

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

February 20, 2014

Minutes Accepted

The Board of Claims received 48 new claims during the month of January, 2014. A total of 52 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that four (4) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 29 claims under \$1,000.00 in January, 2014. Jackie reports that 18 of these claims were denied and 11 were awarded, for a total amount awarded of \$4,667.41.

At its Board meeting on January 16, 2014, the Board dismissed two (2) claims and awarded five (5) claims totaling \$86,657.16. Together with the claims investigated in-house, the Board dismissed a total of 20 claims and awarded a total of 16 claims for a total amount awarded of \$91,324.57 in January, 2014.

For Instructions From the Board

BC-2009-00682

Tonya Spradlin; Chelsey Spradlin vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Order to Claimant to Comply or Show Cause.

Counsel's Recommendation: Enter a Final Order dismissing claim as defaulted. ✓

BC-2011-01099

Tracy Maxwell vs. Ky. Community & Technical College System

Notes: Agreed Order of Settlement for \$9,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$9,000.00 in settlement of this matter. ✓

BC-2013-00003

Robert and Sandra Kilijian vs. Transportation Cabinet / Dept. of Highways

Notes: Settlement Agreement awarding \$630.76 to the Claimants.

Counsel's Recommendation: Enter a Final Order awarding \$630.76 to the Claimants in settlement of this matter. ✓

BC-2013-00079

Ellis Keyes vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$1,000.00 to the Claimant.

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

BC-2013-00373

Chad Read vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Settlement for \$1,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding \$1,000.00 to the Claimant. ✓

BC-2013-00411

Donald Swafford vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: February 20, 2014- Default Order
Counsel's Recommendation: Rule the Claimant in DeFault and Dismiss.

BC-2013-00451

William Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$750.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$750.00 to the Claimant in settlement of this matter. ✓

BC-2013-00633

Ayaz Ahmed vs. Transportation Cabinet / Dept. of Highways

Notes: Answer recommending payment of full amount claimed.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$1,000.00 for sustained damages. ✓

BC-2013-00635

Ta'Neshia Baltimore vs. University of Kentucky

Notes: Respondent's Answer recommending payment of full amount claimed.

Counsel's Recommendation: Enter an Order awarding \$1,638.00 to the Claimant as payment in full for this matter. ✓

BC-2013-00638

Jonathan Thurman vs. Transportation Cabinet / Dept. of Highways

Notes: Answer recommending payment of full amount claimed of \$1,430.13, despite the fact that the Claimant's automobile insurance deductible is \$1,000.00.

Counsel's Recommendation: Enter an Order reducing the amount claimed to \$1,000.00 per KRS 44.070(1). ✓

BC-2013-00639

Chester Votaw vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk and Insurance Services Division that this claim was paid in full by the Commonwealth's Self-Insured Auto Program (KSAP).

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled by the Ky. Self-Insured Auto Program. ✓

Full Board Review

BC-2013-00555

Carlos Faulkner vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/3/14 Board ordered dismissed
1/16/14 Claimant requests FBR (\$670.50)

*Move to future
docket*

BC-2013-00568

Da'Von Blackford vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/3/14 Board ordered dismissed
1/17/14 Claimant requests FBR (\$616.10)

||

BC-2013-00573

Christopher Hawkins vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/3/14 Board ordered dismissed ✓
1/10/14 Claimant requests FBR \$162.20 ✓

4-1

Reverse + award

BC-2013-00577

Lisa Terry vs. UK Medical Center / University of Kentucky

Notes: 1/3/4 Board awarded \$250, Claimant's deductible amount ✓
1/21/04 Claimant requests FBR on amount of award.

Uphold

Motions

BC-2011-00574

Paul Litz vs. University of Kentucky

Notes: Claimant's motion to remove the claim from abeyance and Respondent's response in opposition thereto.

Counsel's Recommendation: Sustain the Claimant's motion and assign the claim to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2012-00156

Arianna Petty vs. Western Kentucky University

Notes: Respondent's Motion to Dismiss in compliance with the Board's Show Cause Order dated 9/18/13.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice for Claimant's failure to abide by the Orders of this tribunal.

BC-2013-00544

Nicholas Moore vs. Eastern Kentucky University

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

Counsel's Recommendation: The Board attorney wishes to discuss this matter with the Board members.

Dismiss

BC-2013-00574

Robert Dickerson vs. Administrative Office of The Courts

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

Counsel's Recommendation: Consolidate with Claim No. BC-13-575 and dismiss both claims for failure to state a claim upon which relief can be granted. ✓

BC-2013-00575

Robert Dickerson vs. Administrative Office of The Courts

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

Counsel's Recommendation: Consolidate with Claim No. BC-13-574 and dismiss both claims for failure to state a claim upon which relief can be granted. ✓

BC-2013-00580

Charon Anderson vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's unopposed Motion to Dismiss.

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

BC-2013-00587

Lillian Brown vs. Administrative Office of The Courts

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

Counsel's Recommendation: Enter an Order dismissing for lack of jurisdiction pursuant to KRS 26A.100 and KRS 44.070. ✓

BC-2013-00605

Tayra Bright vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2013-00620

PR02 Respiratory Services, LLC. vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss (Claimant is a corporation but claim was not filed by an attorney).

Counsel's Recommendation: Enter an Order granting the Respondent's Motion to Dismiss. ✓

BC-2013-00624

Christopher Duvall vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's unopposed Motion to Dismiss.

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

BC-2013-00625

Paul Wallace vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's unopposed Motion to Dismiss.

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

Recommended Order

BC-2011-00572

Larry Back vs. University of Kentucky

*Exceptions filed
2/11/14*

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

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

BC-2011-00760

Virginia Hiser vs. Education and Workforce Development Cabinet

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$29,416.25 to the Claimant and Respondent's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$29,416.25 to the Claimant, Virginia Hiser. ✓

BC-2012-00510

Karah Sester vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Florence Huffman'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-2013-00089

Reba Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Florence Huffman's Findings of Fact, Conclusions of Law and Recommended Order awarding \$2,725.00 to the Claimant and the Respondent's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$2,725.00 to the Claimant. ✓

BC-2013-00169

Edward Corns vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2013-00182

Carl E. Johnson, Jr. vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson'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-2013-00193

Tonya Davis vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Florence Huffman's Findings of Fact, Conclusions of Law and Recommended Order awarding \$650.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$650.00 to the Claimant. ✓

BC-2013-00233

Hayley Hammonds vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Florence Huffman's Recommendation to Dismiss.

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

BC-2013-00243

Erich Huff vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$5,333.05 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$5,333.05 to the Claimant. ✓

BC-2013-00279

Sean Florence vs. University of Kentucky

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

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

BC-2013-00357

Frankie Reed vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommendation to Dismiss.

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

Total number of Claims: 37

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

February 20, 2014

BC-2013-00383

Jonathan K. Kurtz v. Transportation Cabinet, Dept. of Highways

Agreed Order for Extension of Time to File Exceptions.

Counsel's Recommendation: Enter the Agreed Order granting the Claimant an extension as agreed to by the parties. ✓

BC-2014-00038

Shawnee Pace v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Answer recommending payment of \$229.48, which reflects the amount of the unpaid medical bills filed with the claim form.

Counsel's Recommendation: Enter an Order awarding the Claimant \$229.48, the maximum amount allowable in this matter per KRS 44.070(1). ✓

BC-2014-00045

Mary Jo Groves v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Answer recommending payment of \$1,977.23, the full amount claimed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,977.23 for sustained damages. ✓

BC-2014-00058

Smith Brothers Excavating v. Transportation Cabinet, Dept. of Highways

Notification from State Risk & Insurance Services Division that the Ky. Self-Insured Auto Program (KSAP) paid this claim in full.

Counsel's Recommendation: Enter an Order of Dismissal as settled by KSAP. ✓
