

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

July 17, 2014

minutes adopted

The Board of Claims received 65 new claims during the month of June, 2014. A total of 60 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that one (1) claim was returned for lack of jurisdiction.

Investigator Jackie Lynch decided 37 claims under \$1,000.00 in June, 2014. Jackie reports that 23 of these claims were denied and 14 were awarded, for a total amount awarded of \$6,666.38.

At its Board meeting on June 19, 2014, the Board dismissed 21 claims and awarded 16 claims totaling \$152,698.99. Together with the claims investigated in-house, the Board dismissed a total of 44 claims and awarded a total of 30 claims for a total amount awarded of \$159,365.37 in June, 2014.

For Instructions From the Board

BC-2013-00284

Troy Wood vs. Bullitt County Board of Education

Notes: Agreed Order of Dismissal filed by the parties.

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

BC-2013-00471

Mecca Traughber vs. Finance and Administration Cabinet / Dept. of Revenue

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-2013-00528

Shelvia Morris vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$700.00 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$700.00 as agreed by the parties. ✓

BC-2013-00540

Johnie Green vs. Commonwealth of Kentucky

Notes: July 17, 2014- Default Order

Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00542

Joanna Settles vs. University of Kentucky

Notes: July 17, 2014- Default Order

Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00543

Michelle Rose vs. Transportation Cabinet / Dept. of Highways

Notes: July 17, 2014- Default Order
Counsel's Recommendation- Rule the Claimant and Dismiss ✓

BC-2013-00546

Christopher Foster vs. University of Kentucky

Notes: July 17, 2014- Default Order
Counsel's Recommendation-Rule the Claimant Default and Dismiss ✓

BC-2013-00565

Edna Hronchak vs. University of Kentucky

Notes: July 17, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00566

Vernon Douglas vs. University of Kentucky

Notes: July 17, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00581

Joseph Nelson vs. Commonwealth of Kentucky

Notes: July 17, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00585

Taylor Turner vs. Eastern Kentucky University

Notes: July 17, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00591

Hector Rosa vs. University of Kentucky

Notes: July 17, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00637

Jeremy Rice vs. Justice and Public Safety Cabinet

Notes: July 17, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00643

William Taylor vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: July 17, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2013-00650

William Taylor vs. Tourism, Arts and Heritage / Ky. State Fair Board

Notes: July 17, 2014- Default Order

Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2014-00158

Oscar Bowen vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Judgment awarding the Claimant \$1,000.00 filed by the parties and recommended by the hearing officer.

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

BC-2014-00169

Drake Sumner vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim at the Claimant's request. ✓

BC-2014-00455

William White vs. Eastern Kentucky University

Notes: Respondent's Answer indicating the parties have settled the claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,228.00 in settlement of this matter. ✓

BC-2014-00491

Beth Atkinson vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,218.83 in settlement of this matter. ✓

Motions

BC-2013-00058

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

GMM to do Order

Notes: Briefs filed by the parties pursuant to the Board's Order of May 15, 2014.

Counsel's Recommendation: Dismiss for failure to state a claim upon which relief can be granted (slander of title requires malice, which is not an element of negligence). ✓

BC-2014-00325

Jo Miller vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter an Order dismissing for lack of jurisdiction over county governmental entities. ✓

BC-2014-00334

Betty Dameron vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss and Claimant's Motion to Hold in Abeyance filed thereto.

Counsel's Recommendation: Enter an Order granting the Motion to Dismiss pursuant to KRS 44.073(15). ✓

BC-2014-00358

Christopher Evans 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 the claim to Hearing Officer Jan West for further proceedings. ✓

BC-2014-00376

Phyllis Roach vs. Justice and Public Safety Cabinet and Kentucky Parole Board

Notes: Respondent Justice & Public Safety Cabinet's Motion for Summary Judgment and the Claimant's response filed thereto.

Counsel's Recommendation: Enter an Order granting the Motion for Summary Judgment pursuant to KRS 44.110(1). ✓

*Order Vacated
7/21/14.*

BC-2014-00402

Bradley Turner vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2014-00434

Jeremy Miller vs. Transportation Cabinet / Dept. of Highways

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

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

Recommended Order

BC-2012-00139

Timothy Cornett vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2012-00306

Douglas Jenkins vs. Transportation Cabinet / Dept. of Highways

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

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

Total number of Claims: 28