-00425

Charles Givens vs. Commonwealth of Kentucky

Notes: January 21, 2015-Default Order

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

BC-2015-00433

Jennifer Boothe vs. Commonwealth of Kentucky

Notes: January 21, 2016- Default Order

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

BC-2015-00449

Jimmie Childers vs. Commonwealth of Kentucky

Notes: January 21, 2016-Default Order

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

BC-2015-00457

Evan Palmer vs. Commonwealth of Kentucky

Notes: January 21, 2016-Default Order  
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

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BC-2015-00460

Melissa Thieneman vs. Commonwealth of Kentucky

Notes: January 21, 2016-Default Order  
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

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BC-2015-00469

Jerry Smothers vs. Commonwealth of Kentucky

Notes: January 21, 2016-Default Order  
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

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BC-2015-00474

Doug Vleet vs. Commonwealth of Kentucky

Notes: January 21, 2016-Default Order  
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

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BC-2015-00488

Katherine Butler vs. Commonwealth of Kentucky

Notes: December 21, 2016-Default Order  
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

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BC-2015-00764

Jerry Barnes 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. ✓

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BC-2015-00904

Gary Duckworth; Janice Duckworth vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,712.00 as payment in full for this claim. ✓

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BC-2015-00935

Heather Olbers vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer and recommendation to dismiss for lack of jurisdiction.

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 44.070(1). ✓

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BC-2015-00970

Wanda Hawk vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,200.00 as payment in full for this claim. ✓

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BC-2015-00991

Stihl Inc. 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 \$15,661.12 as payment in full for this claim. ✓

*Uphold original decision*

**Full Board Review**

BC-2015-00774

Donna Stout vs. Transportation Cabinet / Dept. of Highways

Notes: 12/9/15 Board awarded \$500  
12/17/15 Claimant requests FBR (\$500) on amount. She wants \$1,412.97 paid, as she is not filing a Claim with her insurance carrier.

BC-2015-00811

Dawon Hopper vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 12/9/15 Board ordered dismissed (\$212)  
12/23/15 Claimant requests FBR  
12/29/15 FBR Memo

*Uphold original decision*

**Motions**

BC-2014-00289

Natasha Diehl vs. Morehead State University

Notes: Joint Motion to Dismiss the claim with prejudice filed by the parties.

Counsel's Recommendation: Enter an Order dismissing the claim as agreed by the parties. ✓

BC-2015-00614

Shantanu Neravetta vs. University of Louisville

Notes: Claimant's Motion for Reconsideration of the Board's prior Order of Dismissal; the Respondent's response, and the Claimant's reply filed thereto.

Counsel's Recommendation: Enter an Order reserving the Claimant's Motion for Reconsideration and ordering the Claimant to brief the Board on its jurisdiction of alleged tortious activity. ✓

BC-2015-00756

Rhonda Carroll on behalf of Trent Carroll, a Minor 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-2015-00912

Harrison Sowards vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.110(4). ✓

BC-2015-00925

Cynthia Vivona vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

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

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

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BC-2015-00979

Mary Doyle vs. University of Kentucky

Notes: Joint Motion to Dismiss for \$10,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$10,000.00 in settlement of this matter. ✓

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**Recommended Order**

BC-2014-00674

Kevin Lawhon vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie R. Lile's Recommended Order Granting Motion to Dismiss.

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

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BC-2014-00821

Natasha Paute vs. Transportation Cabinet / Dept. of Highways

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

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

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BC-2015-00077

Michael Smith 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. ✓

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BC-2015-00092

Lisa Settles vs. University of Kentucky

Notes: Hearing Officer Natalie Lile's Findings of Fact, Conclusions of Law and Recommended Order awarding \$750.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$750.00. ✓

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BC-2015-00268

Cynthia Parker 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: Enter the recommendation of the hearing officer denying payment of the claim. ✓

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Total number of Claims: 29

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

*January 21, 2016*

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**BC-2015-00095**

James Dossey v. Transportation Cabinet / Dept. of Highways

Claimant's notice of voluntary dismissal.

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

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**BC-2015-1023**

Luchanna Hopkins v. Justice & Public Safety Cabinet / Ky. State Police

Agreed Order holding claim in abeyance filed.

Counsel's Recommendation: Enter the Agreed Order holding this claim in abeyance pending investigation by the State Police Dept. ✓

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*Full Board Review*

On June 19, 2015, Claimant was fighting on the yard with another inmate when he was taken directly to the Special Management Unit or Segregation. His property was packed by two officers which is what policy allows when an inmate has to be taken to Segregation because he had been fighting. When they turned on the TV in Receiving and Discharge it did not work. This was noted on the Claimant's property sheet. Staff did take precautions with the TV and wrapped it in a blanket before storing it.

Claimant has turned this around to say that staff let other inmates pack his property, but Respondent stated this is not permitted and it did not happen in this case. Claimant provided a piece of paper called a "Witness Statement Form" in which an inmate stated "Prior to Inmate Watts packing Inmate Hopper 's property, Inmate Hopper T.V. was working and functional." Respondent said they do not allow inmates to assist them in packing inmate property. Respondent says Claimant has provided no proof his TV was damaged by staff. He had his television with his property before he was taken to segregation.

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