

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

April 17, 2014

Minutes Approved

The Board of Claims received 166 new claims during the month of March, 2014. A total of 131 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that 10 claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 64 claims under \$1,000.00 in March, 2014. Jackie reports that 44 of these claims were denied and 21 were awarded, for a total amount awarded of \$7,763.75.

At its Board meeting on March 20, 2014, the Board dismissed 17 claims and awarded six (6) claims totaling \$79,992.29. Together with the claims investigated in-house, the Board dismissed a total of 61 claims and awarded a total of 27 claims for a total amount awarded of \$87,756.04 in March, 2014.

New budget details forthcoming.

For Instructions From the Board

BC-2007-00296

Estate of Robert Giles vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$22,500.00 to the Claimant.

Counsel's Recommendation: Enter the Agreed Order awarding \$22,500.00 to the Claimant in settlement of this matter. ✓

BC-2007-00523

Heather Leamon vs. Cabinet for Families and Children

Notes: No response filed to the Board's Status Order of 1/13/14 or the Show Cause Order of 3/19/14.

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

BC-2007-00524

Thomas Crisp vs. Cabinet for Families and Children

Notes: No response filed to the Board's Status Order of 1/13/14 or the Show Cause Order of 3/19/14.

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

BC-2013-00319

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

Notes: Agreed Order of Dismissal filed by the parties.

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

BC-2013-00375

Jeffrey Jameson vs. Cabinet for Health and Family Services

Notes: April, 7, 2014- Default Order

Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00377

Richard Sutherland vs. Transportation Cabinet

Notes: April 17, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00400

Tony Tackett vs. Commonwealth of Kentucky

Notes: April 17, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00402

Renee Terrell vs. Justice and Public Safety Cabinet

Notes: April 17, 2014-Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00446

Lexington Winnelson vs. Commonwealth of Kentucky

Notes: April 17, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00448

Jason Cook vs. Justice and Public Safety Cabinet

Notes: April 17, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00461

John Delaney vs. Justice and Public Safety Cabinet

Notes: April, 17, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00463

Elvis White vs. University of Kentucky

Notes: April 17, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00472

Fairways at Meadowood vs. Commonwealth of Kentucky

Notes: April 17, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

BC-2013-00481

Russell Helm vs. Justice and Public Safety Cabinet

Notes: April 17, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in Default and Dismiss. ✓

Full Board Review

BC-2014-00021

Herbert Eades vs. Justice and Public Safety Cabinet / Dept. of Corrections

*Upheld
Dismissal*

Notes: 3/14/14 Board ordered Dismissed
3/28/14 Letter, Claimant requests FBR
4/1/14 Claim placed on agenda for 4/17/14

BC-2014-00061

Lawrence Alleman vs. Justice and Public Safety Cabinet / Dept. of Corrections

11

Notes: 3/26/14 Board ordered dismissed.
3/26/14 Claimant's Letter, taken as a request for a FBR.

Motions



BC-2009-00621

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

Notes: Claimant's Motion to Lift Stay and [Schedule] Status Conference; Respondent's Response filed thereto; and Claimant's Reply to Respondent's Response.

Counsel's Recommendation: Grant the Motion to Lift Stay and Assign the claim to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2013-00058

Poplar Brook Development, LLC. vs. Uninsured Employers' Fund

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

Counsel's Recommendation: ~~Forthcoming at the meeting.~~

Hold over to next month. ✓

BC-2014-00012

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

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

Counsel's Recommendation: Overrule the Motion to Dismiss or Motion for Summary Judgment and assign the claim to Hearing Officer Jan West for further proceedings. ✓

BC-2014-00094

Martha Watts vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss; no response filed.

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 44.073(15). ✓

Recommended Order

BC-2012-00354

Larry Partin vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Florence Huffman'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 dismissing the claim. ✓

BC-2012-00536

Barbara Saltsman vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Florence Huffman'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 dismissing the claim. ✓

BC-2013-00009

Larry Sanders vs. Eastern Kentucky University

Notes: Hearing Officer Florence Huffman's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$189.36 in damages and the Claimant's Exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer awarding the Claimant \$189.36 in damages. ✓

BC-2013-00272

Jerry Lewis vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson'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 dismissing the claim. ✓

BC-2013-00548

Anthony Adkins 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 at the Claimant's request. ✓

Total number of Claims: 26

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

April 17, 2014

BC-2013-515

Rynnion T. Barnes v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding \$1,000.00 to the Claimant.

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

BC-2013-594

Barney Bishop v. Transportation Cabinet, Dept. of Highways

Settlement Agreement awarding \$750.00 to the Claimant in settlement of this matter.

Counsel's Recommendation: Enter an Order awarding \$750.00 to the Claimant as agreed to by the parties. ✓
