

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

April 16, 2015

Minutes Adopted

The Board of Claims received 161 new claims during the month of March, 2015. Paula reports that a total of 101 claims were set up and five (5) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 35 claims under \$1,000.00 in March, 2015. Jackie reports that 24 of these claims were denied and 11 were awarded, for a total amount awarded of \$4,782.25.

At its Board meeting on March 19, 2015, the Board dismissed 11 claims and awarded three (3) claims totaling \$11,689.00. Together with the claims investigated in-house, the Board dismissed a total of 35 claims and awarded a total of 14 claims for a total amount awarded of \$16,471.25 in March, 2015.

Addendum

BC-2011-00992

Mark Settles vs. University of Kentucky

Notes: Joint Motion to Dismiss for \$200,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement and Dismissal awarding the Claimant \$200,000.00 in settlement of this claim. ✓

BC-2012-00113

Tonya Hall vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$3,000.00 in settlement of this matter. ✓

BC-2012-00607

Tyler Simpson vs. Wayne County Board of Education

Notes: Agreed Order of Dismissal filed.

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

BC-2014-00592

Bobby Willoughy vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed.

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

BC-2015-00093

Joseph Hutson vs. Department of Public Advocacy

Notes: Agreed Order for extension of time to respond to the pending Motion to Dismiss.

Counsel's Recommendation: Enter the Agreed Order as agreed to by the parties. ✓

For Instructions From the Board

BC-2014-00659

Samantha Harris vs. University of Kentucky

Notes: April 16 2015- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00707

Melissa Wilson vs. Commonwealth of Kentucky

Notes: April 16, 2015- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00712

Carl Robbins vs. Commonwealth of Kentucky

Notes: April 16, 2015- Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss. ✓

BC-2014-00766

Mark Creech vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion for Release of Current Respondent and Substitution of Alternate Respondent.

Counsel's Recommendation: Enter an Order releasing the Transportation Cabinet as Respondent herein and substituting the Finance and Administration Cabinet as the appropriate responsive state agency. ✓

BC-2015-00087

TreniAnne Hershberger; Owen Hershberger 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 \$1,181.17 in settlement of this matter. ✓

Full Board Review

BC-2014-00786

Beverly Young vs. Transportation Cabinet / Dept. of Highways

Uphold original decision

Notes: 3/20/15 Board ordered dismissed
3/23/15 Claimant requests FBR (\$427.80)
3/26/15 FBR Memo to Cl. and R..

BC-2014-00804

Brian Wefensette vs. Justice and Public Safety Cabinet / Dept. of Corrections

Fast to next mtg.

Notes: 2/16/15 Board ordered dismissed
2/26/15 Claimant requests FBR. Copy to Resp.
3/4/15 FBR Memo to Cl. and Resp. On agenda for 3/19/15
3/20/15 FBR Memo to Cl and Resp. HELD OVER TIL 4/16/15

BC-2015-00023

Karen Edlin vs. Transportation Cabinet / Dept. of Highways

Uphold original decision

Notes: 3/20/15 Board ordered dismissed
3/30/15 Claimant requests FBR (\$971.08)
3/31/15 FBR Memo to Cl. and R. on agenda for 4/16/15.

BC-2015-00058

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

*Upheld.
original.
decision*

Notes: 3/3/15 Board ordered dismissed
3/16/15 Claimant requests FBR (\$340.25)
3/23/15 FBR Memo to Cl. and R. put on agenda for 4-16-15.

Motions

BC-2013-00048

Kyle Gross; Ronnie Gross vs. Justice and Public Safety Cabinet / Dept. of State Police

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss. ✓

BC-2014-00748

Jeff Brummett vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer and Motion to Dismiss referencing contractor involvement in the referenced work zone; no response filed thereto by the Claimant.

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

BC-2014-00794

Jason Davis, Administrator of the Estate of Madisyn Davis vs. Cabinet for Health and Family Services

Notes: Respondent's Motion for Summary Judgment, the Claimant's response, and Respondent's Reply.

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

BC-2014-00807

Estate of Johnny K. Maynard by and through Amy Maynard, Administratrix vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Respondent's unopposed Motion to Hold Case in Abeyance.

Counsel's Recommendation: Enter an Order holding the claim in abeyance pending the resolution of the Lawrence Circuit Court matter. ✓

BC-2015-00036

Shonda Coatley vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order overruling the Motion to Dismiss as premature and assigning the claim to Hearing Officer Natalie Lile for further proceedings. ✓

BC-2015-00042

Doris Manrique vs. University of Louisville

Notes: Respondent's unopposed Motion to Dismiss.

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

BC-2015-00043

Kinshasta Reed vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

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

BC-2015-00075

Deborah Harville vs. Finance and Administration Cabinet

Notes: Respondent's unopposed Motion to Dismiss.

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

Recommended Order

BC-2014-00369

Joyce Arnett vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West'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. ✓

Total number of Claims: 23
