

**COMMONWEALTH OF KENTUCKY**  
**Board of Claims**  
**Agenda**  
**May 15, 2008**

The Board of Claims received 217 new claims during the month of April, 2008. Of these, 136 were set up under \$1,000.00, ten (10) were set up under \$100.00, and four (4) were set up over \$1,000.00, for a total of 150 new claims ready to be processed.

There were 198 active claims under \$1,000.00 as of May 1, 2008. Of these, 121 were suspended for procedural reasons, and Answers have been received for 77 claims which are waiting for a decision. None of those claims are due out until May 10, 2008, which puts us about a week ahead of the 60-day statutory limit. The number of claims received under \$1,000.00 has tripled in comparison to the number of claims typically received, according to investigator Jackie Lynch.

The Board awarded ten (10) claims for a total of \$334,394.68 at its April 17, 2008 meeting. Of these, six (6) claims were decided by Agreed Order. There were also 23 claims dismissed by the Board at that meeting. One claim, against the University of Kentucky Medical Center in the amount of \$76,200.00, was paid from the ANOC Fund.

Due to the contractual amount of money that each Hearing Officer has left for this fiscal year, Mitch Mattingly has instructed that no new claims be assigned to Hearing Officers until the new contracts are approved for the 2008-09 Fiscal Year. As of May 1, 2008, there were six (6) claims waiting to be assigned to Hearing Officers.

There were eleven (11) hearings scheduled by Hearing Officers in April, 2008. Of these, only one (1) hearing was actually held.

*- April 2008 Minutes Approved -*

**Full Board Review**

3C-2007-00529

Walter Combs; Ruvisela Combs vs. Department of Highways / Transportation

*Forgo renewed*

- Notes: 1/16/08 Board awarded \$500  
2/4/08 Claimant's requests Full Board Review.  
2/13/08 Claimant's Notice of Additional Claim and Request for Extension to File Additional Evidence (HAND OUT).  
2/21/08 Board allowed claim to be put on March agenda at Claimant's request.  
3/20/08 Board held claim over until April Board agenda at Respondent's request.  
4/8/08 Respondent objects to the additional award of \$1,395.00 since claim was closed.  
4/15/08 Claimant's attorney's responses by fax.  
4/17/08 Full Board awarded additional \$1,395.00  
4/16/08, 4/18/08, 4/29/08 Objections filed by Claimant and Respondent.

Counsel's Recommendation: For discussion with the Board.

*Vacate previous Order & assign to HO after 7/1/08.*

3C-2007-00807

William Burdine vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

*Re granted 15 days to respond to medical damage*

- Notes: 1/24/08 Board awarded \$100.00  
4/15/08 Board amended order awarding, and dismissed  
4/24/08 Claimant wrote requesting Full Board Review (\$100.00)

*Deny Award*

**Motions**

**Agreed Order for extension of time to file exceptions to the Recommended Order filed 5/14/08; Counsel recommends the Board GRANT the Agreed Order for extension of time to file exceptions.**

3C-1996-00742

James Whitehead; Thomas Phillips vs. Highway Department / Transportation Cabinet

*Granted*

Notes: Hearing Officer Matthew Mooney's Recommended Order Denying Motion to Intervene.

Counsel's Recommendation: Adopt Recommended Order Denying Motion to Intervene.

*Move to 06/08*

3C-2007-00265

Marsha Dickey; Tamekia Dickey vs. Department of Highways / Transportation Cabinet

Notes: Claimants' Motion to Dismiss as settled.

Counsel's Recommendation: Enter Order dismissing claim. ✓

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3C-2007-00643

Wanda Bailey vs. Department of Highways / Transportation ✓

Notes: Claimant's Motion to Reassign Claim for Hearing.

Counsel's Recommendation: Overrule Motion and remand to Hearing Officer for a hearing after the new fiscal year begins on July 1, 2008.

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3C-2008-00112

Timothy Rouse vs. Fulton County Jail, et al.

Notes: Respondent's Motion to Dismiss. ✓

Counsel's Recommendation: Enter Order sustaining Motion to Dismiss because the Board has no jurisdiction over claims against county governments.

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3C-2008-00114

Adam Burdin vs. Department of Parks / Commerce Cabinet

Notes: Respondent's Answer and Motion to Dismiss. ✓

Counsel's Recommendation: Overrule Motion to Dismiss and assign to a Hearing Officer for a hearing after the start of the new fiscal year.

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3C-2008-00152

Lattie Anderson vs. University of Louisville ✓

Notes: Respondent's Answer and Motion to Dismiss.

Counsel's Recommendation: Overrule Motion to Dismiss and assign to a Hearing Officer after the new fiscal year begins on July 1, 2008.

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### **Recommended Order**

3C-2004-00033

Frazier Dailey vs. Cabinet for Health and Family Services ✓

Notes: Hearing Officer Braxton Crenshaw's Recommended Order Dismissing with Prejudice and Claimant's Exceptions.

Counsel's Recommendation - Adopt the Recommended Order and dismiss claim.

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3C-2004-00439

Martha Teegarden vs. Department of Highways / Transportation Cabinet ✓

Notes: Hearing Officer Matthew Mooney's Recommended Order Denying Motion for Summary Judgment and Respondent's Exceptions.

Counsel's Recommendation - Overrule the Motion for Summary Judgment and remand to Hearing Officer for a hearing after July 1, 2008.

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3C-2004-00443

Brandon Walters; Mary Jones vs. Department of Education; Bath County Board of Education; Cabinet for Health and Family Services; and Department of Juvenile Justice / Justice and Safety Public Cabinet

Notes: Agreed Order of Dismissal.

Counsel's Recommendation - Enter Agreed Order and dismiss claim. ✓

3C-2004-00587

Bobby Hamilton vs. Department of Highways / Transportation Cabinet  
Exceptions to Recommended Order filed 5/14/08; Counsel pulled claim from Agenda to review exceptions.

Notes: Hearing Officer Matthew Mooney's Recommended Order on Dispositive Motions.

Counsel's Recommendation: Adopt the Recommended Order and Order as follows:

- 1) Dismiss the claim of O. T. Hammonds;
- 2) Dismiss the claim of Bobby Hamilton;
- 3) Grant Charlene Hamilton leave to file an Amended Claim asserting the claims previously set forth in Bobby Hamilton's claim;
- 4) Deny the Respondent's Motion to Dismiss based upon lack of jurisdiction;
- 5) Deny the Respondent's Motion to Dismiss based upon the limitations periods; and
- 6) Remand to the Hearing Officer for a hearing on the claims of Charlene Hamilton and Nadine Lykens (said hearing to be conducted after July 1, 2008).

*Continue to  
06/08*

BC-2004-00900

Mark LeBlanc vs. Department of Corrections / Justice and Public Safety Cabinet

Notes: Hearing Officer Matthew Mooney's Recommended Order Denying Award of Claim.

Counsel's Recommendation: Adopt the Recommended Order and dismiss. ✓

BC-2006-00076

Charlotte Hall vs. Department of Parks / Commerce Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order Awarding Claimant \$5,016.15 and Claimant's Exceptions to the awarded amount filed thereto.

Counsel's Recommendation: Adopt Recommended Order and award Claimant ~~\$5,016.15~~ ✓

*\$8,084.30*

BC-2006-00434

Jimmie Pedigo vs. Transportation Cabinet

Notes: Hearing Officer Jan West's Recommended Order Awarding \$15,800.90 to Claimants and Claimants' Exceptions filed thereto.

Counsel's Recommendation: Adopt the Recommended Order and Award \$15,800.90 to Claimants. ✓

BC-2007-00537

Alamo Group IA dba Herschel vs. Kentucky State Fair Board / Commerce Cabinet

Notes: Hearing Officer Jan West's Opinion and Recommended Order Dismissing claim with prejudice.

Counsel's Recommendation: Adopt the Recommended Order and dismiss claim. ✓

BC-2007-00575

Keith Floyd vs. Transportation Cabinet

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

Counsel's Recommendation: Enter Final Order of Dismissal. ✓

3C-2007-00683

Jenice Pogue vs. Department of Parks / Commerce Cabinet

Notes: Agreed Order of Settlement for \$838.00.

Counsel's Recommendation: Enter the Agreed Order and Award Claimant \$838.00. ✓

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3C-2007-00787

Gregory Shepherd and Adam Trent vs. Transportation Cabinet

Notes: Agreed Order of Dismissal and Settlement Agreement.

Counsel's Recommendation: Enter Agreed Order and Award Claimants \$600.00. ✓

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3C-2008-00055

Kathy O'Daniel vs. Transportation Cabinet

Notes: Agreed Order of Dismissal and Settlement for \$1,000.00. ✓

Counsel's Recommendation: Enter Agreed Order and Award Claimant \$1,000.00.

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Total number of Claims: 20

**COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS**

*Addendum  
May 15, 2008*

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BC-2008-192

Kenny Moore v. Transportation Cabinet

Agreed Order of Dismissal filed 5/9/08.

Counsel's Recommendation: Enter Agreed Order and dismiss claim. ✓

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BC-2008-044

Southshore Transportation Co., Inc. v. Transportation Cabinet

Agreed Order of Dismissal filed 5/7/08.

Counsel's Recommendation: Enter Agreed Order and dismiss claim. ✓

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BC-07-816

Glenn Felts v. University of Kentucky

Agreed Order of Settlement filed 5/13/08.

Counsel's Recommendation: Enter Agreed Order and award Claimant the sum of \$531.50. ✓

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