

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
February 17, 2011

Minutes Accepted

The Board of Claims received 93 new claims during the month of January, 2011. A total of 80 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned seven (7) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 42 claims (under \$1,000.00) in January, 2011. Jackie reports that 28 claims were dismissed and 14 claims were awarded, for a total amount awarded of \$6,860.47.

At its Board meeting on January 20, 2011, the Board dismissed 19 claims and awarded five (5) claims totaling \$39,488.00. Together with the claims investigated in-house, the Board dismissed a total of 47 claims and awarded a total of 19 claims for a total amount awarded of \$46,348.47 in January, 2011.

For Instructions From the Board

BC-2010-00720

Dennis Fligor; Patricia Fligor vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's offer of payment of \$500.00 insurance deductible and Claimants' acceptance thereof.

Counsel's Recommendation: Enter a Final Order awarding Claimants \$500.00 in settlement of this claim. ✓

BC-2010-00762

Helen Head vs. University of Kentucky

Notes: Respondent's recommendation to pay claim.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$1,491.00 in settlement of this claim. ✓

BC-2010-00772

Christopher Lawrence; Tracey Lawrence vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding Claimants \$1,113.22 in settlement of this claim. ✓

BC-2010-00811

Deborah Duncan vs. South McCreary County Fire Department

Notes: Claim filed against a non-state agency.

Counsel's Recommendation: Enter a Final Order dismissing the claim for the Board's lack of jurisdiction over county entities. ✓

BC-2010-00841

Angela Thornton vs. Transportation Cabinet, Dept. of Highways

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

Counsel's Recommendation: Enter a Final Order awarding Claimant \$1,843.15 as settlement in full of this claim. ✓

Full Board Review

BC-2010-00683

Timothy Loving vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 12/22/10 Board dismissed, filed late.
1/5/11 Claimant requests FBR (\$318.92)

*Upheld
Dismissal*

BC-2010-00740

Maurice Billups vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

H

Notes: 1/03/11 Board denied claim
1/18/11 Claimant requests FBR (\$134.89)

Motions

BC-2010-00498

Angela Jordan vs. Western Kentucky University

Notes: Claimant's Motion to Recuse Hearing Officer and Motion to Transfer Claim and Hearing Officer Rudloff's Response and Recommendation filed thereto.

Counsel's Recommendation: Sustain the Motion to Transfer Claim and reassign to Hearing Officer Lanny King for further proceedings. ✓

BC-2010-00700

Amanda Barker vs. Elliott County School Board and Kentucky Department of Education

Notes: Motions to Dismiss filed by both Respondents and Claimant's responses filed thereto.

Counsel's Recommendation: Sustain both Motions to Dismiss and dismiss all claims filed by this Claimant as collateral and dependent claims. ✓

BC-2010-00701

Jacob Barker, by and through his mother Amanda Barker vs. Elliott County School Board and Kentucky Department of Education

Notes: Motions to Dismiss filed by both Respondents and Claimant's responses filed thereto.

Counsel's Recommendation: Overrule the Motion to Dismiss of Elliott County Board of Education and assign this claim to Hearing Officer William Rudloff; sustain the Motion to Dismiss the Kentucky Department of Education as a respondent in this claim. ✓

BC-2010-00723

Bernard Hoskins vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Reconsider the Board's Order of 1/20/11 removing the claim from abeyance; Claimant's response and Respondent's Status Report filed thereto.

Counsel's Recommendation: Overrule the Motion to Reconsider, keeping this claim on the active docket of Hearing Officer William Rudloff for further proceedings. ✓

BC-2010-00724

RPR Contractor and Equipment Co., LLC. vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2010-00731

Earl and Linda Bell vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction over contractors, pursuant to KRS 44.073(15). ✓

BC-2010-00732

Sharon Botkins vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction over contractors, pursuant to KRS 44.073(15). ✓

BC-2010-00733

Ronnie and Sally Jump vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer and Motion to Dismiss; no response filed by the Claimants.

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction over contractors, pursuant to KRS 44.073(15). ✓

BC-2010-00734

Jeffrey Simpson vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction over contractors, pursuant to KRS 44.073(15). ✓

BC-2010-00735

Bonnie Childs vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction over contractors, pursuant to KRS 44.073(15). ✓

BC-2010-00736

Ronald Goodpaster vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Sustain the Motion to Dismiss for lack of jurisdiction over contractors, pursuant to KRS 44.073(15). ✓

BC-2010-00756

Henry Brockman; Deborah Brockman vs. Transportation Cabinet / Dept. of Highways

Notes: Answer and Motion to Dismiss; Claimant's Motion to Overrule Respondent's Motion to Dismiss.

Counsel's Recommendation: Forthcoming at Board meeting.

Held to future mtg.

Recommended Order

BC-2007-00029

Elizabeth Barrett 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 Claimant's exceptions filed thereto.

Counsel's Recommendation: Remand the claim to Hearing Officer Crenshaw to re-issue a recommendation supported by the facts and testimony in the record. ✓

BC-2007-00530

Lori Bargo vs. Tourism, Arts & Heritage Cabinet / Department of Parks

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

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

BC-2008-00066

Janet Dunaway vs. Department of Education

Notes: Hearing Officer Bo Fugazzi's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer granting the Motion for Summary Judgment and dismissing the claim. ✓

BC-2009-00706

Clyde Oldson vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Hearing Officer Bo Fugazzi's Recommended Order dismissing the claim.

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

BC-2009-00726

Kenneth Davis vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Bo Fugazzi's Opinion and Recommended Order granting the Respondent's Motion to Dismiss.

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

BC-2010-00045

Jimmy Harrell vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and enter a Final Order dismissing the claim for Claimant's failure to comply with the orders of this tribunal. ✓

BC-2010-00136

Danette Hull vs. Morehead State University

Exceptions Filed

Notes: Hearing Officer Braxton Crenshaw'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 with prejudice. ✓

BC-2010-00142

Roger Hammons vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Bo Fugazzi's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer, dismissing the claim with prejudice at the Claimant's request. ✓

Total number of Claims: 27

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum
February 17, 2011

BC-2010-046

Mark Blankenship v. Transportation Cabinet, Dept. of Highways

Notification received from State Risk & Insurance Services Division that the claim was paid in full by the Commonwealth's liability insurance carrier.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice as settled. ✓

BC-2010-223

David S. Jones v. Transportation Cabinet

Notification received from State Risk & Insurance Services Division that the Claimant settled this claim with the Commonwealth's liability insurance carrier.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice as settled. ✓

BC-2010-441

Daniel Peyton v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order awarding Claimant \$25,000.00 in settlement of this claim. ✓
