

**COMMONWEALTH OF KENTUCKY**

**Board of Claims**

**Agenda**

**July 15, 2010**

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The Board of Claims received 72 new claims during the month of June, 2010. A total of 82 claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed three (3) claims for being under the \$100.00 threshold and returned six (6) non-jurisdictional claims.

Investigators Jackie Lynch and Wanda Luttrell decided 68 claims (under \$1,000.00) in June, 2010. Jackie reports that 35 claims were dismissed and 33 claims were awarded, for a total amount awarded of \$13,397.80.

At its Board meeting on June 17, 2010, the Board dismissed 16 claims and awarded five (5) claims totaling \$4,874.28. Together with the claims investigated in-house, the Board dismissed a total of 51 claims and awarded a total of 38 claims for a total amount awarded of \$18,272.08 in June, 2010.

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**For Instructions From the Board**

BC-2004-00101

Bryan Byars; August Nelson vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter Final Order dismissing the claim for failure to comply with the orders of the hearing officer.

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BC-2007-00654

Monte Henderson vs. Transportation Cabinet

Notes: Agreed Order of Dismissal filed.

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

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BC-2008-00555

Walter Skiba vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's written request to dismiss claim.

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

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BC-2008-00717

Sheila Montgomery vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Final Order dismissing claim as stipulated to by the parties.

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BC-2008-00718

Margie Hall vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Final Order dismissing claim as stipulated to by the parties.

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BC-2008-00728

Michael Hall vs. Transportation Cabinet / Agreed Order

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Final Order dismissing claim as stipulated to by the parties.

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BC-2008-01205

Dustin Reisenberg vs. Northern Kentucky University

Notes: Former Hearing Officer Charles Miller's Show Cause Order rendered February 10, 2010. No response was received by the Claimant.

Counsel's Recommendation: Adopt the recommendation and dismiss the claim with prejudice for Claimant's failure to comply with the orders of the Board.

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BC-2009-00852

Lamar Outdoor Advertsing vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Final Order dismissing claim as stipulated to by the parties.

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BC-2010-00019

Melissa Harden vs. University of Kentucky

Notes: April 21, 2010- Order to Comply or Show Cause

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

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BC-2010-00063

Chester Keathley vs. Transportation Cabinet / Dept. of Highways

Notes: April 21, 2010 - Order to Comply or Show Cause

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

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BC-2010-00125

Robert Lewis vs. Transportation Cabinet / Dept. of Highways

Notes: April 21, 2010- Order ro Comply or Show Cause

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

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BC-2010-00130

Donnell Woods vs. Justice and Public Safety Cabinet

Notes: April 21, 2010 Order to Comply or Show Cause

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

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BC-2010-00146

Linda Adkins vs. Morehead State University

Notes: April 21, 2010- Order to Comply or Show Cause

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

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BC-2010-00166

Rodney Daily vs. Transportation Cabinet / Dept. of Highways

Notes: April 21, 2010- Order to Comply or Show Cause

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

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BC-2010-00437

Jefferson Johnson vs. University of Kentucky

Notes: Respondent's Answer recommending payment in full to the Claimant for damages sustained.

Counsel's Recommendation: Award Claimant \$9,771.94 in settlement of this claim.

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BC-2010-00444

Alex Griffee vs. University of Kentucky

Notes: Respondent's Answer recommending payment of \$1,000.00 to Claimant for damages sustained herein.

Counsel's Recommendation: Award Claimant \$1,000.00 in settlement of this claim.

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**Full Board Review**

BC-2010-00006

Joseph Head vs. Justice and Public Safety Cabinet

Notes: 6/17/10 Board ordered dismissed  
7/1/10 Claimant requests FBR (\$254.99)

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BC-2010-00099

Mark Harris vs. Justice and Public Safety Cabinet

Notes: 6/4/10 Board ordered dismissed  
6/21/10 Claimant requests FBR (\$741.30)

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BC-2010-00205

Homer Sherley vs. Justice and Public Safety Cabinet

Notes: 6/9/10 Board ordered dismissed  
6/17/10 Claimant requests FBR (\$158.99)

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BC-2010-00279

Kalvin Brown; Glenda Phillips vs. Transportation Cabinet / Dept. of Highways

Notes: 6/10/10 Board ordered dismissed.  
6/24/10 Claimant requests FBR (\$441.03)

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BC-2010-00293

Uriah Pasha vs. Justice and Public Safety Cabinet

Notes: 6/23/10 Board ordered dismissed  
7/2/10 Claimant requests FBR (\$130)

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BC-2010-00306

Clarence Moore vs. Transportation Cabinet / Dept. of Highways

Notes: 6/15/10 Board ordered dismissed  
6/22/10 Claimant requests FBR (\$588.85)

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BC-2010-00329

Cedric Bibbs vs. Transportation Cabinet / Dept. of Highways

Notes: 6/21/10 Board ordered dismissed  
6/22/10 Claimant requests FBR (\$500)

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**Motions**

BC-2009-00715

Roger Martin vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Claimant's Motion for Voluntary Dismissal.

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

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BC-2010-00178

Gilbert Brewsaugh vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss.

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

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BC-2010-00215

Cynthia Jordan vs. Northern Kentucky Cooperative for Educational Services, Inc.

Notes: Respondent's Motion to Dismiss and Memorandum in Support Thereof.

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction over contract disputes.

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BC-2010-00267

Shannon Tucker vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss for lack of jurisdiction over Jefferson Co. roadway.

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction.

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BC-2010-00297

Dominic Raifsnider vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss and Memorandum in Support Thereof.

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

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BC-2010-00413

Steven Wayne vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign claim to Hearing Officer Jan West for further proceedings.

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BC-2010-00445

Irene Karp vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Jan West for further proceedings.

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**Recommended Order**

BC-2008-00205

Aydan Cooper vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order overruling the Respondent's Motion to Dismiss was adopted by the Board at its June 17, 2010 meeting. However, the Respondent filed Exceptions to the Opinion and Recommended Order that were not received by the Board until after the June 17, 2010 meeting.

Counsel's Recommendation: Uphold the original decision to overrule the Motion to Dismiss and remand the claim to Hearing Officer Jan West for further proceedings.

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BC-2009-00016

Kelvin Thomas vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Todd Farmer's Opinion and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice.

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BC-2009-00065

Mary LeMaster vs. Transportation Cabinet

*Exceptions Filed*

Notes: Hearing Officer Darren Embry's Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice.

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BC-2009-00726

Kenneth Davis vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Darren Embry's Recommended Order denying the Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Adopt the recommendation of the former hearing officer and overrule the Motion for Summary Judgment, then reassign the claim to Hearing Officer Braxton Crenshaw for further proceedings.

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Total number of Claims: 34