

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

December 19, 2013

Minutes Accepted

The Board of Claims received 52 new claims during the month of November, 2013. A total of 48 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that three (3) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 19 claims under \$1,000.00 in November, 2013. Jackie reports that 15 of these claims were denied and four (4) were awarded, for a total amount awarded of \$1,040.59.

At its Board meeting on November 21, 2013, the Board dismissed 26 claims and awarded eight (8) claims totaling \$48,988.66. Together with the claims investigated in-house, the Board dismissed a total of 41 claims and awarded a total of 12 claims for a total amount awarded of \$50,029.25 in November, 2013.

*Sullivan Out
Plummer Out*

For Instructions From the Board

BC-2013-00230

Loretta Haley 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-2013-00440

Laura Hazelwood and Kevin Hazelwood vs. Transportation Cabinet / Dept. of Highways

Notes: Agreement to Dismiss entered into by the parties.

Counsel's Recommendation: Enter a Final Order dismissing the claim as agreed to by the parties. ✓

BC-2013-00553

The Rogers Company 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 reimbursing the Claimant \$1,022.00 in damages. ✓

BC-2013-00586

Faith Cummings 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 reimbursing the Claimant \$1,384.59 in damages. ✓

Full Board Review

BC-2013-00379

Jacta Alea vs. Justice and Public Safety Cabinet / Dept. of Corrections

*award additional
\$195.50*

Notes: 8/30/13 Board awarded \$15.00
9/12/13 Claimant requests FBR (\$703.45).
12/2/13 Placed on Agenda for 12/19/13, after review.

2-1

BC-2013-00425

Thomas Walker vs. Justice and Public Safety Cabinet / Dept. of Corrections

Upheld

Notes: 10/29/13 Board ordered dismissed
11/8/13 Claimant requests FBR (\$190.46)

BC-2013-00457

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

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Notes: 10/29/13 Board ordered dismissed
11/7/13 Claimant request FBR (105.94)

Motions

BC-2013-00468

Moon Choe vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

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

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

BC-2013-00485

Charon Anderson 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 dismissing for failure to state a claim upon which relief can be granted. ✓

Recommended Order

BC-2011-00469

David Graham vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Florence Huffman's Recommended Order Overruling Respondent's Motion to Dismiss.

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

BC-2011-01135

Kimberly Jones vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order denying payment of the claim.

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

BC-2012-00507

Carol Tompkins vs. Justice and Public Safety Cabinet / Ky. State Police

Notes: Hearing Officer Florence Huffman's Findings of Fact, Conclusions of Law and Recommended Order awarding \$3,350.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$3,350.00 to the Claimant. ✓

BC-2013-00147

Charlie Dorris vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

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

BC-2013-00291

Michael Jones 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 this claim with prejudice. ✓

Total number of Claims: 14

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

December 19, 2013

BC-2011-1148

Robert Evans v. Tourism, Arts & Heritage Cabinet / Dept. of Fish & Wildlife Resources

Agreed Order of Settlement for \$10,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement for \$10,000.00 and dismiss the claim with prejudice. ✓

BC-2011-1172

Estate of Anthony Horsman v. University of Kentucky

Agreed Order of Settlement for \$26,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement for \$26,000.00 and dismiss the claim with prejudice. ✓

BC-2012-00559 & BC-2012-00560

Christie Thompson and Mary Thompson v. Transportation Cabinet / Dept. of Highways

Agreed Stipulation of Voluntary Dismissal filed.

Counsel's Recommendation: Enter a Final Order dismissing these consolidated claims with prejudice as stipulated by the parties. ✓

BC-2013-00430

Luckens Stables v. Tourism, Arts & Heritage Cabinet / Ky. State Fair Board

Agreed Order of Settlement for \$1,500.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement for \$1,500.00 and dismiss the claim with prejudice. ✓

BC-13-00557

Melissa Simcox v. Transportation Cabinet / Dept. of Highways

Respondent filed an Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$1,423.26 in damages. ✓

BC-13-00572

Samuel Davidson v. Transportation Cabinet / Dept. of Highways

Notification from the State Risk and Insurance Services Division of the Finance and Administration Cabinet that this claim was paid by the Kentucky Self-Insured Auto Program.

Counsel's Recommendation: Enter an Order of Dismissal dismissing this claim as paid by the Commonwealth's liability insurance. ✓

BC-13-00595

William Benton v. Western Kentucky University

Agreed Order of Settlement for \$5,161.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement for \$5,161.00 and dismiss the claim with prejudice. ✓
