

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
November 17, 2011

*Vote
Minutes
Accepted*

The Board of Claims received 84 new claims during the month of October, 2011. A total of 93 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned three (3) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 60 claims (under \$1,000.00) in October, 2011. Jackie reports that 38 claims were dismissed and 22 claims were awarded, for a total amount awarded of \$8,497.32.

At its Board meeting on October 20, 2011, the Board dismissed 35 claims and awarded nine (9) claims totaling \$279,946.13. Together with the claims investigated in-house, the Board dismissed a total of 73 claims and awarded a total of 31 claims for a total amount awarded of \$288,443.45 in October, 2011.

VW games report on HO Farmer replacing HO King.

For Instructions From the Board

BC-2001-00664

Wilson Furniture, Inc. vs. Transportation Cabinet / Dept. of Highways

Notes: No response from Claimant to Board's Order for status rendered on April 29, 2011 and no contact from Claimant since 2007.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice for Claimant's failure to prosecute. ✓

BC-2006-00672

Gentry Mullins 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 as stipulated to by the parties. ✓

BC-2006-00673

Jeanie Mullins 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 as stipulated to by the parties. ✓

BC-2008-01052

Michael Bauer; Alicia Merritt vs. Transportation Cabinet / Dept. of Highways

Notes: Claimants failed to respond to the Board's Status Order of 8/23/11 and have failed to prosecute their claim since its filing.

Counsel's Recommendation: Enter a Final Order dismissing the claim for Claimants' failure to comply with the orders of this tribunal and failure to prosecute. ✓

BC-2011-00161

Robert Boulay vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's Answer recommending payment of the claim in full.

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$1,710.00 as settlement in full of this claim. ✓

BOARD OF CLAIMS

11/17/11
Minutes

OUR CURRENT HEARING
OFFICER LANNY KING
WILL BE APPOINTED JUDGE
THIS MONTH. HIS LAW
PARTNER TODO FARNER,
A FORMER HEARING OFFICER,
WILL BE ASSUMING HIS
WORK AND THE REMAINDER
OF HIS 2 YEAR CONTRACT
ENDING MAY 2012.

BC-2011-00299

William Brown vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding Claimant \$850.00 in settlement of this claim filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding Claimant \$850.00 in settlement of this matter. ✓

BC-2011-00463

James Keller vs. Transportation Cabinet / Dept. of Highways

Notes: November 17, 2011- Default Order

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

BC-2011-00464

Corey Morgan vs. Cabinet for Health and Family Services

Notes: November 17, 2011- Default Order

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

BC-2011-00478

Lucas Moore vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: November 17, 2011- Default Order

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

BC-2011-00493

Dan Reffitt vs. Commonwealth of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00504

Kenny Edmondson vs. Commonwealth of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00539

Amanda Pettit vs. Commonwealth of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00541

Roger Batsel vs. Transportation Cabinet / Dept. of Highways

Notes: November 17, 2011- Default Order

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

BC-2011-00546

Hren D'angelo Blackburn vs. University of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00552

Karah Combs vs. University of Kentucky

Notes: Answer referencing a settlement between the parties for \$675.00.

Counsel's Recommendation: Enter an Order awarding the Claimant \$675.00 as settlement of this claim. ✓

BC-2011-00562

Whitney Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: November 17, 2011, Default Order

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

BC-2011-00570

Koleif Jenkins vs. Transportation Cabinet / Dept. of Highways

Notes: November 17, 2011- Default Order

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

BC-2011-00587

Diana Rivera vs. University of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00591

Timothy Grier; Lavetta Grier vs. Commonwealth of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00614

Chadwick Pearson vs. Commonwealth of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00616

Dawn Parks vs. Commonwealth of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00619

Ralph Rivera vs. University of Kentucky

Notes: November 17, 2011 Default Order

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

BC-2011-00635

Eddie Collett; Hayston Collett vs. Commonwealth of Kentucky

Notes: November 17, 2011- Default Order

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

BC-2011-00998

Hazel Harrison vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the claim in full filed.

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$1,200.00 as settlement in full of this matter. ✓

Full Board Review

BC-2011-00002

Mary Minton vs. Transportation Cabinet / Dept. of Highways

Reversed + awarded

Notes: 10/11/11 Board dismissed claim
10/13/11 Claimant requests FBR (\$280.00) ✓

BC-2011-00784

Ricky Hollie vs. Justice and Public Safety Cabinet / Dept. of Corrections

upheld dismissal

Notes: 10/3/11 Board ordered dismissed
10/14/11 Claimant requests FBR (\$281.91)

BC-2011-00851

Bridget Sebastian vs. Transportation Cabinet / Dept. of Highways

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Notes: 10/3/11 Board ordered dismissed
10/13/11 Claimant requests FBR (\$700.00)

BC-2011-01004

Albert Page vs. Justice and Public Safety Cabinet / Dept. of Corrections

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Notes: 10/20/11 Board ordered dismissed
10/27/11 Claimant requests FBR (\$900.00)

Motions

BC-2011-00896

Joan Schott vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's counsel filed Motion to Withdraw in response to Respondent's Motion to Dismiss.

Counsel's Recommendation: Enter an Order granting Motion to Withdraw and ordering the Claimant to obtain new counsel within thirty (30) days and file a response to the Respondent's Motion to Dismiss within sixty (60) days. ✓

Recommended Order

BC-2004-00674

Joyce Johnson vs. Justice and Public Safety Cabinet / Ky. State Police Dept.

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

Counsel's Recommendation: Board attorney reviewing the recommendation. - *Adopt*

BC-2008-01135

Jimmy Barnett vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2008-01136

Marenda Barnett vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2008-01242

James Bunch vs. Transportation Cabinet / Dept. of Highways

0 for Motorcycle
3-1 note; abstained *85% of \$81,496 for lost wages*

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$111,026.03 to the Claimant; exceptions to the recommendation filed by both parties.

Counsel's Recommendation: Board attorney reviewing the recommendation. *- Award \$74,371.60 for lost wages or medicals \$8246.03.*

BC-2010-00192

Paul Huffman; Pauline Huffman vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Bo Fugazzi's Recommended Order awarding the Claimants a total of \$179,665.81; exceptions to the recommendation filed by both parties.

Counsel's Recommendation: Board attorney reviewing the recommendation. *Parties to bring damages.*

BC-2010-00606

Mary Murray vs. Ky. Community and Technical College System

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding Claimant \$414.00 in damages.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$414.00. ✓

BC-2010-00651

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

4-1 Vote

Notes: Hearing Officer Lansden King's Recommended Order awarding Claimant \$438.49 in damages.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$438.49. ✓

BC-2011-00113

Tina Kidd vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Lansden King's Recommended Order of Dismissal for failure to prosecute.

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

BC-2011-00386

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

Notes: Hearing Officer Lansden King's Recommended Order denying the Respondent's Motion for Summary Judgment and ordering the Claimant to itemize his damages, setting forth fair market value with supporting documentation for each items he claims was lost by the Respondent.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Respondent's Motion for Summary Judgment and reassigning the claim to Hearing Officer Todd A. Farmer for findings of fact regarding the value of the Claimant's lost property. ✓

Total number of Claims: 38

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
November 17, 2011

BC-2008-924

Pam Elkins, by and for her child Thomas Rex Parker v. Hickman Co. Board of Education

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim with prejudice as settled in civil court. ✓

BC-2008-1188

Paul Brewer v. University of Kentucky

Agreed Order awarding the Claimant \$10,814.56 in accrued civil judgment interest filed. ✓

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$10,814.56 in accrued civil judgment interest as previously ordered by this Board.

BC-2010-615

Thomas Brian Creek v. Transportation Cabinet

Agreed Order of Dismissal filed.

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

BC-2011-572

Larry Wynn Back v. University of Kentucky

Agreed Order filed, holding claim in abeyance for an additional sixty (60) days.

Counsel's Recommendation: Enter the Agreed Order holding this claim in abeyance for sixty (60) days for further settlement negotiations. ✓

BC-2011-770

Fleeda M. Carter v. University of Kentucky

Agreed Order of Settlement filed, awarding the Claimant \$1,000.00 as payment in full for her lost dentures.

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