

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

June 16, 2011

Minutes Adapted

The Board of Claims received 130 new claims during the month of May, 2011. A total of 99 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned two (2) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 61 claims (under \$1,000.00) in May, 2011. Jackie reports that 23 claims were dismissed and 38 claims were awarded, for a total amount awarded of \$15,240.32.

At its Board meeting on May 19, 2011, the Board dismissed 19 claims and awarded 10 claims totaling \$61822.34. Together with the claims investigated in-house, the Board dismissed a total of 42 claims and awarded a total of 48 claims for a total amount awarded of \$77,062.66 in May, 2011.

For Instructions From the Board

BC-2010-00119

Mackie Richerson vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from Finance and Administration Cabinet that this claim was paid in full by the Commonwealth's liability insurance carrier.

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

BC-2010-00231

Shelena Sumner vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim with prejudice. ✓

BC-2011-00017

Jennings Hager vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as agreed to by the parties. ✓

Full Board Review

BC-2011-00211

Kenneth Fogle vs. Transportation Cabinet / Department of Highways

Notes: 4/13/11 Board ordered dismissed
4/28/11 Claimant requests FBR (\$913.72)
Vote by Board tied. Claim held over to June Meeting.

*Vote 3-2 Reverse +
Pay \$913.72*

BC-2011-00251

Lisa Blackburn vs. Department of Highways / Transportation

Notes: 5/17/11 Board ordered dismissed
5/26/11 Claimant requests FBR (\$135)

*Uphold original
dismissal*

BC-2011-00281

Katherine Halloran vs. Department of Highways / Transportation

Notes: 5/06/11 Board ordered dismissed.
5/20/11 Claimant requests FBR (\$395.38)

Hold over to future mtg.

Motions

BC-2011-00170

Garland Rhodes vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter a Final Order dismissing the claim pursuant to KRS 44.110(3). ✓

BC-2011-00228

Ruby Mason vs. University of Kentucky and Transportation Cabinet

Notes: Respondent University of Kentucky's Motion to Dismiss and Memorandum in Support thereof, Claimant's Response to UK's Motion to Dismiss, and UK's Reply filed thereto.

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

BC-2011-00386

Kenyatta James vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss, Claimant's Response filed thereto, and Respondent's Reply and Renewed Motion to Dismiss.

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

Recommended Order

BC-2008-00320

Rebecca Clayburn vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer William Rudloff's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim; Claimant's Exceptions filed thereto; Respondent's Exceptions filed thereto; and Claimant's Motion to Strike Respondent's Exceptions.

Counsel's recommendation: Sustain the Motion to Strike Respondent's Exceptions and adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2008-01188

Paul Brewer vs. University of Kentucky Medical Center

Passed to next mtg.

Notes: Hearing Officer Braxton Crenshaw's Recommended Findings of Fact, Conclusions of Law and Order awarding \$38,516.18 to Claimant.

Counsel's Recommendation: Forthcoming at Board meeting.

BC-2009-00111

Brandi Hammons vs. Eastern Kentucky University

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2009-00216

Pearl Drake vs. Eastern Kentucky University

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2009-00811

Parvaneh Nikou vs. University of Kentucky

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2009-00817

Pleas Wise vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim and Claimant's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice, but modify the Final Order to reflect the precedent set by Commonwealth of Kentucky Transportation Cabinet, Dept. of Highways v. Sexton, 255 S.W.3d 29 (Ky. 2008). ✓

BC-2009-00942

John Miner vs. University of Kentucky

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2010-00203

Loretta Caddell vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2010-00252

Mark Shaw vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2010-00406

Brian Smiley vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2010-00463

Eric Myers vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2010-00738

Belinda Cavitt vs. Finance and Administration Cabinet / Dept. of Revenue

Notes: Hearing Officer William Rudloff's Recommended Findings of Fact, Conclusions of Law and Order dismissing the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice. ✓

BC-2010-00773

Amanda Alexander vs. Tourism, Arts and Heritage Cabinet / Ky. Horse Park

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 for Claimant's failure to abide by the orders of this tribunal. ✓

Total number of Claims: 22

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
June 16, 2011

BC-2011-470

Thomas J. Nelson v. University of Louisville

Agreed Order Extending Time to file Answer.

Counsel's Recommendation: Enter the Agreed Order Extending Time as stipulated to by the parties. ✓

BC-11-319

Betty Moore v. Transportation Cabinet, Dept. of Highways

Notification received from State Risk & Insurance Services Division that this claim was settled with the Claimant by Travelers Insurance.

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