

COMMONWEALTH OF KENTUCKY
CLAIMS COMMISSION
Agenda
February 21, 2017

The Kentucky Claims Commission received 39 negligence claims filed against the Commonwealth during the month of January, 2017. Paula reports that 26 claims were set up and three (3) claims were returned for lack of jurisdiction.

Investigator Angela Robertson decided 47 claims under \$1,000.00 in January, 2017. Angela reports that 29 of these claims were dismissed and 18 were awarded, for a total amount awarded of \$5,989.99.

At its meeting on January 24, 2017, the Kentucky Claims Commission dismissed seven (7) negligence claims and awarded three (3) negligence claims totaling \$3,005.31. Together with the claims investigated in-house, the Claims Commission dismissed a total of 36 negligence claims and awarded a total of 21 negligence claims for a total amount awarded of \$8,995.30 in January, 2017.

For Instructions From the Board

BC-2009-00612

Charles Tussey vs. Energy and Environment Cabinet / Department of Natural Resources / Division of Oil and Gas

Notes: Opinion of the Kentucky Court of Appeals, dated July 8, 2016, vacating and remanding this matter for reinstatement of the Final Order of the former Board of Claims awarding the Claimant \$8,979.42.

Counsel's Recommendation: Enter an Order awarding the Claimant \$8,797.42 as ordered by the Kentucky Court of Appeals in Case No. 20115-CA-394.

BC-2014-00773

Ralph Anderson vs. Tourism, Arts and Heritage Cabinet / Ky. Horse Park

Notes: Agreed Order for \$1,575.53 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,575.53 in settlement of this matter.

BC-2015-00673

Lee Shaw vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order for \$5,000.00 filed by the parties.

Counsel's Recommendation: Enter an Order awarding the Claimant \$5,000.00 in settlement of this matter as agreed by the parties. ✓

BC-2016-00148

Barbara Burkhead vs. Tourism, Arts and Heritage Cabinet / State Fair Board

Notes: Agreed Order of Dismissal filed by the parties.

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

BC-2016-00637

Delores Norris vs. University of Kentucky

Notes: Agreed Order of Settlement for \$800.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$800.00.

Full Board Review

BC-2016-00367

Calvin Houston vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Claimant request a Full Board Review regarding the total of his claim. Claimant stated he should receive the full amount requested, not the depreciated rate.

Motions

BC-2016-00531

Dana Ungerbuehler and Ashley Struble vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Answer and unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted.

BC-2016-00642

William Walker 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 an Order of Dismissal for failure to state a claim upon which relief can be granted.

BC-2016-00651

Sandra Riley vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted.

BC-2016-00672

Jerry Landrum vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter the Order dismissing the claim with prejudice.

Recommended Order

BC-2016-00249

Amy Kummler vs. Transportation Cabinet / Dept. of Highways

Notes:Hearing Officer Tim Cocanougher's Order Recommending Dismissal at the Claimant's request.

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

Total number of Claims: 11