



PUBLIC PROTECTION CABINET
OFFICE OF CLAIMS AND APPEALS
BOARD OF CLAIMS
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Andy Beshear
Governor

Ray Perry
Secretary

John Hardesty
Executive Director

Commonwealth of Kentucky
Board of Claims
January 25, 2022 Meeting

MINUTES

The meeting, conducted via Zoom, was called to order at 10:02 am., and the following business was conducted in Board of Claims matters.

In attendance were Board members Joe Childers, Michael Plummer, and Dale Sights. A quorum existed and business was conducted. Also in attendance were Executive Director John Hardesty, Staff Attorneys Shelby Bevins-Sullivan and Natalie Lile, Clerk Katie Dean, Hearing Officers Eden Davis Stephens and Shawn D. Chapman, Attorneys Matt Lynch and Tess Russell for Office of Unemployment Insurance, Attorney Vincent Aprile for Claimant Sean Huddleston, Attorney Melanie Lowe for Department of Public Advocacy, Attorney Sarah Noble for Tourism, Arts & Heritage Cabinet, Attorney Bridget Dunaway for Transportation Cabinet, Claimants Patricia McCauley and Cindy Lou Turner.

After Executive Director Hardesty delivered the monthly report for the Board of Claims for December 2021, the December 2021 minutes were approved. Member Dale Sights moved to approve the December 2021 Minutes with Member Michael Plummer seconding. Having all in favor, the Motion carried.

After approval of the prior meeting's Minutes, the following cases were taken up for consideration:

BC-21-0063: Crown Communications, LLC v. Kentucky Transportation Cabinet, Dept. of Highways (KYTC)

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to enter the Joint Stipulation and Agreed Order of Dismissal.

BC-21-0263 (BC-21-0264 consolidated with 0263): Ashley Sizemore and Kelsey Stamper (minor) v. KYTC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to appoint a Guardian Ad Litem to represent the minor claimant in this action, pursuant to KRS 49.120(5).

BC-21-0410: Terry Hayes, Sr. v. KYTC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to enter the Agreed Order of Dismissal due to settlement.

BC-21-0554: Source Logistics, LLC v. Justice & Safety Cabinet, Dept. of Corrections (DOC)

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to enter an Order awarding the Claimant \$5,000.00 due to the Respondent admitting liability.

BC-21-0601: Ajdin Selimovic v. KYTC

Motion: 1st Dale Sights, 2nd Michael Plummer. Having all in favor, the motion carried.

- The Board agreed to enter the Agreed Order of Dismissal due to settlement.

BC-21-0613: Larry Haralson v. KYTC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to enter an Order awarding the Claimant \$3,201.66 in full satisfaction of the claim, as reflected in the Respondent's Answer.

BC-21-00719: Sarah Jones v. Northern Kentucky University (NKU)

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to place this claim in abeyance per a request by Claimant's counsel, who advised that the Claimant is still undergoing medical treatment.

BC-21-0445: Patricia McCauley v. KYTC

Motion: 1st Dale Sights, 2nd Michael Plummer. Having all in favor, the motion carried.

- This claim was on for Full Board Review. The Board agreed to pass this claim until February to allow KYTC to submit another amended Answer, given Ms. McCauley's testimony and diagram she drew, which was placed in her file.

BC-21-0570: Marilyn Brown v. KYTC

Motion: 1st Dale Sights, 2nd Michael Plummer. Having all in favor, the motion carried.

- This claim was on for Full Board Review. The Board agreed to uphold the prior decision awarding the Claimant \$500.00, the amount of her deductible.

BC-21-0566: William Franklin Jones v. Office of Unemployment Insurance (OUI)

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board granted the Respondent's Motion to Dismiss for lack of jurisdiction.

BC-21-0571: Sean Huddleston v. Department of Public Advocacy (DPA)



Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board, after hearing the parties speak on the matter, assigned this case to a hearing officer to rule on the pending Motion to Dismiss submitted by the DPA. The Board also granted the Claimant's Motion to file a Sur-Reply.

BC-21-0582: Michael McQueen v. DOC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board assigned this case to a hearing officer.

BC-21-0632: Bryan Pryor v. Tourism, Arts & Heritage Cabinet, Dept. of Parks (TAHC)

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board, after hearing Ms. Noble for TAHC speak, decided to assign this to a hearing officer to rule on the pending Motion for Partial Summary Disposition and conduct further proceedings.

BC-21-0659: Jimmie Terrell v. Kentucky Board of Elections and McCracken County Board of Education

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board agreed to hold this claim in abeyance having received an Agreed Order from the Claimant and Respondent McCracken County Board of Education to hold the claim in abeyance pending the outcome of a parallel circuit court case.

BC-20-0283: Cindy Lou Turner v. KYTC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- After hearing Ms. Turner speak, the Board accepted Hearing Officer Chapman's Recommended Order without modification, dismissing Turner's claim.

BC-20-0491: Lloyd McCarty v. KYTC

Motion: 1st Michael Plummer, 2nd Dale Sights. Having all in favor, the motion carried.

- The Board accepted Hearing Officer Chapman's Recommended Order without modification, dismissing McCarty's claim.

After the cases were called, Board Member Michael Plummer moved to adjourn the meeting with Member Dale Sights seconding the motion. Having all in favor, the meeting adjourned at approximately 11:11 am.