

**COMMONWEALTH OF KENTUCKY**

Claims Commission

Agenda

November 29, 2016

*Next Mtg.  
12/13/16  
Minutes Approved*

The Kentucky Claims Commission received 45 new negligence claims filed against the Commonwealth during the month of October, 2016. Paula reports that 42 claims were set up and three (3) were returned for lack of jurisdiction.

Investigator Angela Robertson decided eight (8) claims under \$1,000.00 in October, 2016. Angela reports that one (1) of these claims was dismissed and seven (7) were awarded, for a total amount awarded of \$2,731.44.

At its first meeting on October, 2016, the Kentucky Claims Commission dismissed 10 negligence claims and awarded three (3) negligence claims totaling \$4,119.19. Together with the claims investigated in-house, the Claims Commission dismissed a total of 11 negligence claims and awarded a total of 10 negligence claims for a total amount awarded of \$6,850.63 in October, 2016.

**For Instructions From the Board**

BC-2012-00479

Elizabeth Rangel vs. University of Kentucky

Notes: Agreed Order of Dismissal entered into between the parties and filed by Hearing Officer Carson Kerr.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim with prejudice as agreed by the parties. ✓

BC-2013-00353

Christopher Roof vs. Finance and Administration Cabinet

Notes: Status Order rendered by the Board of Claims on 8/4/16 with no response; Order to Comply or Show Cause rendered by the Board of Claims on 9/13/16 with no response from the Claimant.

Counsel's Recommendation: Enter an Order of Dismissal for failure to respond to the orders of this tribunal. ✓

BC-2013-00465

Adam Borders; Chase Borders vs. Transportation Cabinet / Dept. of Highways

Notes: Former hearing officer Mike Wilson's Order Requiring Status Report dated 1/28/16 with no response; Board of Claims' Status Order of 8/4/16 with no response; and the Board's Order to Comply or Show Cause rendered 9/14/16 with no response from the Claimant to any of these orders.

Counsel's Recommendation: Enter an Order of Dismissal for failure to abide by the orders of this tribunal. ✓

BC-2015-00578

Estate of Mary Napier vs. Transportation Cabinet

Notes: Claimant's Notice of Dismissal filed in response to the Commission's Status Order.

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

BC-2015-00853

Ann Cecil vs. Transportation Cabinet / Dept. of Highways

Notes: Former hearing officer Mike Wilson's Show Cause Order and the Claimant's response filed thereto.

Counsel's Recommendation: Enter an Order of Dismissal for failure to abide by the orders of this tribunal. ✓

BC-2016-00146

Tim Berns as Guardian for Taylor Berns, a Minor vs. Northern Kentucky University

Notes: Respondent filed a Settlement Agreement entered into by the parties for \$237.25.

Counsel's Recommendation: Enter an Order awarding the Claimants \$237.25 in settlement of this claim. ✓

---

BC-2016-00331

Kathryn Nieland vs. University of Kentucky

Notes: Respondent's Answer referencing a third party contractor involvement.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.073(15). ✓

---

BC-2016-00404

Solomon Whiting vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$1,000.00 in settlement of this claim.

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

---

BC-2016-00459

Edward Nichols vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk and Insurance Services that this claim was paid in full by the Commonwealth's self-insured auto program (KSAP).

Counsel's Recommendation: Enter an Order of Dismissal as paid in full by KSAP. ✓

---

BC-2016-00522

Jiazhi Hu vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,746.24 in settlement of this matter. ✓

---

BC-2016-00603

James Arnold vs. Department of Veterans Affairs

Notes: Respondent's Answer stating that it does not contest the claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$18,144.00 in settlement of this matter. ✓ 2-1

---

Total number of Claims: // ~~2~~