

**COMMONWEALTH OF KENTUCKY**  
**Board of Claims**  
**Agenda**  
**September 17, 2009**

*Minutes  
Approved*

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The Board of Claims received 77 new claims during the month of August, 2009. A total of 51 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed 2 claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 58 claims (under \$1,000.00) in August, 2009. Thirty three (33) claims were dismissed and 25 claims were awarded, for a total amount awarded of \$9,316.74.

At its Board meeting on August 20, 2009, the Board dismissed 16 claims and awarded seven (7) claims totaling \$181,820.09. Together with the claims investigated in-house, the Board dismissed a total of 49 claims and awarded a total of 32 claims for a total amount awarded of \$191,136.83 in August, 2009.

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**For Instructions From the Board**

BC-2007-00341

Sharon Butler; Donald Butler vs. Transportation Cabinet

Notes: Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal and award Claimant \$52,500.00 in settlement of this claim. ✓

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BC-2007-00516

Eugene Woodard vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Board's Order to Comply or Show Cause rendered 5/27/09. No response received to date from the Claimant.

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

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BC-2008-00698

Matthew Randy vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement and Dismissal awarding claimant \$750.00.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal and award claimant \$750.00. ✓

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BC-2008-00753

Reba Young vs. Tourism Arts & Heritage Cabinet / Capital Plaza Authority; and Scott Co.  
Board of Education

Notes: Agreed Order of Settlement filed.

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

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BC-2009-00468

Marshall Bourland vs. Military Affairs

Notes: Respondent's Answer admitting liability.

Counsel's Recommendation: Enter Final Order awarding Claimant \$1,239.94 in settlement of this claim. ✓

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**Full Board Review**

BC-2009-00428  
Gregory Lane vs. Justice and Public Safety Cabinet / Department of Corrections

*Uphold.  
Original*

Notes: 8/04/09 Board ordered dismissed  
8/18/09 Claimant requests FBR (\$127.19)

BC-2009-00543  
Uriah Pasha vs. Justice and Public Safety Cabinet / Department of Corrections

*Uphold.  
Original or  
Very Rule 11.  
Sanctioned*

Notes: 8/19/09 Order - dismissing as settled  
8/27/09 Claimant requests FBR (\$200).

**Motions**

BC-2009-00366  
Wanda Curtis; Ronnie Curtis vs. Eastern Kentucky University

Notes: Respondent's unopposed Motion to Dismiss.

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

BC-2009-00459  
Kentucky Railroad Museum vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Hold Claim in Abeyance.

Counsel's Recommendation: Enter Order holding claim in abeyance pending the outcome of the claim submitted to the State Risk & Insurance Services Division. ✓

BC-2009-00502  
Kentucky Farm Bureau as Subrogee for Back Forty Rentals vs. Justice and Public Safety Cabinet / Department of State Police

Notes: Respondent's Motion to Dismiss. No response was received from Claimant.

Counsel's Recommendation: Enter Final Order dismissing the claim as a collateral and dependent claim. ✓

BC-2009-00518  
Tammy Carpenter vs. Cabinet for Health and Family Services

*Held Over*

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

Counsel's Recommendation:

BC-2009-00545  
John May vs. Finance and Administration Cabinet / Dept. of Revenue

Notes: Respondent's unopposed Motion to Dismiss.

*w/out jurisdiction  
Dismiss*

Counsel's Recommendation:

BC-2009-00555  
Aaron Messer vs. Transportation Cabinet

Notes: Respondent's unopposed Motion to Dismiss.

*Fail to state a Claim  
Dismiss*

Counsel's Recommendation:

**Recommended Order**

BC-2004-00439

Martha Teegarden vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Charles Miller's Findings of Fact, Conclusions of Law and Recommended Order denying the claim. ✓

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

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BC-2006-00581

Larry McCarty; Deborah McCarty vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim at the claimant's request. ✓

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

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BC-2007-00102

Timothy Bowley vs. University of Louisville

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim for lack of prosecution. ✓

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

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BC-2008-00646

Linda Dukes vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Todd Farmer's Recommended Order of Dismissal. ✓

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

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BC-2008-00730

Charles Johnson; Donna Johnson vs. Transportation Cabinet

Notes: Hearing Officer Charles Miller's Recommended Order Granting Respondent's Motion to Dismiss. ✓

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim without prejudice. ✓

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BC-2008-00810

Ann Moore vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Charles Miller's Findings of Fact, Conclusions of Law and Recommended Order awarding Claimant \$775.06. ✓

Counsel's Recommendation: Adopt the recommendation of the hearing officer and award claimant \$775.06. ✓

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BC-2008-00893

Nikolay Dimitrov vs. Transportation Cabinet

Notes: Hearing Officer Charles Miller's Recommended Order of Dismissal for Claimant's failure to comply with the orders of the hearing officer. ✓

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

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BC-2008-01232

James Coffee; Jennifer Coffee vs. Transportation Cabinet / Dept. of Highways

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

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

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*Exceptions filed  
9/10/09.*

BC-2009-00004

Shawn Griffin vs. Northern Kentucky University

Notes: Hearing Officer Charles Miller's Recommended Order of Dismissal.

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

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BC-2009-00135

Kamilah Carter vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Charles Miller's Recommended Order of Dismissal at the claimant's request.

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

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Total number of Claims: 23

**COMMONWEALTH OF KENTUCKY**  
**BOARD OF CLAIMS**  
*Addendum*  
*September 16, 2009*

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**BC-2008-874**

Arnold and Connie Bowman v. Transportation Cabinet

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Settlement and Dismissal ✓  
and award Claimants \$700.00.

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**BC-2008-1028**

Christopher W. Sons v. Transportation Cabinet

Agreed Order of Settlement and Dismissal filed.

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

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**BC-2009-586**

Brian and Tiffany White v. Transportation Cabinet

Motion for Additional Time filed by Claimants.

Counsel's Recommendation: Enter Order granting additional time to comply with  
the Board's Order dated August 18, 2009, requesting additional information from ✓  
Claimants.

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