

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

June 18, 2009

Minutes Accepted

The Board of Claims received 75 new claims during the month of May, 2009. A total of 49 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed six (6) claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 88 claims (under \$1,000.00) in May, 2009. Thirty eight (38) claims were dismissed and 50 claims were awarded, for a total amount awarded of \$20,909.54.

At its Board meeting on May 21, 2009, the Board dismissed 43 claims and awarded seven (7) claims totaling \$2,692.93. Together with the claims investigated in-house, the Board dismissed a total of 81 claims and awarded a total of 57 claims for a total amount awarded of \$23,602.47 in May, 2009.

For Instructions From the Board

BC-2008-00919

Robert Mayhugh; Carol Mayhugh vs. Department of Highways / Transportation

Notes: September 29, 2008 Order for More Information
February 27, 2009 Order to Comply or Show Cause

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

BC-2008-00967

Michael Collier vs. Transportation / Transportation Cabinet

Notes: September 5, 2008 Order for More Information
February 13, 2009 Order to Comply or Show Cause

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

BC-2008-01029

Mashonda Smalley vs.

Notes: October 8, 2008 Order for More Information
February 13, 2009 Order to Comply or Show Cause

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

BC-2008-01117

Gregory Osborne vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal with prejudice filed.

Counsel's Recommendation: Enter Final Order dismissing claim with prejudice at the parties' request. ✓

BC-2008-01138

Gladys Gay vs. UK Medical Center / University of Kentucky

Notes: November 26, 2008 Order for More Information
March 31, 2009 Order to Comply or Show Cause

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

BC-2008-01155

Donald Weinstein vs. UK Medical Center / University of Kentucky

Notes: December 19, 2008 Order for More Information
March 31, 2009 Order to Comply or Show Cause

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

BC-2008-01163

James Hobdy vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: December 9, 2008 Order for More Information
March 31, 2009 Order to Comply or Show Cause

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

BC-2008-01178

Sharon Bell; Richard Bell vs. UK Medical Center / University of Kentucky

Notes: December 9, 2008 Order for More Information
March 31, 2009 Order to Comply or Show Cause

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

BC-2008-01183

Shaun Stallworth vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: December 5, 2008 Order for More Information
March 31, 2009 Order to Comply or Show Cause

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

BC-2008-01244

Melissa Moneymaker vs. Transportation / Transportation Cabinet

Notes: January 26, 2009 Order for More Information
March 31, 2009 Order to Comply or Show Cause

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

BC-2009-00036

Tonya Pezzarossi vs. Transportation Cabinet

Notes: Agreed Order of Dismissal.

Counsel's Recommendation: Enter Final Order dismissing the claim, as agreed to by the parties and the hearing officer. ✓

BC-2009-00346

Shane Davis vs. Tourism, Arts and Heritage Cabinet / Dept. of Fish and Wildlife

Notes: Respondent's Answer admitting liability and recommending payment of claim.

Counsel's Recommendation: Enter Final Order awarding \$2,299.00 to Claimant. ✓

BC-2009-00361

Jack Shipman vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer Admitting Liability and offering payment.

Counsel's Recommendation: Enter Final Order awarding Claimant \$1,000.00 in payment of this claim. ✓

BC-2009-00368

Tammie Barker; Oleida Hulker vs. University of Kentucky Medical Center

Notes: Respondent's Answer admitting liability filed.

Counsel's Recommendation: Enter Final Order awarding \$1,900.00 to Claimant. ✓

BC-2009-00412

Terry Fendell vs. Federal Bureau of Prisons

Notes: Claim filed against the U. S. Penitentiary Big Sandy in Inez, KY.

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction over federal prisons. ✓

Full Board Review

BC-2008-01233

George Robertson vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 5/7/09 Board ordered dismissed
5/14/09 Claimant requests FBR (\$119,69)
5/22/09 FBR Memo to Claimant and Respondent ✓

2 opposed

BC-2009-00115

Clifton Bentley vs. Department of Highways / Transportation

Notes: 5/1/09 Board dismissed claim by FOF (\$500)
5/7/09 Claimant requested FBR. Talked about a lot of people who knew filing false claims at the Kennedy Bridge and getting huge checks.

Hold Over to 07/09

BC-2009-00385

Jason Peters vs. Louisville Metro Government / Louisville Metro Government

Notes: 5/15/09 Board ordered dismissed
5/21/09 Claimant requests FBR (\$260.40) ✓

upheld Dismissal

Motions

BC-2007-00780

Richard Bridgeman vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Withdraw and the Oldham Circuit Court's Order of Remand to the Board of Claims.

Counsel's Recommendation: Enter Order Granting Motion to Withdraw and Assigning Claim to HO Braxton Crenshaw. ✓

BC-2008-00847

Crystal Williams vs. Cabinet for Health and Family Services

Notes: Respondent's Verified Motion to Dismiss and Supplement to Verified Motion to Dismiss; Claimant's Claimant's Response to the Verified Motion to Dismiss; and Respondent's Reply filed thereto.

Counsel's Recommendation: Enter Order sustaining Motion to Dismiss pertaining to Cabinet for Health & Family Services only and sustain Motion to Amend to allow Claimant to amend her claim to name the Finance and Administration Cabinet as Respondent. ✓

BC-2009-00216

Pearl Drake vs. Eastern Kentucky University

Notes: Respondent's Answer and Motion to Dismiss. No response filed by Claimant.

Counsel's Recommendation: Overrule Motion to Dismiss and assign claim to a hearing officer for further proceedings. ✓

BC-2009-00269

Robert Sprague vs. Eastern Kentucky University

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

Counsel's Recommendation: Overrule Motion to Dismiss and assign claim to a hearing officer for further proceedings. ✓

BC-2009-00341

Great West Casualty Company; Professional Expediting, Inc. vs. Transportation Cabinet

*Pull from Agenda,
per GMM*

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

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction over collateral or dependent claims.

Recommended Order

BC-2004-00402

Donnie Autry; Virginia White vs. Western Kentucky University

*Pulled from
Jacket*

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law, and Recommended Order Awarding \$200,000.00 to Claimants.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and awarding \$200,000.00 to Claimants.

BC-2006-00441

Joyce Silver; Joyce Kelly vs. University of Louisville

Notes: Hearing Officer Jan West's Recommended Order dismissing claim for Claimant's failure to appear at the final hearing.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and dismiss the claim. ✓

BC-2007-00047

Benjamin Mahan vs. Transportation Cabinet

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

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and dismissing the claim. ✓

BC-2007-00445

Jeremy Buzby vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer. ✓

BC-2007-00630

Anthony Orzali vs. Transportation Cabinet

Notes: Hearing Officer Charles Miller's Findings of Fact, Conclusions of Law and Recommended Order Awarding \$3,264.61 to Claimant.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and awarding \$3,264.61 to Claimant. ✓

BC-2007-00643

Tanda Bailey vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Darren Embry's Recommended Order awarding \$8,179.55 to Claimant.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and awarding \$8,179.55 to Claimant. ✓

BC-2007-00757

Sabrina Page vs. Transportation Cabinet / Dept. of Highways ✓

Notes: Hearing Officer Jan West's Recommended Order Awarding \$5,135.51 to Claimant. Exceptions filed by both Claimant and Respondent.

Counsel's Recommendation: Initial recommendation is to enter a Final Order adopting the recommendation of the hearing officer. However, Exceptions to the Recommended Order have been filed and are being considered by the hearing officer and the Board's attorney. The final recommendation will be made at the Board meeting. } policies parties to brief on damages

BC-2007-00834

Deyon Hayden vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Todd Farmer's Opinion and Recommended Order Granting Respondent's Motion to Dismiss and dismissing claim.

Counsel's Recommendation: Enter Final Order dismissing claim as recommended by the hearing officer. ✓

BC-2008-00753

Reba Young vs. Tourism Arts & Heritage Cabinet / Capital Plaza Authority and Scott Co. Board of Education

Notes: Hearing Officer Jan West's Opinion and Recommended Order and Claimant's response filed thereto.

Counsel's Recommendation: Enter Order rejecting the recommendation and remanding the claim to the hearing officer for further proceedings, pursuant to 108 KAR 1:010 Section 4(4). ✓

BC-2008-00851

Ronnie Cook vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Darren Embry's Recommended Order denying payment of damages to Claimant.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and denying payment of damages. ✓

BC-2008-01187

Deborah Wright vs. Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and dismissing the claim. ✓

BC-2009-00039

Kurtis Hodges vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Charles Miller's Recommended Order of Voluntary Dismissal of Claim.

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

Total number of Claims: 35