

COMMONWEALTH OF KENTUCKY
Claims Commission
Agenda
October 26, 2016

8:30am 11/29 Next Mtg.
Minutes Approved

The Board of Claims received 46 new claims during the month of September, 2016. Paula reports that a total of 48 claims were set up and two (2) were returned for lack of jurisdiction.

Investigator Angela Robertson decided 26 claims under \$1,000.00 in September, 2016. Angela reports that 17 of these claims were dismissed and nine (9) were awarded, for a total amount awarded of \$2,282.05.

At its last meeting on September 27, 2016, the Board of Claims dismissed eight (8) claims and awarded six (6) claims totaling \$7,461.89. Together with the claims investigated in-house, the Board dismissed a total of 25 claims and awarded a total of 15 claims for a total amount awarded of \$9,743.94 at its last meeting in September, 2016.

For Instructions From the Board

BC-2009-00575

Michael Hansen vs. Transportation Cabinet / Dept. of Highways

Notes: Orders to Comply or Show Cause rendered by the Board of Claims on December 21, 2015 and September 9, 2016; no response was filed by the Claimant.

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

BC-2015-00386

Louis Creech vs. Transportation Cabinet / Dept. of Highways

Notes: Former Hearing Officer Natalie Lile's Order to Show Cause to the Claimant for failure to attend a scheduled hearing of which he had notice; no response has been filed by the Claimant.

Counsel's Recommendation: Enter an Order dismissing the claim for Claimant's failure to appear at the hearing scheduled in this matter. ✓

BC-2015-00497

Christopher Frazier vs. Transportation Cabinet / Dept. of Highways

Notes: Board of Claims' Order to Comply or Show Cause dated September 19, 2016 and former hearing officer Natalie Lile's requests for contact information in March, 2016 and October, 2015.

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

BC-2016-00008

Shona Bergeron, f/k/a Michael Bergeron vs. Transportation Cabinet / Dept. of Highways

Notes: Board of Claims' Order to Comply or Show Cause dated September 9, 2016; no response filed thereto by the Claimant.

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

BC-2016-00037

Maria George vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$925.19 filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$925.19 in settlement of this matter. ✓

BC-2016-00215

Justin McKnight vs. Northern Kentucky University

Notes: Hearing Officer Tim Cocanougher's email requesting dismissal of this claim at the Claimant's request.

Counsel's Recommendation: Enter an Order dismissing the claim at the Claimant's request. ✓

BC-2016-00306

Ruth Pelton vs. University of Kentucky

Notes: Respondent's Amended Answer offering Claimant \$2,194.00 in settlement of this matter and Claimant's letter accepting this amount.

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,194.00 in settlement of this matter. ✓

BC-2016-00415

Brooke Wadsworth vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer referencing contractor involvement pursuant to KRS 44.073(15). ✓

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

BC-2016-00475

Kimberly Peterson vs. University of Kentucky

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

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

Full Board Review

BC-2016-00334

Jeff Meade vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Uphold

Deny FRP request

Notes: Claimant Meade submitted a claim for a broken television. The total of the claim is \$ 199.95. The Claimant states that his television was broken by an officer and he was given a replacement TV which was also ended up being broken by an officer. The claim was dismissed because the a claim on the first TV would be outside the 1 year timeframe to file a claim and the Claimant can not request payment for the second TV has he only had possessory interest in that TV. The Claimant request for a Full Board Review was received on October 11, 2016 it was due into the office by September 30,2016.

BC-2016-00339

Christopher Hawkins vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Uphold

Deny

Notes: Claimant Hawkins filed a claim for items not returned to him after moving from Little Sandy to Luther Luckett. The claim total is \$186.93. Upon Investigation the Respondent determined the Claimant should be reimbursed \$50 the maximum allowed value of his broken watch. The Claimant did not agree to this total so a Finding of Facts was done and negligence could only be found regarding the watch and the payment of \$50 was ordered. The Claimant requested a full board review asking for an additional award for \$68.83.

Motions

BC-2016-00323

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

Notes: Respondent's Motion to Alter, Amend or Vacate the Board of Claims' Order dated 9/27/16 and the Claimant's Motion for Rule 11 Sanctions filed in response.

Counsel's Recommendation: Overrule both motions and assign the claim to a hearing officer for further proceedings. ✓

BC-2016-00391

Victor Smith vs. University of Kentucky

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

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to a hearing officer for further proceedings. ✓

BC-2016-00398

William Walker vs. Administrative Office of The Courts (Justice John Minton)

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

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted. ✓

BC-2016-00447

Glenn Armstead vs. Cabinet for Health and Family Services (BC-16-447 & BC-16-448)

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

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted. ✓

Recommended Order

BC-2015-00818

William Chesher and Lisa Chesher vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Tim Cocanougher's 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-2015-00993

Steve Hile vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Tim Cocanougher's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant's exceptions filed thereto.

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

Total number of Claims: 17
