

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

June 19, 2014

*Larry O'Bryan
out*

The Board of Claims received 85 new claims during the month of May, 2014. A total of 71 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that eight (8) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 84 claims under \$1,000.00 in May, 2014. Jackie reports that 43 of these claims were denied and 41 were awarded, for a total amount awarded of \$15,305.03.

At its Board meeting on May 14, 2014, the Board dismissed eight (8) claims and awarded eight (8) claims totaling \$238,506.12. Together with the claims investigated in-house, the Board dismissed a total of 51 claims and awarded a total of 49 claims for a total amount awarded of \$253,811.15 in May, 2014.

For Instructions From the Board

BC-2013-00410

Kenneth Jones vs. University of Kentucky

Notes: June 19, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00482

Marty Welsh vs. Justice and Public Safety Cabinet

Notes: June 19, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00496

Roger Burchett vs. Commonwealth of Kentucky

Notes: June 19, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00497

Dustin Perkins vs. Kentucky Community & Technical College System

Notes: Agreed Order of Dismissal filed.
Counsel's Recommendation: Enter an Order dismissing the claim as agreed by the parties. ✓

BC-2013-00501

Cynthia Ellis vs. Tourism, Arts and Heritage Cabinet

Notes: June 19, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00506

Johnny Allen vs. University of Kentucky

Notes: June 19, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00507

Mamoureh Abedian vs. Commonwealth of Kentucky

Notes: June 19, 2014- Voluntary Motion to Dismiss
Cl's Recommendation- Sustain the Motion and Dismiss ✓

BC-2013-00513

Charlie Wilkerson vs. Justice and Public Safety Cabinet

Notes: June 19, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00615

Howard Cooper vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order for \$1,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$1,000.00 to the Claimant. ✓

BC-2013-00630

Regina Merrick; Bruce Merrick vs. University of Kentucky

Notes: Agreed Order of Settlement for \$3,850.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding \$3,850.00 to the Claimant for lost jewelry. ✓

BC-2014-00014

Brittany Zins vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement for \$293.13 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$293.13 in settlement of this matter. ✓

BC-2014-00100

Emily Hahn vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$1,000.00 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order awarding \$1,000.00 to the Claimant in settlement of this matter. ✓

BC-2014-00267

Patsy Hilton vs. Department of Natural Resources

Notes: Duplicate of Claim No. BC-14-252.

Counsel's Recommendation: Enter an Order dismissing the claim as a duplicate. ✓

BC-2014-00270

Michael and Jami West vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$2,254.00 to the Claimants filed.

Counsel's Recommendation: Enter the Agreed Order for \$2,254.00 as agreed to by the parties. ✓

BC-2014-00351

Suliman Almojel vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding \$1,017.82 to the Claimant in settlement of this matter. ✓

BC-2014-00406

Terence T. O'Malley, Sr. vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,089.20 in settlement of this matter. ✓

BC-2014-00449

David Prewitt vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order reimbursing Claimant \$3,028.61 for medical expenses incurred as the result of a fall. ✓

Full Board Review

BC-2014-00312

Kimberly Cook vs. Department of Highways / Transportation

Notes: 5/29/14 Board ordered dismissed
6/3/14 Claimant requests FBR (\$198.10)

Upheld

Motions

BC-2014-00172

JeRonda Watson vs. Cabinet for Health and Family Services

Notes: Respondent's ~~unopposed~~ Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.110(1) and for failure to state a claim upon which relief can be granted. ✓

BC-2014-00173

Re'Mone Watson vs. Cabinet for Health and Family Services

Notes: Respondent's ~~unopposed~~ Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.110(1) and for failure to state a claim upon which relief can be granted. ✓

BC-2014-00174

TeQuaan Watson vs. Cabinet for Health and Family Services

Notes: Respondent's ~~unopposed~~ Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.110(1) and for failure to state a claim upon which relief can be granted. ✓

BC-2014-00175

Zhakee Brasher vs. Cabinet for Health and Family Services

Notes: Respondent's ~~unopposed~~ Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.110(1) and for failure to state a claim upon which relief can be granted. ✓

BC-2014-00176

Rolanda Hamilton vs. Cabinet for Health and Family Services

Notes: Respondent's ~~unopposed~~ Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.110(1) and for failure to state a claim upon which relief can be granted. ✓

BC-2014-00191

Harold and Doris Harmon, et al. vs. Energy & Environment Cabinet / Dept. of Natural Resources

Notes: Respondent's Motions to Consolidate, Claimants' responses, and Respondent's reply filed thereto. A listing of all the claims filed as a result of flooding in Pike Co. in 2010 is attached to this month's agenda.

Counsel's Recommendation: Sustain the Motions to Consolidate and assign the 76 consolidated claims (BC-14-191 through BC-14-268) to Hearing Officer Braxton Crenshaw for further proceedings. ✓

BC-2014-00360

Jacqueline Richardson vs. University of Kentucky

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

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction to adjudicate collateral or dependent claims pursuant to KRS 44.070(1). ✓

BC-2014-00375

Kory Savage vs. Murray State University

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

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

Recommended Order

BC-2012-00308

Joseph Gilliam vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Jan West's Recommended Order denying the Respondent's Motion to Dismiss; no exceptions were filed.

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

BC-2013-00118

Janet Sullivan vs. University of Kentucky / Select Specialty Hospital

Notes: Hearing Officer Florence Huffman's Recommended Order dismissing the claim for lack of jurisdiction; Claimant's exceptions filed thereto; and Respondent's response to the exceptions.

Counsel's Recommendation: Accept the recommendation of the hearing officer dismissing the claim for lack of jurisdiction to hear claims against Select Specialty Hospital. ✓

BC-2013-00326

Phyllis Slone vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim; no exceptions were filed.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2013-00370

Elmer Heist vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$1,000.00 to the Claimant.

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$1,000.00 for incurred damages as recommended. ✓

BC-2013-00371

Robyn Heist vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Order awarding \$14,600.00 to the Claimant.

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$14,600.00 in incurred damages as recommended. ✓

Total number of Claims: 31

PIKE CO. FLOODING CLAIMS

Claim No.	CLAIMANTS	AMOUNT	Answer Due	Motion Filed	Response	Reply
14-191	Harold & Doris Harmon	\$ 36,585.83	4/17/2014	4/14/2014	4/25/2014	5/27/2014
14-192	Ronald & Beverly Adkins	\$ 42,000.00	4/17/2014	4/14/2014	4/25/2014	5/27/2014
14-193	Harold Dean & Gloria Thacker	\$ 77,895.12	4/17/2014	4/14/2014	4/25/2014	5/27/2014
14-194	Ervin & Kathy Thacker	\$ 70,650.00	4/17/2014	4/14/2014	4/25/2014	5/27/2014
14-195	Donnie & Donna Rowe	\$ 5,000.00	4/17/2014	4/14/2014	4/25/2014	5/27/2014
14-196	Kenneth & Carolyn Shadrick	\$ 38,736.34	4/17/2014	4/14/2014	4/25/2014	5/27/2014
14-197	John & Betty Jones	\$ 57,887.00	4/17/2014	4/14/2014	4/25/2014	5/27/2014
14-198	Donna Rodriguez	\$ 97,900.00	4/17/2014	4/14/2014	4/25/2014	5/27/2014
14-199	Ronnie & Teresa Thacker	\$ 47,000.00	4/21/2014	4/18/2014	4/25/2014	5/27/2014
14-200	Bonnie Thacker	\$ 69,554.50	4/21/2014	4/18/2014	5/1/2014	5/27/2014
14-201	Lester "Bo" Sayers	\$ 158,473.62	4/21/2014	4/18/2014	5/1/2014	5/27/2014
14-202	Earl & Barbara Meadows	\$ 54,617.05	4/21/2014	4/18/2014	5/1/2014	5/27/2014
14-203	Jimmy & Wilma Oney	\$ 108,019.66	4/21/2014	4/18/2014	5/1/2014	5/27/2014
14-204	Sharon Keen	\$ 21,590.00	4/21/2014	4/18/2014	5/1/2014	5/27/2014
14-205	Philip & Beatrice Spears	\$ 65,733.78	4/21/2014	4/18/2014	5/1/2014	5/27/2014
14-206	Harold Dwayne & Freeda Thacker	\$ 55,962.97	4/21/2014	4/18/2014	5/1/2014	5/28/2014
14-207	Larry & Marsha Blair	\$ 35,324.98	4/21/2014	4/18/2014	5/1/2014	5/28/2014
14-208	Wanda Thacker	\$ 59,017.46	4/21/2014	4/18/2014	*	5/28/2014
14-209	Thomas G. Thacker	\$ 35,000.00	4/21/2014	4/18/2014	5/1/2014	5/28/2014
14-210	Joey & Clearcy Jane Damron	\$ 108,625.73	4/21/2014	4/18/2014	5/1/2014	5/28/2014
14-211	Larry & Kathy Elping	\$ 35,650.00	4/21/2014	4/18/2014	5/1/2014	5/28/2014
14-212	Joyce Ann Blackburn	\$ 367,489.96	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-213	Donald & Anita Hamilton	\$ 53,000.00	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-214	Lillian Damron	\$ 32,427.78	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-215	Robert & Janie Caudill	\$ 213,166.68	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-216	Ronald Ray & Elizabeth Blair	\$ 12,200.00	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-217	Troy & Joyce Damron	\$ 174,439.00	4/17/2014	4/14/2014	4/25/2014	5/28/2014
14-218	Andy & Iris Thacker	\$ 20,065.00	4/17/2014	4/14/2014	4/25/2014	5/28/2014
14-219	Marvin Sellards	\$ 37,049.00	4/17/2014	4/14/2014	4/25/2014	5/28/2014
14-220	Phillip Thacker	\$ 17,000.00	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-221	George & Lori Justice	\$ 35,029.00	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-222	Craig & Donna Ray	\$ 82,090.00	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-223	Martha Adkins	\$ 23,200.00	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-224	Lonnie & Rhonda Matney	\$ 30,185.35	4/23/2014	4/21/2014	5/1/2014	5/28/2014
14-225	J.D. and Bertha Adkins	\$ 8,491.69	4/25/2014	4/23/2014	5/1/2014	5/28/2014
14-226	James and Rita Blackburn	\$ 57,234.00	4/25/2014	4/23/2014	5/1/2014	5/28/2014
14-227	Gaynelle Meadows	\$ 6,000.00	4/25/2014	4/23/2014	5/1/2014	5/28/2014
14-228	Elizabeth Sellards	\$ 35,300.00	4/25/2014	4/23/2014	5/1/2014	5/28/2014
14-229	Terry Raye Adkins	\$ 19,221.61	4/25/2014	4/23/2014	5/1/2014	5/28/2014
14-230	Carter and Betty Blankenship	\$ 16,445.00	4/25/2014	4/23/2014	5/1/2014	5/28/2014
14-231	Christopher Robinette	\$ 9,740.00	4/25/2014	4/23/2014	5/1/2014	5/28/2014
14-232	Elster Gene Morton	\$ 12,000.00	4/25/2014	4/23/2014	5/1/2014	5/29/2014
14-233	Steve and Tammy Adkins	\$ 42,586.00	4/25/2014	4/23/2014	5/1/2014	5/29/2014
14-234	Sharon Gale Justice	\$ 16,200.00	4/25/2014	4/23/2014	5/1/2014	5/29/2014
14-235	Robert and Brenda Farmer	\$ 45,225.00	4/30/2014	4/28/2014	5/1/2014	5/29/2014
14-236	Sherry Justice	\$ 28,040.00	4/30/2014	4/28/2014	5/1/2014	5/29/2014
14-237	Shirley Thacker	\$ 41,030.00	4/30/2014	4/28/2014	5/1/2014	5/29/2014
14-238	Michael and Cindy Damron	\$ 52,015.00	4/30/2014	4/28/2014	5/1/2014	5/29/2014
14-239	Michael and Diana Riley	\$ 24,323.00	4/30/2014	4/28/2014	5/1/2014	5/29/2014
14-240	Mike and Beverly Ryan	\$ 109,034.99	4/30/2014	4/28/2014	5/1/2014	5/29/2014
14-241	Thomas and Ingrid Thacker	\$ 81,950.00	4/30/2014	4/28/2014	5/1/2014	5/29/2014
14-242	Michael B. and Sherry Spears	\$ 5,200.00	4/30/2014	4/28/2014	5/1/2014	5/29/2014
14-243	Beechie and Lena Rowe	\$ 23,820.00	4/30/2014	4/28/2014	5/1/2014	5/29/2014

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

June 19, 2014

BC-2007-610, BC-2007-611, and BC-2007-612

Derek Hammers, Guardian for David Hammers, a minor; Sandra Steel, Administratrix of the Estate of Christine Steele; and Julie Steele, Guardian for Megan Dearmond, a minor v. Transportation Cabinet, Dept. of Highways

Joint Motion to Authorize Settlement of the above-referenced claims for \$110,000.00 filed.

Counsel's Recommendation: Enter an Order Authorizing Settlement of \$110,000.00 as agreed to by the parties. ✓

BC-2011-1020

Michael and Jammie Salyer v. Transportation Cabinet / Dept. of Highways

Agreed Order of Dismissal for \$4,500.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimants \$4,500.00 in settlement of this matter. ✓

BC-2013-596

Joshua Harbison v. Transportation Cabinet / Dept. of Highways

Agreed Order of Dismissal for \$3,392.47 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$3,392.47 in settlement of this matter. ✓

BC-2013-647

Louisville Gas & Electric Co. v. Transportation Cabinet / Dept. of Highways

Agreed Order of Settlement and Dismissal for \$1,101.16 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,101.16 in settlement of this matter. ✓

BC-14-136

Phyllis T. Smith v. Transportation Cabinet / Dept. of Highways

Letter from Claimant's attorney requesting dismissal of the claim.

Counsel's Recommendation: Enter an Order dismissing the claim with prejudice as requested by the Claimant. ✓

BC-14-293

Crucial Express v. Transportation Cabinet

Agreed Order of Settlement and Dismissal for \$2,572.60 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Settlement and Dismissal for \$2,572.60 as agreed to by the parties. ✓

BC-14-462

Melissa Isaacs v. University of Kentucky

Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,000.00. ✓
