

**COMMONWEALTH OF KENTUCKY**

**Board of Claims**

**Agenda**

**January 24, 2017**

---

The Kentucky Claims Commission received 40 negligence claims filed against the Commonwealth during the month of December, 2016. Paula reports that 31 claims were set up.

Investigator Angela Robertson decided 20 claims under \$1,000.00 in December, 2016. Angela reports that 12 of these claims were dismissed and eight (8) were awarded, for a total amount awarded of \$2,688.66.

At its meeting on December 13, 2016, the Kentucky Claims Commission dismissed four (4) negligence claims and awarded three (3) negligence claims totaling \$10,730.50. Together with the claims investigated in-house, the Claims Commission dismissed a total of 16 negligence claims and awarded a total of 11 negligence claims for a total amount awarded of \$13,419.16 in December, 2016.

---

**For Instructions From the Board**

BC-2015-00153

Sandra Jones vs. Justice and Public Safety Cabinet / Ky. State Police Dept.

Notes: Notification from State Risk and Insurance Services that this claim was paid in full by the Commonwealth's self-insured automobile program (KSAP).

Counsel's Recommendation: Enter an Order dismissing the claim as paid by KSAP. ✓

---

BC-2015-01101

Cindy Schramm vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order settling the claim for \$255.31 filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$255.31 in settlement of this claim. ✓

---

BC-2016-00231

Gilbert Graham vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order for \$1,000.00, executed in October, 2016, filed by the Respondent.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,000.00 as agreed to by the parties. ✓

---

BC-2016-00467

Tim Justice vs. Tourism, Arts and Heritage Cabinet / Dept. of Fish & Wildlife Resources

Notes: Agreed Order for \$1,750.00 filed by the parties.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,750.00 as agreed by the parties. ✓

---

**Full Board Review**

BC-2016-00285

Myron Parsons vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Claimant had been approved for an extended visit with family but the guard cut the visit short because he was not advised of the approved time. His family had driven down from Michigan and obtained a hotel room for this special visit. Claim was dismissed because the Claimant did not sustain any actual monetary loss.

*Uphold dismissal*

BC-2016-00297

Glenn Odom vs. Justice and Public Safety Cabinet / Dept. of Corrections

*upheld  
Dismiss*

Notes: Claimant filed because property was confiscated. Claimant states that items that do not require a receipt were confiscated for not having a receipt and food items were confiscated for being out of date but he had been in segregation so that rule does not apply to his food. Dismissed due to insufficient evidence.

**Motions**

BC-2013-00442

Wendy R. Jeffries, Guardian of William Jeffries, a Minor vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Dismiss as settled in state court.

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

BC-2013-00465

Adam Borders; Chase Borders vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's unopposed Motion to Alter, Amend or Vacate the Commission's Order of Dismissal dated November 29, 2016.

Counsel's Recommendation: Deny the Motion to Alter, Amend or Vacate the Commission's previous dismissal. ✓

BC-2016-00490

Doris Adkins vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss as claim was paid in full by the Commonwealth's self-insured auto program (KSAP).

Counsel's Recommendation: Enter an Order dismissing the claim as paid in full by KSAP.

BC-2016-00553

William Wilson vs. University of Kentucky

Notes: Respondent's unopposed request to dismiss the claim. ✓

Counsel's Recommendation: Enter an Order denying the request to dismiss and assigning the claim to Hearing Officer ~~Carson Kerr~~ *GMM* for further proceedings.

BC-2016-00613

Earyetta Gillman vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order ~~dismissing the claim for lack of jurisdiction (incident did not occur on state property)~~ *assign to GMM*

**Recommended Order**

BC-2012-00316

Rick Juniper vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Patrick Flannery's Recommended Order of Dismissal.

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

BC-2015-00270

Patrick Smith; Courtney Smith vs. Rowan County Board of Education

Notes: Hearing Officer Patrick Flannery's Recommended Findings of Fact, Conclusions of Law and Order denying Respondent's Motion for Summary Judgment.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Respondent's Motion for Summary Judgment. ✓

---

BC-2015-00707

Edward Clemerson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Tim Cocanougher'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. ✓

---

BC-2015-01050

James Davis vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Patrick Flannery's Recommended Order of Dismissal and the Claimant's exceptions filed thereto. ✓

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim for the Claimant's failure to abide by the orders of this tribunal.

---

BC-2016-00213

Charles Jackson vs. University of Kentucky

Notes: Hearing Officer Tim Cocanougher's Amended Recommended Order of Dismissal.

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

---

Total number of Claims: 16