

Michael Plummer  
not present.

COMMONWEALTH OF KENTUCKY  
Board of Claims  
Agenda  
June 19, 2008

Plaque presented  
to Cynthia for 25  
years of service.

The Board of Claims received 133 new claims during the month of May, 2008. Of these, 107 were set up under \$1,000.00, seven (7) were set up under \$100.00, and eight (8) were set up over \$1,000.00, for a total of 122 new claims ready to be processed.

There were 266 active claims under \$1,000 as of June 2, 2008. Of these, Answers have been received for 107 claims which are waiting for a decision. Also, as of June 2, 2008, there were 28 claims under \$1,000 that were over the 60-day statutory deadline for a decision. Investigators Jackie Lynch and Wanda Luttrell decided 91 claims in May.

The Board awarded six (6) claims for a total of \$28,749.70 at its May 15, 2008 meeting. Four (4) of the awarded claims were decided by Agreed Order. Ten (10) claims were dismissed by the Board at that meeting. One claim, against the Commerce Cabinet Department of Parks, in the amount of \$8,084.30, was paid from the ANOC Fund.

Due to the contractual amount of money that each Hearing Officer has left for this fiscal year, Mitch Mattingly has instructed that no new claims be assigned to Hearing Officers until the new contracts are approved for the 2008-09 fiscal year. As of June 10, 2008, there were 18 claims waiting to be assigned to Hearing Officers.

There were 14 hearings scheduled by Hearing Officers in May, 2008; eight (8) of these were ultimately cancelled.

For Instructions From the Board

3C-2006-00324

Mary Smith vs. University of Kentucky Medical Center

Notes: June 6, 2006 Order for More Information  
July 12, 2006 Order  
October 11, 2006 Order  
April 12, 2007 Order  
October 3, 2007 Order  
November 9, 2007 Order to Comply or Show Cause

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

Move to adopt minutes of 05/08 as provided  
by staff - motion carried.

HO Ks are in Governor's  
office, awaiting approval.  
Richard predicted no HO  
Ks until 08/08.

3C-2007-00599

Franklin Taylor vs. Department of Highways / Transportation Cabinet

Notes: August 20, 2007 Order for More Information  
March 10, 2008 Order to Comply or Show Cause

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

3C-2007-00656

Darris Raizor vs. Kentucky State Fair Board / Commerce Cabinet

Notes: September 26, 2007 Order for More Information  
March 10, 2008 Order to Comply or Show Cause

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

-00674

3C-2007-00674 vs. Justice and Public Safety Cabinet

Notes: September 21, 2007  
March 10, 2008

Order for More Information  
Order to Comply or Show Cause

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

3C-2007-00884

Charles Abbott vs. Justice and Public Safety Cabinet

Notes: January 11, 2008 Order for More Information  
February 26, 2008 Order to Comply or Show Cause

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

### Full Board Review

3C-2008-00155

Man Razavi vs. Department of Highways / Transportation Cabinet

Notes: 4/24/08 Board dismissed claim  
5/5/08 Claimant requests FBR

*Original Dismissal  
upheld*

3C-2008-00195

Linda McClellan vs. Department of Highways / Transportation Cabinet

Notes: 5/14/08 Board ordered dismissed  
5/22/08 Claimant requests FBR

*Original Dismissal  
upheld*

3C-2008-00233

Chris Johnson vs. Department of Highways / Transportation Cabinet

Notes: 5/13/08 Board dismissed claim.  
5/19/08 Claimant called and requested Full Board Review.  
6/02/08 Claimant sent e-mail requesting Full Board Review. \$182.00.

*Original dismissed  
overturned.*

### Motions

3C-2007-00401

Donnie Duncan; Joyce Duncan vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss, Claimant's letter to the Board regarding same, and Board Order of 4/17/08 granting Claimants 30 days to retain counsel or respond to Motion to Dismiss. No response received from Claimants.

✓ Counsel's Recommendation: Sustain the Motion to Dismiss for failure to file within the Statute of Limitations.

3C-2007-00680

Linda Weddle vs. Pulaski County Schools

Notes: Motion to Dismiss filed by both parties.

✓ Counsel's Recommendation: Enter Order dismissing claim.

3C-2008-00066

Janet Dunaway vs. Department of Education

Notes: Respondent's Motion for Judgment on the Pleadings and Claimant's Response.

✓ Counsel's Recommendation: Overrule Motion for Judgment on the Pleadings and assign to a Hearing Officer after 07/01/08.

3-00180

rdon vs. Transportation Cabinet

Notes: Respondent's Answer and Motion to Dismiss.

Counsel's Recommendation: Sustain Motion to Dismiss. ✓

---

3C-2008-00237

Shelly Boldrick vs. Transportation Cabinet

Notes: Respondent's Answer and Motion to Dismiss.

Counsel's Recommendation: Sustain Motion to Dismiss. ✓

---

3C-2008-00370

Tim Riley vs. Department of Highways / Transportation Cabinet

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Sustain Motion to Dismiss. ✓

---

3C-2008-00561

Jene Forte, Administrator of the Estate of Carole Forte vs. Nelson County Board of Education

Notes: Claimant's Motion to Hold Claim in Abeyance; Respondent's Response to Motion to Hold in Abeyance and Respondent's Motion to Determine Jurisdiction and Motion to Dismiss; Claimant's Response to Motion to Dismiss; and Respondent's Reply to Claimant's Response to Motion to Dismiss.

Counsel's Recommendation: Sustain Motion to Dismiss for failure to file within the Statute of Limitations. ✓

---

### **Recommended Order**

3C-2001-00976

Michael Lindsay vs. Department of Highways / Transportation Cabinet

Notes: Agreed Order Dismissing as Settled.

Counsel's Recommendation: Enter Agreed Order of Settlement and Award Claimant \$4,000.00. ✓

---

3C-2002-00756

Jackson Purchase Medical Center vs. Department of Highways / Transportation Cabinet

Notes: Agreed Order of Dismissal entered by the parties.

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

---

3C-2004-00587

Bobby Hamilton vs. Department of Highways / Transportation Cabinet

Notes: Hearing Officer Matthew Mooney's Recommended Order on Dispositive Motions.

Counsel's Recommendation: Adopt the Recommended Order and Order as follows:

- 1) Dismiss the claim of O. T. Hammonds (BC-04-597);
  - 2) Dismiss the claim of Bobby Hamilton (BC-04-587);
  - 3) Grant Charlene Hamilton leave to file an Amended Claim asserting the claims previously set forth in Bobby Hamilton's claim;
  - 4) Deny the Respondent's Motion to Dismiss based upon lack of jurisdiction;
  - 5) Deny the Respondent's Motion to Dismiss based upon the limitations periods; and
  - 6) Remand to the Hearing Officer for a hearing on the claims of Charlene Hamilton and Nadine Lykens (said hearing to be conducted after July 1, 2008). ✓
-

6-00400

a Caudill vs. Transportation Cabinet

Notes: Hearing Officer Matthew Mooney's Recommended Order Awarding \$7,856.00 to Claimant.

Counsel's Recommendation: Adopt the Recommended Order and Award Claimant \$7,856.00. ✓

---

3C-2006-00591

Frederick Jones vs. Justice and Public Safety Cabinet / Department of Corrections

Notes: Hearing Officer Todd Farmer's Recommended Opinion and Order Granting Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Adopt the Recommended Order, Sustain the Motion for Summary Judgment and Dismiss. ✓

---

3C-2006-00762

Sheri Wooten; Billy Wooten; Christopher Wooten vs. Justice and Public Safety Cabinet

Notes: Agreed Order of Dismissal entered by Hearing Officer Jan West.

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

---

3C-2007-00483

Vickie Brown vs. Transportation Cabinet / Department of Highways

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

Counsel's Recommendation: Adopt the Recommended Order and dismiss. ✓

---

3C-2007-00696

Atah Love vs. Justice and Public Safety Cabinet / Department of Corrections, et al. ✓

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

Counsel's Recommendation: Adopt the Recommended Order, Sustain the Motion for Summary Judgment, and dismiss.

---

Total number of Claims: 23

**COMMONWEALTH OF KENTUCKY**  
**BOARD OF CLAIMS**  
*Addendum*  
*June 19, 2008*

---

BC-2008-269

Matthew White v. Transportation Cabinet

Answer Admitting Liability in the amount of \$1,000.00 filed 5/9/08. Claimant's affirmative response filed 6/9/08.

✓ Counsel's Recommendation: Enter Final Order Awarding \$1,000.00 to Claimant.

---

BC-2008-268

Rita Malone v. Transportation Cabinet

Motion to Dismiss filed 5/6/08. No response filed by Claimant.

✓ Counsel's Recommendation: Enter Final Order of Dismissal and dismiss claim due to the Board's lack of jurisdiction over the contractor involved.

---

BC-2008-218

Fidelity Automotive v. Transportation Cabinet

Agreed Order of Dismissal filed 6/17/08.

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

---