

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
September 19, 2013

Minutes Adopted
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The Board of Claims received 67 new claims during the month of August, 2013. A total of 70 claims were set up, according to Assistant Clerk Paula Woolums.

Investigator Jackie Lynch decided 56 claims under \$1,000.00 in August, 2013. Jackie reports that 35 of these claims were denied and 21 were awarded, for a total amount awarded of \$6,633.43.

At its Board meeting on August 15, 2013, the Board dismissed 10 claims and awarded one (1) claim totaling \$500.00. Together with the claims investigated in-house, the Board dismissed a total of 45 claims and awarded a total of 22 claims for a total amount awarded of \$7,133.43 in August, 2013.

For Instructions From the Board

BC-2011-00548

Richard Lytton vs. Finance and Administration Cabinet

Notes: Board's Order to Comply or Show Cause rendered 10/11/12; no response filed thereto by the Claimant.

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

BC-2011-00861

Carlis Hudson vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal entered into by the parties. ✓

BC-2011-00862

Frankie Miller vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal entered into by the parties. ✓

BC-2013-00180

Victoria Fletcher vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$800.00 to the Claimant in settlement of this matter. ✓

BC-2013-00184

MS Carita Safetruck vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal entered into by the parties. ✓

BC-2013-00245

William Yount vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Dismissal filed.

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

BC-2013-00252

McCracken County Sheriff's Department vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Agreed Order of Dismissal for \$1,000.00 filed.

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

BC-2013-00313

Kimberly Youtsey vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer referencing contractor involvement.

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

BC-2013-00376

Leymon Winchester vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$1,170.00 for lost dentures. ✓

BC-2013-00387

Tammy Allen on behalf of Bailey Allen, a Minor vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,079.74 in settlement of this matter. ✓

BC-2013-00395

Michael Sanders vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,498.61 in settlement of this matter. ✓

BC-2013-00409

Tara Alexander vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from Ky. Self-Insured Auto Program that the claim was paid in full by the Commonwealth's liability insurance carrier.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice as paid in full. ✓

Full Board Review

BC-2013-00202

Rodney Grimes vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 7/23/13 Board ordered dismissed
7/30/13 Claimant requests FBR (\$319.98)

upheld

BC-2013-00247

Christopher Major vs. Justice and Public Safety Cabinet / Dept. of Corrections

Upheld

Notes: 8/1/13 Board ordered dismissed
8/14/13 Claimant requests FBR (\$355.05)

BC-2013-00278

Uriah Pasha vs. Justice and Public Safety Cabinet / Dept. of Corrections

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Notes: 8/8/13 Board ordered dismissed (\$421.71)
8/22/13 Claimant requests FBR. Copy to R

BC-2013-00295

Rebecca Hamilton vs. Transportation Cabinet / Dept. of Highways

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Notes: 8/8/13 Board ordered dismissed
8/29/13 Claimant requests FBR (\$281.96)

BC-2013-00303

Macieso Arms vs. Transportation Cabinet / Dept. of Highways

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Notes: 8/8/13 Board ordered dismissed
8/9/13 Claimant requests FBR (\$747.16)

Motions

BC-2012-00279

Jamie Lyn Cartwright vs. University of Kentucky

Notes: Claimant's Motion to Reconsider or Set Aside the Board's previous Order of Abeyance and the Respondent's response filed thereto.

Counsel's Recommendation: Enter an Order setting aside the Board's Order of August 21, 2013 and assigning the matter to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2013-00287

Diane Mahaney, Administratrix of the Estate of Chelsey Mahaney vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Overrule Motion to Dismiss as premature at this point in the proceeding and assign the claim to Hearing Officer Florence Huffman to oversee limited discovery on the applicability, if any, of Commonwealth Corrections Cabinet v. Vester, 956 S.W.2d 206 (Ky., 1997). ✓

BC-2013-00288

Diane Mahaney, Next Friend to the Unborn Child of Chelsey Mahaney vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter a Final Order sustaining the Motion to Dismiss pursuant to KRS 44.070(1). ✓

BC-2013-00308

Dewey Snow vs. University of Kentucky

Notes: Respondent's Answer and Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Enter a Final Order sustaining the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2013-00319

Nicole Wilson, Individually and on Behalf of her Minor Child, Desirea Wilson vs. Hardin County Board of Education

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

Counsel's Recommendation: Enter an Order holding the claim in abeyance and reserving the Motion to Dismiss pending the parallel Hardin Circuit Court action. ✓

BC-2013-00320

Carla Atwood vs. University of Kentucky

Notes: Respondent's Answer and Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Enter a Final Order granting the Motion to Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2013-00330

John C. McDavid vs. Administrative Office of The Courts

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

Counsel's Recommendation: Enter an Order reserving the Motion to Dismiss and ordering simultaneous briefs on the issue of whether this claim was timely filed pursuant to KRS 44.110. ✓

Recommended Order

BC-2011-01100

Mekesha Montgomery vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice for the Claimant's failure to abide by the orders of this tribunal. ✓

BC-2013-00065

Edward Dunn vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's recommendation to dismiss as paid in full.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$3,290.00. ✓

BC-2013-00085

Scott Biehl vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice for the Claimant's failure to abide by the orders of this tribunal. ✓

BC-2013-00127

Jackie Lewis vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Florence Huffman's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice for failure to abide by the orders of this tribunal. ✓

BC-2013-00177

Nettie Coldwell vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommended Order of Dismissal.

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

Total number of Claims: 29

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

September 19, 2013

BC-2011-00386

Kenyatta James #231675 v. Justice & Public Safety Cabinet, Dept. of Corrections

Agreed Order of Dismissal awarding \$200.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$200.00 and dismissing the claim with prejudice. ✓

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Madge Miles and Claude Miles, Jr. v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding \$25,000.00 to the Claimants filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimants \$25,000.00 and dismissing the claim with prejudice as agreed to by the parties. ✓

BC-2012-00140

GLM Real Estate Investments v. Transportation Cabinet, Dept. of Highways

Joint Motion to Dismiss filed by the parties.

Counsel's Recommendation: Enter an Order of Dismissal dismissing the claim upon motion of the parties. ✓

BC-2013-00074

Nora J. Miller v. Transportation Cabinet, Dept. of Highways

Agreed Order filed awarding the Claimant \$1,500.00 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,500.00 as agreed to by the parties. ✓

BC-2013-00172

Jessica Turri v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Agreed Order of Dismissal filed by the parties.

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

BC-2013-00297

Amanda Casey v. Cabinet for Health & Family Services

Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$1,914.84 for sustained damages. ✓

BC-2013-00299

Robert Wilson v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding \$750.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding \$750.00 to the Claimant. ✓

BC-13-00419

Gary Persinger v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$2,120.88 for sustained damages. ✓
