

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

March 20, 2014

Minutes Approved

The Board of Claims received 78 new claims during the month of February, 2014. A total of 73 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that two (2) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 30 claims under \$1,000.00 in February, 2014. Jackie reports that 17 of these claims were denied and 13 were awarded, for a total amount awarded of \$6,033.82.

At its Board meeting on February 20, 2014, the Board dismissed 21 claims and awarded 14 claims totaling \$55,511.97. Together with the claims investigated in-house, the Board dismissed a total of 38 claims and awarded a total of 27 claims for a total amount awarded of \$61,545.79 in February, 2014.

For Instructions From the Board

BC-2013-00310

Luke Ballard vs. Justice and Public Safety Cabinet

Notes: March 20, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00333

Juanita Boggs vs. Transportation Cabinet / Dept. of Highways

Notes: March 20, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00338

Anthony Wiseman vs. Justice and Public Safety Cabinet

Notes: March 20, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00340

Cindy Gipson vs. Commonwealth of Kentucky

Notes: March 20, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00344

Deloris Holt vs. Commonwealth of Kentucky

Notes: March 20, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00350

Ryan Mishler vs. Transportation Cabinet / Dept. of Highways

Notes: March 20, 2014- Default Order
Counsel's Recommendation: Rule the Claimant and Dismiss the Claim. ✓

BC-2013-00365

Paul Gossett vs. Cabinet for Health and Family Services / Western State Hospital

Notes: March 20, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss.

BC-2014-00038

Shawnee Pace vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Claimant's response to Board's Order enclosed an additional bill not covered by her health insurance and Respondent's agreement to pay same.

Counsel's Recommendation: Enter an Order awarding the Claimant \$252.81, the amount of the unpaid medical bill.

Full Board Review

BC-2013-00516

Randall Harper vs. Justice and Public Safety Cabinet / Dept. of Corrections

Reverse + Award

Notes: 11/26/13 Board ordered dismissed
12/6/13 Claimant requests FBR (\$104.35)
1/23/14 Claimant sent letter to BCC, saying he did not refuse his mail, it was not sent to him when he was transferred from LSCC to GRCC.
1/6/14 Claimant refused mail, FBR Memo; Pulled from the Agenda.
Still wants FBR, notice to Respondent.

BC-2013-00525

Daniel Newman vs. Justice and Public Safety Cabinet / Dept. of Corrections

Upheld

Notes: 1/30/14 Board ordered dismissed
2/7/14 Claimant requests FBR (\$560.00)

BC-2013-00555

Carlos Faulkner vs. Justice and Public Safety Cabinet / Dept. of Corrections

U

Notes: 1/3/14 Board ordered dismissed
1/16/14 Claimant requests FBR (\$670.50)

BC-2013-00568

DaVon Blackford vs. Justice and Public Safety Cabinet / Dept. of Corrections

U

Notes: 1/3/14 Board ordered dismissed
1/17/14 Claimant requests FBR (\$616.10)

BC-2013-00607

Dawony Coleman vs. Justice and Public Safety Cabinet / Dept. of Corrections

U

Notes: 1/29/14 Board ordered dismissed
2/10/14 Claimant requests FBR (\$153.73)

BC-2014-00001

Leona Shaver vs. University of Kentucky

*Reverse + Award
\$512.00*

Notes: 2/27/14 Board ordered dismissed
3/5/14 Claimant requests Full Bd. Review, and notifies Ms. Heather Combs and Sarah Gibson West on behalf of Rep. Sannie Overly about her claim.

BC-2014-00008

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

Upheld

Notes: 2/7/14 Board ordered dismissed (Statute of Limitations)
2/13/14 Claimant's letter, arguing about Statute of Limitations
2/14/14 FBR Memo to Cl. and Resp. (\$180.00)

Motions

BC-2013-00058

Poplar Brook Development, LLC. vs. Uninsured Employers' Fund

Notes: Respondent's Motion to Remove from Abeyance; no response filed by the Claimant.

Counsel's Recommendation: Remove the claim from abeyance and review the file for any reserved motions to be heard at the next Board meeting prior to this matter being assigned to a hearing officer. ✓

BC-2013-00653

Anthony Hope vs. Administrative Office of The Courts

Notes: Respondent's Motion to Dismiss; no response was filed by the Claimant.

Counsel's Recommendation: Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2014-00005

Matthew Roessler vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss; no response filed by the Claimant.

Counsel's Recommendation: Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2014-00009

Ruben Salinas vs. University of Kentucky and Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent UK's Motion for More Definite Statement and Claimant's response thereto; Respondent Dept. of Corrections' Answer and Motion to Dismiss and Claimant's response thereto; Claimant's Motion for Guardian Ad Litem.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Mike Wilson for further proceedings; deny Claimant's Motion for Guardian Ad Litem; deny the Motion for More Definite Statement as moot; and dismiss any and all claims for pain and suffering or mental anguish pursuant to KRS 44.070(1). ✓

BC-2014-00012

William Baumle vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's "Answer" that reads like a Motion to Dismiss.

Counsel's Recommendation: Grant the Claimant twenty (20) days to file a response to the pleading filed by the Respondent. ✓

Recommended Order

BC-2011-00684

Gene Forte, Individually and as Administrator of the Estate of Carole Forte vs. Nelson County Board of Education

Notes: Hearing Officer Florence Huffman's Recommended Findings of Fact, Conclusions of Law and Order awarding \$76,393.64 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$76,393.64 to the Claimant. ✓

BC-2011-01153

Insight Properties, LLC. vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

Counsel's Recommendation: Adopt the hearing officer's recommendation dismissing the claim as settled in circuit court. ✓

BC-2011-01154

Eye Deal Eye Care, PLLC.. vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim as settled in circuit court. ✓

BC-2013-00267

Katie Houchens vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

Counsel's Recommendation: Adopt the hearing officer's recommendation dismissing the claim as defaulted. ✓

BC-2013-00383

Jonathan Kurtz vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order of Dismissal.

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

Total number of Claims: 25

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

March 20, 2014

BC-2012-00563 & BC-2012-00591

Rosalyn Wakefield and Helen Waits v. Justice & Public Safety Cabinet, Dept. of State Police

Notice of Voluntary Dismissal as Settled filed by the Claimants.

Counsel's Recommendation: Enter an Order dismissing these consolidated claims as settled in the Shelby Circuit Court action. ✓

BC-2012-00597

Nora Amburgey v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding \$1,000.00 to the Claimant.

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

BC-2013-00014

Greg Poole v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal filed.

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

BC-2013-00551

Kristen M. Wilbur v. Transportation Cabinet, Dept. of Highways

Notification from State Risk & Insurance Services Division that the Ky. Self-Insured Auto Program (KSAP) paid this claim in full.

Counsel's Recommendation: Enter an Order of Dismissal as settled by KSAP. ✓

BC-2013-00492

Candy Konkler v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding \$500.00 to the Claimant.

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

BC-13-00638

Jonathan C. Thurman v. Transportation Cabinet, Dept. of Highways

Amended Answer recommending payment of claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,000.00 as payment in full for the above-styled claim. ✓
