

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

December 20, 2012

of Absent

The Board of Claims received 46 new claims during the month of November, 2012. A total of 54 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned two (2) claims for lack of jurisdiction.

Investigator Jackie Lynch decided 26 claims under \$1,000.00 in November, 2012. Jackie reports that 17 of these claims were denied and nine (9) were awarded, for a total amount awarded of \$4,634.80.

At its Board meeting on November 15, 2012, the Board dismissed 10 claims and awarded 10 claims totaling \$16,994.45. Together with the claims investigated in-house, the Board dismissed a total of 27 claims and awarded a total of 19 claims for a total amount awarded of \$21,629.25 in November, 2012.

For Instructions From the Board

BC-2011-01131

Thomas Wolf vs. Transportation Cabinet

Notes: Agreed Order of Dismissal filed.

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

BC-2012-00025

Sarah Hensley vs. University of Kentucky

Notes: Claimant's husband called the Clerk of the Board on 12/3/12 indicating that his wife will not attend a hearing and wants to drop the claim.

Counsel's Recommendation: Enter an Order of Dismissal at the request of the Claimant. ✓

BC-2012-00254

Vivian Garner vs. UK Medical Center / University of Kentucky

Notes: December 20, Default Order

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

BC-2012-00353

Linda Butler vs. Tourism, Arts and Heritage Cabinet / Ky. Horse Park

Notes: Letter from Claimant's attorney stating that she wishes to withdraw her claim for lack of negligence on the part of the Ky. Horse Park.

Counsel's Recommendation: Enter an Order dismissing the claim with prejudice at the request of the Claimant. ✓

BC-2012-00373

Gina Hughes; R. Hughes vs. University of Kentucky

Notes: Agreed Order of Settlement awarding the Claimants \$9,400.00.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimants \$9,400.00 in settlement of this claim. ✓

BC-2012-00435

Monte Hamilton vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's offer to pay \$4,921.88 in settlement of this matter; Claimant communicated his acceptance of this offer to the Clerk by telephone.

Counsel's Recommendation: Enter an Order awarding \$4,921.88 to the Claimant in settlement of this matter. ✓

BC-2012-00447

Natalie Anderson vs. UK Medical Center / University of Kentucky

Notes: December 21, 2012- Default Order

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

BC-2012-00495

Duo County Telephone Cooperative vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services Division that the Commonwealth's Self-Insured Auto Program paid the full amount claimed herein.

Counsel's Recommendation: Enter an Order of Dismissal as settled by the Respondent's liability insurance. ✓

BC-2012-00501

William Plunkett vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer referencing contractor involvement; no response filed by the Claimant.

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

BC-2012-00519

Steven Kennedy vs. University of Kentucky

Notes: Answer recommending payment of claim.

Counsel's Recommendation: Enter an Order awarding \$2,151.68 to the Claimant in settlement of this matter. ✓

BC-2012-00522

Tavner B. Dunlap vs. University of Kentucky

Notes: Respondent's Answer recommending payment of \$1,000.00.

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

Full Board Review

BC-2012-00380

Michael Flynn vs. Transportation Cabinet / Dept. of Highways

Notes:

10/09/12 Board ordered claim dismissed.

10/15/12 Claimant requests Full Board Review.

11/15/12 Board held claim over to December agenda to receive photos from Respondent.

11/21/12 Respondent's information filed.

*Paid
\$200.70*

Motions

BC-2010-00708
Odes Milner vs. Pendleton County Board of Education

*Suzanne
recused*

Notes: Motion to Withdraw filed by Claimant's attorney.

Counsel's Recommendation: Enter an Order permitting Claimant's attorney to withdraw and holding claim in abeyance for 60 days pending formal entry of appearance of new counsel. ✓

BC-2012-00412
Alvena Ross vs. University of Kentucky

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

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Florence Huffman for further proceedings. ✓

BC-2012-00456
Glenn Odom vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Grant the Respondent's Motion to Dismiss at the request of the Claimant, thereby dismissing the claim with prejudice. ✓

BC-2012-00504
Curtis Nelson vs. Administrative Office of The Courts

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

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Florence Huffman for further proceedings. ✓

Recommended Order

BC-2010-00724
RPR Contractor and Equipment Co., LLC. vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order dismissing the claim with prejudice.

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

BC-2011-00486
Aesha Duncan vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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 dismissing the claim. ✓

BC-2011-00663
Keith Floyd vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant's exceptions filed thereto.

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

BC-2011-00961

Joyce Avery 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 dismissing the claim. ✓

BC-2011-01061

Terrell Hargrove vs. Transportation Cabinet / Department 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 dismissing the claim. ✓

Total number of Claims: 21

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

December 20, 2012

BC-2009-00098

Estate of Bobbey Rose v. Transportation Cabinet, Dept. of Highways

Agreed Order filed awarding the Claimant \$90,000.00 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$90,000.00 as agreed to by the parties. ✓

BC-2010-00708

Odes Milner v. Pendleton Co. Board of Education

Suzanne Reaused

Respondent's Status Report and Release indicating claim has been settled.

Counsel's Recommendation: Enter an Order dismissing the claim as settled between the parties. ✓

BC-12-00366

Shahrooz Sean Kelishadi v. Transportation Cabinet, Dept. of Highways

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

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

BC-2012-0399

Ted Colvin v. Transportation Cabinet, Dept. of Highways

Agreed Order filed awarding the Claimant \$3,290.00 in settlement of this matter. ✓

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$3,290.00 as agreed to by the parties. ✓
