

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
April 25, 2017

Minutes
Approved

The Kentucky Claims Commission received 62 negligence claims filed against the Commonwealth during the month of March, 2017. Paula reports that 51 claims were set up and two (2) claims were returned for lack of jurisdiction.

Investigator Angela Robertson decided 23 claims under \$1,000.00 in March, 2017. Angela reports that 11 of these claims were dismissed and 12 were awarded, for a total amount awarded of **\$4,849.39**.

At its meeting on March 28, 2017, the Kentucky Claims Commission dismissed seven (7) negligence claims and awarded 11 negligence claims totaling **\$27,241.18**. Together with the claims investigated in-house, the Claims Commission dismissed a total of 18 negligence claims and awarded a total of 23 negligence claims, for a total amount awarded of **\$32,090.57** in March, 2017.

FOR INSTRUCTIONS FROM THE BOARD:

All approved

BC-2016-00138

Lester Adkins vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement for \$1,170.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$1,170.00.

BC-2016-00184

Henderson Water Utility vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement for \$2,964.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$2,964.00.

BC-2016-00220

Henderson Water Utility vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement dismissing this claim with prejudice.

BC-2016-00288

Linda Thomas vs. Fayette County Board of Education

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal filed by the parties.

BC-2016-00370

Sara Marksberry vs. Eastern Kentucky University

Notes: Claimant's letter requesting dismissal of her claim.

Counsel's Recommendation: Enter an Order of Dismissal as requested by the Claimant.

BC-2016-00377

Kimberly Bowles vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$860.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$860.00 in settlement of this claim.

BC-2016-00416

David Sheehan vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$1,000.00 in settlement of this claim.

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

BC-2016-00443

Darrell Littrell, Owner, Sunron International, LLC vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding the Claimant \$506.25 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$506.25.

BC-2016-00641

Eric Martin vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Agreed Order Dismissing and Settlement Agreement for \$1,000.00 filed.

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

BC-2016-00648

William DeMarcus vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Agreed Settlement for \$1,638.80 filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,638.80 in settlement of this matter.

BC-2016-00667

Donna Lewis vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,238.00 in settlement of this matter.

FULL BOARD REVIEWS:

BC-2016-00372

Lori Powell vs. Transportation Cabinet / Dept. of Highways

Notes: The Claimant filed a claim for damage to one tire from debris in the roadway. While traveling on the Bluegrass Parkway the claimant noticed something in the road, after trying to miss the object she heard a loud noise and her back driver's side tire was flat. AAA came and

put on her spare tire and said she hit a road reflector which slashed her tire and punctured two holes in the rim. The Respondent stated that occasionally road reflectors do come loose, maintenance drives the roads looking for debris and they had received no calls regarding debris in this area. This claim was dismissed as maintenance travels the routes for hazards and there is insufficient evidence of negligence. The Claims Investigator recommends that the decision be upheld. ✓

BC-2016-00515

Michael Edge vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: The Claimant has filed a claim regarding stolen property. The Claimant stated the guard did not pack all of his property when he was sent to segregation. His cell should have been locked down and his cellmate searched to find the missing items. The Respondent stated video has been reviewed and no inmates entered the cell. Staff packed all of Mr. Edge's property in the cell. The Claimant provided receipts for the missing items but no inventory sheets showing he had possession of the items. The claim was dismissed for insufficient evidence of negligence. The Claims Investigator recommends to uphold the dismissal. ✓

MOTIONS:

BC-2017-00063

Glenn Doneghy vs. Justice and Public Safety Cabinet / Ky. Parole Board

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

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

BC-2017-00114

Clyde Neal vs. University of Kentucky

Notes: Joint Motion to Dismiss for \$22,000.00 filed. ✓

Counsel's Recommendation: Enter the submitted Agreed Order awarding the Claimant \$22,000.00 in settlement of this claim.

RECOMMENDED ORDERS:

BC-2011-00200

Fernando Thomas vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Tim Cocanougher's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim as a matter of law. ✓

BC-2015-00060

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

Notes: Hearing Officer Caron Kerr's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$335.03.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$335.03. ✓

BC-2015-01023

Estate of Ernest Erwin vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Hearing Officer Patrick Flannery's Findings of Fact, Conclusions of Law and Recommended Order denying the Respondent's Motion to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Respondent's Motion to Dismiss. ✓

Total number of Claims: 18

**COMMONWEALTH OF KENTUCKY
CLAIMS COMMISSION
Addendum**

April 25, 2017

BC-2017-00030

Steven Wells v. University of Kentucky

Respondent's Answer recommending payment of the claim filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,350.00 in settlement of this claim. ✓

BC-2017-00068

Northside RVs v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Respondent's Answer recommending payment of the claim filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,089.90 in settlement of this claim. ✓
