

**COMMONWEALTH OF KENTUCKY**

**Board of Claims**

**Agenda**

**January 15, 2015**

*Minutes accepted.*

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The Board of Claims received 38 new claims during the month of December, 2014. Paula reports that a total of 29 claims were set up and two (2) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 26 claims under \$1,000.00 in December, 2014. Jackie reports that 18 of these claims were denied and eight (8) were awarded, for a total amount awarded of \$2,300.98.

At its Board meeting on December 18, 2014, the Board dismissed 15 claims and awarded three (3) claims totaling \$7,740.59. Together with the claims investigated in-house, the Board dismissed a total of 33 claims and awarded a total of 11 claims for a total amount awarded of \$10,041.57 in December, 2014.

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**For Instructions From the Board**

BC-2014-00620

Laura Roder vs. Commonwealth of Kentucky

Notes: January 15, 2015- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

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BC-2014-00626

Custom Hauling Inc. vs. Commonwealth of Kentucky

Notes: January 15, 2014- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

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BC-2014-00634

Julio Mendez vs. Commonwealth of Kentucky

Notes: January 15, 2014- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

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BC-2014-00641

Jamie Duff vs. Commonwealth of Kentucky

Notes: January 15, 2015- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

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BC-2014-00644

Roger Knoth vs. Commonwealth of Kentucky

Notes: January 15, 2014- Default Order  
Counsel Recommendation- Rule the Claimant in Default and Dismiss. ✓

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BC-2014-00646

Tina Fox vs. Tourism, Arts and Heritage Cabinet

Notes: January 15, 2015- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

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BC-2014-00652

Katelyn Lockwood vs. Eastern Kentucky University

Notes: January 15, 2015- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00699

Sylvia Tucker vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,148.00 for lost jewelry. ✓

BC-2014-00713

Tayna Fogle vs. Department of Education

Notes: Agreed Order to Hold Claim in Abeyance.

Counsel's Recommendation: Enter the Agreed Order holding the claim in abeyance pending the underlying Fayette Circuit Court case and reserving the Motion to Dismiss. ✓

BC-2014-00763

Kristin Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer specifying contractor involvement in the referenced work zone.

Counsel's Recommendation: Enter an Order requiring the Respondent to produce a copy of the contract that specifies the contractor is responsible for any damage that occurs in the construction zone. ✓

### **Full Board Review**

BC-2014-00777

Dewey Whitlock vs. Transportation Cabinet / Dept. of Highways

*Upheld  
denial*

Notes: Claim denied 12/17/14; Full Board Review requested 12/23/14.

### **Motions**

BC-1998-00133

Virginia Gaither vs. Justice and Public Safety Cabinet / Dept. of State Police

Notes: Claimant's Motion to Enter Award consistent with the Opinion of the Kentucky Supreme Court rendered on August 14, 2014. ✓

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$148,787.12 as ordered by the Kentucky Supreme Court on August 14, 2014 in Case No. 2012-SC-324.

BC-2013-00139

Gina Grace vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's request for extension of time to file her exceptions to the hearing officer's recommendation. ✓

Counsel's Recommendation: Enter an Order granting the Claimant until January 30, 2015 to file exceptions to the tendered recommendation.

BC-2014-00645

Jacquelynn O'Daniel v. Eastern Kentucky University

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

Counsel's Recommendation: Enter an Order granting the Motion to Stay and reserving the Respondent's Motion to Dismiss.

BC-2014-00654

Johnny Walker vs. Murray State University

Notes: Respondent's Motion to Dismiss or, in the alternative, Motion to Hold in Abeyance and Claimant's response filed thereto.

Counsel's Recommendation: Enter an Order granting the Motion to Hold in Abeyance. ✓

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BC-2014-00766

Mark Creech vs. Transportation Cabinet / Dept. of Highways

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

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

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**Recommended Order**

BC-2013-00058

Poplar Brook Development, LLC. vs. Uninsured Employers' Fund

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim for lack of subject matter jurisdiction. ✓

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BC-2014-00167

Roy Wesley 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.

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

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BC-2014-00550

John Payne vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West'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 denying payment of the claim. ✓

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BC-2014-00610

Susannah Webb vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order denyng the Respondent's Motion to Dismiss and the Respondent's Exceptions filed thereto.

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

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Total number of Claims: 20

**COMMONWEALTH OF KENTUCKY**  
**BOARD OF CLAIMS**  
*Addendum*

*January 15, 2015*

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**BC-2011-01032**

Timothy Fraley v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim with prejudice. ✓

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**BC-2011-01045**

Andrew Roberts v. Transportation Cabinet, Dept. of Highways

Claimant's Notice of Voluntary Dismissal.

Counsel's Recommendation: Enter an Order dismissing the claim with prejudice as requested by the Claimant. ✓

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**BC-2014-00794**

Jason Davis, Administrator of the Estate of Madisyn Davis v. Cabinet for Health & Family Services

Agreed Order filed by the parties giving the Claimant until March 2, 2015 to file a response to the Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Enter the Agreed Order as stipulated to by the parties. ✓

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