

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
February 21, 2008

Chair Billy Goodman convenes the meeting.

Minutes of the December, 2007 Board Meeting.

Approved

*Plummer not here
in 03/08 or 06/08
mtg. dates.*

Executive Director's Report.

DECEMBER MONTHLY TOTALS:

The Board awarded 10 claims for a total of \$166,329.32 at the December 20, 2007 meeting. The Board dismissed 9 claims and ordered 5 claims held in abeyance.

JANUARY MONTHLY TOTALS:

The Board of Claims received 83 new claims during the month of January, 2008. Of these, 46 were set up under \$1,000.00, 7 were set up under \$100.00, and 12 were set up over \$1,000.00, for a total of 65 new claims processed.

There was no Board meeting in January; consequently, the Board did not award any claims or dismiss any claims.

As of February 1, 2008, there were 51 active claims under \$1,000.00. Jackie Lynch decided 50 claims during the month of January. She has received answers for 11 active claims that are waiting on a decision. She is currently one week ahead of the statutory 60 day deadline and there is no backlog.

There were 14 claims over \$1,000.00 assigned to Hearing Officers in January.

*Jackie
Wanda
Mitch
Lisa
Board*

For Instructions From the Board

IC-2004-00870

Shirley Davidson vs. Department of Parks / Commerce Cabinet

Notes: Voluntary Dismissal of Claim filed.

Counsel's Recommendation: Enter Order Dismissing Claim. ✓

IC-2006-00761

Christina Kidd; Edward Kidd vs. Transportation / Transportation Cabinet

Notes: Agreed Order of Dismissal.

Counsel's Recommendation: Enter Agreed Order of Dismissal. ✓

IC-2007-00255

Jennifer Moore vs. Department of Highways / Transportation

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation - Enter Agreed Order Dismissing as Settled and Award \$1,000.00. ✓

TC

IC-2007-00270

Andy Asher vs. Department of Parks / Commerce Cabinet

Notes: Agreed Order Dismissing as Settled.

Counsel's Recommendation: Enter Agreed Order Dismissing as Settled and Award Claimant \$1,312.02 ✓

agency

IC-2007-00379

Arvil Smith vs. Transportation / Transportation Cabinet

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal as settled and Award \$600.00. ✓

TC

My - Release

IC-2007-00464

Ben Schwartz vs.

PW has Order?

Notes: Order to Comply or Show Cause

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

IC-2007-00475

Sam Rowell; Diane Turnley vs. Department of Education / Department of Education

Notes: Claimant's Notice of Voluntary Dismissal.

Counsel's Recommendation: Enter Order Dismissing claim. ✓

IC-2007-00609

Brooklyn Mason vs.

PW has Order?

Notes: September 12, 2007 Order
October 17, 2007 Order to Comply or Show Cause

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

IC-2007-00619

Amelia Carnahan vs. Transportation / Transportation Cabinet

Notes: Agreed Order of Dismissal filed January 11, 2008.

Counsel's Recommendation: Enter Agreed Order and Award \$635.18. ✓

TC

My - Release

IC-2007-00682

Harry Lewis vs. UK Medical Center / University of Kentucky

Notes: Agreed Order to Hold in Abeyance

Counsel's Recommendation: Enter Agreed Order Holding Claim in Abeyance. ✓

3C-2007-00702

PW - Order?

Mary Miller vs. Department of Highways / Transportation

Notes: October 4, 2007 Order for More Information
November 9, 2007 Order to Comply or Show Cause

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

3C-2007-00713

PW - Order?

Roy Tucker vs.

Notes: October 10, 2007 Order for More Information
December 13, 2007 Order to Comply or Show Cause

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

3C-2007-00799

Trace Transport, Inc. vs. Transportation / Transportation Cabinet

Notes: Agreed Order of Dismissal.

Counsel's Recommendation: Enter Agreed Order of Dismissal. ✓

3C-2007-00804

Michael Gareau vs. Kentucky State Fair Board / Commerce Cabinet

Notes: Respondent's Answer Admitting Liability.

Counsel's Recommendation: Enter Final Order Awarding \$1,000.00 for insurance deductible. ✓

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Full Board Review

3C-2007-00312

Raughn Lewis vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

*upheld.
Dismissal*

Notes: Notes: 11/28/07 Board ordered dismissed
12/10/07 Claimant requests FBR

3C-2007-00529

Walter Combs; Ruviseia Combs vs. Department of Highways / Transportation

Passed to 03/08

Notes: 1/16/08 Board awarded \$500
2/4/08 Claimant's requests FBR

- Additional Information on Addendum -

3C-2007-00693

John Curry; Angela Sandlin vs. Department of Highways / Transportation

*Upheld
Dismissal*

Notes: 12/17/07 Board ordered dismissed
12/27/07 Claimant requests FBR (\$556.58)
1/17/08 Board meeting cancelled. This claim is on Feb. agenda

3C-2007-00864

Elizabeth Brown vs. Department of Highways / Transportation

*Upheld,
original
Order*

Notes: 1/28/08 Board awarded \$250.00
2/4/08 Claimant requests FBR on amount

- Additional Information on Addendum -

Motions

3C-2006-00076

Charlotte Hall vs. Department of Parks / Commerce Cabinet

Notes: Claimant's Motion for Extension of Time to File Exceptions to Hearing Officer's Recommended Order.

Counsel's Recommendation: Grant Motion for Extension of Time for 15 days from date of Order to file Exceptions to Recommended Order. ✓

3C-2007-00771

Jinda Trumbo; Alvin Lee vs. University of Louisville / University of Louisville

Notes: Respondent's Answer and Motion to Hold in Abeyance.

Counsel's Recommendation: Hold Claim in Abeyance pending civil court action. ✓

3C-2007-00780

Richard Bridgeman vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 11/05/07 Complaint

12/03/07 Respondent's Motion to Dismiss

12/13/07 Claimant's response to the Defendants' Motion to Dismiss and a Motion to File Amended Complaint for Damages; and Amended Verified Complaint for Damages

2/6/08 Reply to Claimant's Response to Respondent's Motion to Dismiss ✓

Counsel's Recommendation - Dismiss claim for Lack of Jurisdiction and Failure to File Claim within One Year. ✓

3C-2007-00801

DLR Goup, Inc. vs. Finance / Finance and Administration Cabinet

Notes: Respondent's Motion to Dismiss, Claimant's Reply Memorandum in Opposition Thereof, and Respondent's Reply to Memorandum in Opposition.

Counsel's Recommendation: Overrule the Motion to Dismiss, reserve the indemnification issue for the Hearing Officer to make a recommendation upon briefs filed by the parties on the issue. ✓

3C-2007-00812

Edward Davis vs. Personnel Cabinet / Personnel Cabinet

- Additional Info on Addendum -

Notes: Personnel Cabinet's Motion to Dismiss and Claimant's Response to Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss as the Board of Claims is not the proper forum for an appeal of a Personnel Board decision and the Board has no jurisdiction over this claim. ✓

3C-2007-00841

William Ludwig vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Respondent's Motion to Dismiss and Claimant's Response.

Counsel's Recommendation: Overrule Motion to Dismiss and assign to a Hearing Officer. ✓

Recommended Order

3C-2002-00289

Salt Lick Bankcorp, Inc. vs. Fiance / Finance and Administration Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order (Dismissing)

Counsel's Recommendation: Adopt Hearing Officer's Recommended Order and Dismiss. ✓

3C-2003-00773

Owen Ruic vs. Department of Highways / Transportation

Notes: Hearing Officer Braxton Crenshaw's Recommended Agreed Order Settling.

Counsel's Recommendation - Adopt Hearing Officer's Recommended Order and Award \$6,250.00. ✓

TC
6,250.00

3C-2005-00642

Denver Caudill; Gladys Caudill vs. Department of Corrections / Justice and Public Safety Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order (Dismissing)

Counsel's Recommendation - Adopt Hearing Officer's Recommended Order and Dismiss for Failure to Prosecute Claim. ✓

3C-2005-00690

Robert Taylor vs. Department of Corrections / Justice and Public Safety Cabinet;
McCracken County Jail / McCracken County Jail

Notes: Hearing Officer Todd Farmer's Recommended Order Dismissing Claim.

Counsel's Recommendation - Adopt Hearing Officer's Recommended Order and Dismiss Claim. ✓

IC-2006-00084

Patrick LedBetter vs. Western Kentucky University / Western Kentucky University

Notes: Hearing Officer Jan West's Recommended Order (Dismissing)
Claimant's Exceptions Filed 01/07/08.

Counsel's Recommendation: Adopt Hearing Officer's Recommended Order and find in favor of the Respondent, with modifications in the Final Order addressing the Claimant's exceptions to the Recommended Order. ✓

IC-2006-00233

John Curtsinger vs. Transportation Cabinet / Transportation Cabinet

Notes: Hearing Officer Jan West's Recommended Order (Denying Claimant's motion for new hearing and allowing parties to submit supplemental briefs)

Counsel's Recommendation - Adopt Hearing Officer's Recommended Order and Deny Claimant's Motion for a New Hearing. ✓

IC-2006-00650

Samie Johnson vs. Transportation / Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order (Awarding \$2,886.32) TC

Counsel's Recommendation - Adopt Hearing Officer's Recommended Order and Award. ✓

IC-2006-00658

John Maxfield vs. Northern Kentucky University / Northern Kentucky University

Notes: Hearing Officer Jan West's Recommended Order (Dismissing)

Counsel's Recommendation - Adopt Hearing Officer's Recommended Order and Dismiss. ✓

IC-2006-00706

Janett Wallace vs. UK Medical Center / University of Kentucky

Notes: Hearing Officer Braxton Crenshaw's Recommended Order (Dismissing).

Counsel's Recommendation - Adopt Hearing Officer's Recommended Order and Dismiss for Failure to Prosecute Claim. ✓

IC-2007-00222

Kenneth Davis vs. Transportation / Transportation Cabinet

Notes: Hearing Officer Jan West's Recommended Order (Awarding \$500). TC

Counsel's Recommendation - Adopt Hearing Officer's Recommended Order and Award. ✓

IC-2007-00353

Marie Miller vs. Attorney General's Office / Attorney's General Office; Bell County Board of Education / Bell County Board of Education; Bell County Board of Education / Bell County Board of Education

Notes: Agreed Recommended Order to Place Claim in Abeyance.

Counsel's Recommendation: Enter Agreed Order Holding Claim in Abeyance. ✓

3C-2007-00381

Jeff Oakley vs. Department of Highways / Transportation

Notes: Hearing Officer Todd Farmer's Recommended Order Dismissing for Failure to Prosecute Claim.

Counsel's Recommendation: Adopt Hearing Officer's Recommended Order and Dismiss Claim for Failure to Prosecute. ✓

3C-2007-00426

Wendie Corder vs. Transportation / Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order (Dismissing).

Counsel's Recommendation: Adopt Hearing Officer's Recommended Order and Dismiss Claim. ✓

3C-2007-00462

Terry Long vs. Transportation / Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order Dismissing Claim.

Counsel's Recommendation: Adopt the Hearing Officer's Recommended Order and Dismiss Claim. ✓

3C-2007-00513

Teresa Duke; Sasha Duke vs. Transportation / Transportation Cabinet

Notes: Hearing Officer Jan West's Recommended Order (Dismissing).

Counsel's Recommendation: Adopt the Hearing Officer's Recommended Order and Dismiss Claim as no damages were incurred. ✓

3C-2007-00667

Margaret Harris vs. UK Medical Center / University of Kentucky

Notes: Hearing Officer's Recommended Order (Awarding).

Counsel's Recommendation: Adopt Hearing Officer's Recommended Order and Award \$119.74. ✓

~~Agency~~ agency

Total number of Claims: 40