

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
November 20, 2008

Minutes of
10/16/08
Approved

Executive Director's Report:

The Board of Claims received new 59 claims during the month of October, 2008. A total of 65 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed four (4) claims for being under the \$100.00 threshold. Investigators Jackie Lynch and Wanda Luttrell decided 71 claims (under \$1000.00) in October, 2008. They dismissed 45 claims and awarded 26 claims for a total amount of \$10,195.55. Together with the claims investigated in-house, the Board dismissed a total of 62 claims and awarded 32 claims for a total amount of \$25,867.57 awarded in October, 2008.

For Instructions From the Board

BC-2008-00013

Donna Sullivan vs. UK Medical Center / University of Kentucky

Notes: January 15, 2008 Order for More Information
February 29, 2008 Order
September 4, 2008 Order to Comply or Show Cause

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

BC-2008-00023

Tim Alexander vs.

Notes: January 15, 2008 Order for More Information
September 8, 2008 Order to Comply or Show Cause

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

BC-2008-00095

Sofia Sabathe vs. Non-agency / Non-Agency

Notes: February 15, 2008 Order for More Information
March 10, 2008 Order to Comply or Show Cause
March 27, 2008 Order
September 4, 2008 Order to Comply or Show Cause

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

BC-2008-00154

Donald Crosswaite vs.

Notes: March 11, 2008 Order for More Information
August 6, 2008 Order to Comply or Show Cause

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

BC-2008-00162

William Bussell vs.

Notes: March 11, 2008 Order for More Information
August 6, 2008 Order to Comply or Show Cause

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

3C-2008-00176

Angela Linville vs. Western Kentucky University / Western Kentucky University

Notes: March 12, 2008 Order for More Information
August 6, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the claim. ✓

3C-2008-00179

Wilford Thomas vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: March 14, 2008 Order for More Information
August 6, 2008 Order to Comply or Show Cause

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

3C-2008-00183

Cathie Hardy; Frank Hardy vs.

Notes: March 14, 2008 Order for More Information
August 6, 2008 Order to Show Cause

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

3C-2008-00185

David Kuhnhein vs.

Notes: March 14, 2008 Order for More Information
August 6, 2008 Order to Comply of Show Cause

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

3C-2008-00189

Breelyn Weir vs. Murray State University / Murray State University

Notes: March 14, 2008 Order for More Information
August 6, 2008 Order to Comply or Show Cause

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

Full Board Review

3C-2008-00579

Melvin Gaines vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 10/15/08 Findings of Fact, Opinion and Order - dismissing ✓
10/31/08 Claimant requests a FBR.

*Upheld
original
dismissal*

Motions

3C-2008-00359

Rickie Jennings vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss filed 10/22/08.

Counsel's Recommendation: Enter Final Order dismissing claim for failure to comply with the Order of the Board. ✓

3C-2008-00808

Xavier Dawson; LaShonda Haddix vs. University of Kentucky Medical Center

Notes: Respondent's Motion to Dismiss filed 8/28/08. Claimant's Response to Motion to Dismiss filed 9/25/08. Reply to Claimant's Response to Motion to Dismiss filed 10/17/08 and Claimant's Surreply filed 10/22/08.

Counsel's Recommendation: Overrule Motion to Dismiss pursuant to KRS 413.270 and Assign to Hearing Officer Braxton Crenshaw. ✓

3C-2008-00917

City of Trenton vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss as claim was settled by insurance company.

Counsel's Recommendation: Enter Final Order dismissing as satisfied by the Respondent's insurance carrier. ✓

Recommended Order

3C-2002-00027

Margie Bradley vs. Kentucky State Fair Board

Notes: Hearing Officer Jan M. West's Recommended Order on Damages as Remanded by the Jefferson Circuit Court.

Counsel's Recommendation - Adopt the hearing officer's recommendation and Award Claimant \$35,799.76. ✓

3C-2005-00511

Mickie Knable vs. Kentucky Retirement Systems

Notes: Order and Judgment of the Franklin Circuit Court rendered 8/6/08, remanding claim to Board of Claims for dismissal pursuant to Court of Appeals Opinion rendered 4/4/08 (both attached).

Counsel's Recommendation: Enter Final Order dismissing claim in accordance with the Franklin Circuit Court Order. ✓

3C-2006-00066

Lamie Brantley; Britt Brantley vs. Justice and Public Safety Cabinet / Ky. State Police

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

Counsel's Recommendation: Enter Final Order denying claim.

3C-2007-00107

George Piper vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Adopt the recommendations of the Hearing Officer and enter a Final Order denying claim. ✓

*Considered
exceptions filed 11/12/08 -
no change to
recommendation,
per JMM.*

3C-2007-00108

Sandra Johnson vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer and enter a Final Order of Dismissal. ✓

3C-2007-00761

William Durbin vs. Transportation Cabinet

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Award Claimant \$2,000.00. ✓

3C-2008-00042

Travis Combs vs. Transportation Cabinet

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Award Claimant \$700.00. ✓

3C-2008-00457

Sarah Walker vs. Murray State University

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal and Award Claimant \$824.87. ✓

3C-2008-00645

Laura Myerson vs. Eastern Kentucky University

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Agreed Order of Settlement and dismiss claim as settled. ✓

3C-2008-00849

Ronnie Hubbard vs. Department of Highways / Transportation Cabinet

Notes: Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order and Award Claimant \$1,865.34 as settlement of this claim. ✓

3C-2008-00911

Mendy Loween vs. Transportation Cabinet

Notes: Respondent's Answer and offer of settlement to Claimant of \$5,259.39.

Counsel's Recommendation: Enter Final Order Awarding Claimant \$5,259.39. ✓

Total number of Claims: 25

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
November 20, 2008

BC-2007-893

Owensboro Municipal Utilities v. Transportation Cabinet

Agreed Order to Dismiss and Settlement Agreement awarding \$1,200.00 to Claimant.

Counsel's Recommendation: Enter Order of Settlement and Dismissal and award Claimant \$1,200.00. ✓

BC-2008-796

Paul Abell v. Transportation Cabinet

Agreed Order to Dismiss and Settlement Agreement awarding \$1,000.00 to Claimant.

Counsel's Recommendation: Enter Agreed Order of Dismissal and Settlement and award Claimant \$1,000.00. ✓

Justice and Public Safety Cabinet's Motions to Substitute Counsel in the following claims:

05-672	Jeffrey Marsh v. Dept. of Corrections
07-516	Eugene Woodard v. Dept. of Corrections
07-629	Timothy Rollin v. Dept. of Corrections, et al.
07-739	Michael Force v. Dept. of Corrections
07-745	Richard Stinnet v. Dept. of Corrections
07-813	Michael Force v. Dept. of Corrections
07-834	Deyon Hayden v. Dept. of Corrections, et al.
08-642	Curtis Brown v. Dept. of Corrections, et al.
08-884	Douglas Brady v. Dept. of Corrections

Counsel's Recommendation: Enter Orders Granting Motions to Withdraw and Substitute Counsel in all of the above-named claims. ✓