

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

June 17, 2010

The Board of Claims received 90 new claims during the month of May, 2010. A total of 68 claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed two (2) claims for being under the \$100.00 threshold and returned eight (8) non-jurisdictional claims.

Investigators Jackie Lynch and Wanda Luttrell decided 65 claims (under \$1,000.00) in May, 2010. Jackie reports that 43 claims were dismissed and 22 claims were awarded, for a total amount awarded of \$7,249.67.

At its Board meeting on May 20, 2010, the Board dismissed 32 claims and awarded 13 claims totaling \$415,692.18. Together with the claims investigated in-house, the Board dismissed a total of 75 claims and awarded a total of 35 claims for a total amount awarded of \$422,941.85 in May, 2010.

For Instructions From the Board

BC-2007-00626

Johnny Ballinger vs. Bluegrass Community Action Partnership Service

Notes: Proposed Order Dismissing as Settled filed by the Claimant.

Counsel's Recommendation: Enter Final Order dismissing the claim with prejudice as settled. ✓

BC-2009-00459

Kentucky Railroad Museum vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss the claim with prejudice as settled between the parties. ✓

BC-2009-00892

Melissa McFarland vs. Transportation Cabinet

Notes: Agreed Order of Settlement and Dismissal filed in BC-09-892 and BC-09-893.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimants the settlement amount of \$500.00. ✓

BC-2009-00893

Joseph McFarland vs. Transportation Cabinet

Notes: Agreed Order of Settlement and Dismissal filed in BC-09-892 and BC-09-893.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal. ✓

BC-2010-00028

Gloria Jones vs. Transportation Cabinet / Department of Highways

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

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

BC-2010-00103

Latonya Doyle vs. Transportation Cabinet / Department of Highways

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

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

BC-2010-00106

Grace Neal vs. Transportation Cabinet / Department of Highways

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

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

BC-2010-00320

Brian Yahl vs. Transportation Cabinet / Department of Highways

Notes: Respondent's Answer admitting liability and recommending payment to Claimant for damages incurred.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$1,402.89. ✓

BC-2010-00323

Alice LeGette vs. Transportation Cabinet / Department of Highways

Notes: Agreed Settlement awarding \$1,000.00 to Claimant filed.

Counsel's Recommendation: Enter a Final Order awarding \$1,000.00 to Claimant and dismissing the claim as settled. ✓

Full Board Review

BC-2009-00991

Roger Brown; Ryan Brown vs. Transportation Cabinet / Department of Highways

Notes: 5/10/10 Board ordered dismissed
5/24/10 Claimant requests FBR (\$500)

*Upheld
Dismissal*

BC-2010-00070

Willis Ratliff vs. Justice and Public Safety Cabinet

Notes: 4/23/10 Board ordered dismissed
5/4/10 Claimant requests FBR

H

BC-2010-00120

Michelle Boggs vs. Transportation Cabinet / Department of Highways

Notes: 4/23/10 Board ordered dismissed
5/10/10 Claimant requests FBR; copy to Respondent.

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BC-2010-00173

Ricky Hellman vs. Transportation Cabinet / Department of Highways

Notes: 5/28/10 Board ordered dismissed
6/8/10 Claimant requests FBR (\$161.07)

Reverse & Award

Motions

BC-2008-00052

Kelsey Cantrell and Bryan Reed vs. Office of Alcoholic Beverage Control Licensing

Notes: Motion to Dismiss filed by Claimants.

Counsel's Recommendation: Sustain the Claimants' motion and dismiss the claim accordingly. ✓

BC-2010-00260

Michaëlle Nichols vs. Cabinet for Health and Family Services

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

Counsel's Recommendation: Sustain the Respondent's motion and dismiss the claim accordingly. ✓

BC-2010-00305

Jerri Jackson vs. Kentucky Board of Claims

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

Counsel's Recommendation: Sustain the Respondent's motion and dismiss the claim accordingly. ✓

Recommended Order

BC-2005-00893

Shamel Whitt vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommended Findings of Fact, Conclusions of Law and Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim accordingly. ✓

BC-2008-00204

Lysa Cooper vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Recommended Order denying the Respondent's Motion to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and overrule the Respondent's Motion to Dismiss. ✓

BC-2008-00221

Rachel Samuels, Administratrix of the Estate of Michaela Watkins vs. Cabinet for Health and Family Services

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 for lack of jurisdiction. ✓

BC-2008-00973

Todd Allen vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer, granting the Motion for Summary Judgment and dismissing the claim with prejudice. ✓

BC-2009-00317

Fonda Walters vs. Cabinet for Health and Family Services

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 for failure to prosecute. ✓

BC-2009-00409

Joe Wade vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Charles Miller's Recommended Order of Dismissal for lack of prosecution.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim accordingly. ✓

BC-2010-00222

Peter Lucas vs. Transportation Cabinet / Department of Highways

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

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

Total number of Claims: 23

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS**

*Addendum
June 17, 2010*

BC-07-217 and BC-07-395

Estate of Brandon Garnett, et al. v. Transportation Cabinet, Dept. of Highways

Entry of Dismissal with Prejudice filed.

Counsel's Recommendation: Enter Order dismissing claim pursuant to the agreement of the parties. ✓

BC-10-304

Jaelyn Ray v. Transportation Cabinet, Dept. of Highways

Answer offering to pay total amount of damages to Claimant without admitting liability.

Counsel's Recommendation: Enter Final Order awarding \$1,810.32 to Claimant. ✓
