

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

October 15, 2009

*Minutes
Adopted*

The Board of Claims received 57 new claims during the month of September, 2009. Assistant Clerk Paula Woolums set up 55 new claims and dismissed three (3) claims under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 70 claims (under \$1,000.00) in September, 2009. Thirty nine (39) claims were dismissed and 31 claims were awarded, for a total amount awarded of \$11,158.03.

At its Board meeting on September 17, 2009, the Board dismissed 15 claims and awarded six (6) claims totaling \$57,965.00. Together with the claims investigated in-house, the Board dismissed a total of 54 claims and awarded a total of 37 claims for a total amount awarded of \$69,123.03 in September, 2009.

For Instructions From the Board

BC-2007-00353

Marie Miller, et al. vs. Bell County Board of Education

Notes: Agreed Order of Dismissal.

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

BC-2008-00808

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

Notes: Respondent's letter recommending settlement of this matter for \$200,000.00.

Counsel's Recommendation: Enter Final Order awarding Claimant \$200,000.00. ✓

BC-2009-00068

Erwin Sherman vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Briefs regarding the Board's jurisdiction over University of Louisville security personnel.

Counsel's Recommendation: Enter Order overruling Motion to Dismiss and assigning to Hearing Officer ~~Charles Miller~~ *Jan West* for discovery on the issue of jurisdiction.

BC-2009-00123

Barry Jolly vs. Transportation Cabinet

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Final Order dismissing the claim as settled and awarding Claimant \$850.00. ✓

BC-2009-00252

Howard Cotham vs. Transportation Cabinet

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Final Order dismissing the claim as settled and awarding Claimant \$500.00. ✓

BC-2009-00315

Monica McKinney vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement.

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

Full Board Review

BC-2009-00563

Taylor Hudson vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 9/2/09 Board ordered dismissed
9/2/09 Claimant requests FBR (\$400.80)

Held over to next docket

BC-2009-00567

William Reamer vs. Department of Highways / Transportation

Notes: 9/22/09 Board ordered dismissed
9/28/09 Claimant requests FBR (\$125.52)

Reverse + Award

BC-2009-00620

Tonya Campbell vs. Department of Highways / Transportation

Notes: 9/28/09 Board ordered dismissed
10/2/09 Claimant requests FBR (\$106.88)

Uphold original decision

Motions

BC-2008-00904

Keith Means vs. University of Kentucky Medical Center

Notes: Claimant's Motion to Reinstate Claim to Active Docket and Respondent's Response in Opposition to said Motion.

Counsel's Recommendation: Enter Order removing claim from abeyance and assigning to Hearing Officer Jan West. ✓

BC-2008-01100

Gerald McLean vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss as settled by the Dept. of Insurance.

Counsel's Recommendation: Enter Final Order dismissing the claim as settled. ✓

BC-2009-00612

Charles Tussey vs. Department for Energy Development and Independence / Energy and Environment Cabinet; and Department of Natural Resources

Notes: Respondent's Motion to Dismiss and Claimant's Response in Opposition.

Counsel's Recommendation: Enter Order overruling the Motion to Dismiss and assigning claim to Hearing Officer Charles Miller. ✓

BC-2009-00621

Tommy Russell vs. Justice and Public Safety Cabinet / Department of Corrections

Notes: Respondent's Motion to Dismiss and Claimant's response.

Counsel's Recommendation: Enter Order overruling the Motion to Dismiss and assigning to Hearing Officer Charles Miller. ✓

BC-2009-00624

Kenya Reynolds vs. Administrative Office of The Courts

Notes: Respondent's Motion to Dismiss and Claimant's Response filed thereto.

Counsel's Recommendation: Enter Order sustaining Motion to Dismiss. ✓

Recommended Order

BC-1998-00133

Virginia Gaither vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Hearing Officer Braxton Crenshaw's Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the hearing officer's recommendation and deny payment of the claim.

Hold over

BC-2000-00982

Sue Hinkle vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan M. West's Findings of Fact, Conclusions of Law and Recommended Order awarding Claimant damages of \$170,357.37. Respondent filed Exceptions to this Recommendation on 10/5/09.

Counsel's Recommendation: Adopt the hearing officer's recommendation and award damages in the amount of \$170,357.37.

Hold over

BC-2006-00210

Connie Baker vs. Justice and Public Safety Cabinet / Department of Corrections

Notes: Hearing Officer Charles Miller's Recommended Order dismissing the claim with prejudice.

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

BC-2007-00016

Cumberland Falls Highway Water District vs. Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order awarding Claimant \$56,365.72.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and award Claimant \$56,365.72. ✓

BC-2008-01039

Zhijing Dang vs. University of Kentucky

Notes: Hearing Officer Braxton Crenshaw's Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss with prejudice. ✓

BC-2008-01173

Cheryl Beach vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Charles Miller's Recommended Order granting directed verdict and dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss. ✓

BC-2009-00077

Teresa Black vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order awarding Claimant \$1,390.21.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and award Claimant \$1,390.21. ✓

Total number of Claims: 21

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
October 15, 2009

BC-2005-672

Jeffrey K. Marsh v. Justice & Public Safety Cabinet, Dept. of Corrections

Agreed Release and Settlement Agreement filed.

Counsel's Recommendation: Enter Final Order awarding Claimant \$28,947.50 in settlement of this claim. ✓

BC-2009-241

Tonya Humphrey v. Transportation Cabinet

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$800.00 in settlement of this claim. ✓

BC-2009-245

Gary Haley v. Transportation Cabinet

Agreed Order of Settlement and Dismissal filed.

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

BC-2009-343

Melissa Collins v. Transportation Cabinet

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$2,700.00 in settlement of this claim. ✓

BC-2009-687

Matthew Scherrer v. University of Kentucky

Answer filed by Respondent recommending payment of amount claimed.

Counsel's Recommendation: Enter Final Order awarding Claimant \$1,330.18. ✓
