

COMMONWEALTH OF KENTUCKY

Claims Commission

Agenda

June 26, 2018

DeLana Out

The Kentucky Claims Commission received 80 negligence claims filed against the Commonwealth during the month of May, 2018. A total of 71 claims were set up and served on state agencies.

The Claims Commission processed and/or decided 36 claims under \$2,500.00 in May, 2018. Twelve (12) of these claims were dismissed and 24 were awarded, for a total amount awarded of **\$14,369.33**.

At its meeting on May 22, 2018, the Kentucky Claims Commission awarded five (5) negligence claims totaling **\$176,208.06**. Together with the claims investigated in-house, the Claims Commission dismissed a total of 12 negligence claims and awarded a total of 29 negligence claims for a total amount awarded of **\$190,577.39** in May, 2018.

CLERK'S NOTE: All claims from 2018 and forward will be numbered as CC (for Claims Commission) rather than BC.

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-2014-678

William Davis v. Transportation Cabinet, Dept. of Highways

Notes: Release and Settlement Agreement awarding the Claimant \$25,000.00 in settlement of this claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$25,000.00 as agreed ✓
by the parties.

BC-2017-215

Jacqueline L. Ragsdale v. University of Kentucky

Notes: Agreed Order of Settlement entered into by the parties.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant ✓
\$250,000.00.

BC-2017-218

T.S., a minor, By and Through Marjorie Shular, His Mother v. Spencer Co. Board of Education

Notes: Agreed Order of Dismissal entered into by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as requested by the ✓
parties.

BC-2017-476

Jolene Rose v. Transportation Cabinet, Dept. of Transportation

Notes: Agreed Order of Dismissal for \$2,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,000.00 in settlement of this claim. ✓

CC-2018-040

Keith Garrett v. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,795.00 in settlement of this claim. ✓

FULL COMMISSION REVIEWS

BC-2017-213

Joseph Shaw Quinn v. Transportation Cabinet, Dept. of Highways

Upheld

Notes: The Claimant's request for a Full Commission Review of the original dismissal was received after the 14-day deadline pursuant to KRS 49.090(6) had passed.

BC-2017-566

Almond Grant v. Transportation Cabinet, Dept. of Highways

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Notes: This claim was originally dismissed by the Commission.

CC-2018-018

Julie Moon v. Transportation Cabinet, Dept. of Highways

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Notes: This claim was originally dismissed by the Commission.

CC-2018-038

Paul Mays #158130 v. Justice & Public Safety Cabinet, Dept. of Corrections

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Notes: This claim was originally awarded \$0.00 due to the minimum threshold to file a claim pursuant to KRS 49.180.

MOTIONS

CC-2018-008

Charles Reed v. Justice & Public Safety Cabinet, Dept. of Corrections, and Commonwealth Attorney's Office, 30th Judicial District

Notes: Motions to Dismiss filed by both Respondents; no response has been received from the Claimant.

Counsel's Recommendation: For discussion.

Failed to state a claim - no yet.

CC-2018-135

Kevin R. Conrad #204798 v. Justice & Public Safety Cabinet, Dept. of Corrections

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

Counsel's Recommendation: For discussion.

Held Motion - C to itemize his damages.

RECOMMENDED ORDERS

BC-2016-169

Marvin Butts v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Allen O. Wilson's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$1,894.00 in damages.

Held over

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

BC-2016-325

James Whittmore v. Justice & Public Safety Cabinet, Dept. of State Police

Notes: Hearing Officer Allen O. Wilson's Recommended Order Granting Respondent's Motion for Summary Judgment and the Claimant's exceptions.

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

BC-2017-267

David Eschenbach v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Jim Howard'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. ✓

BC-2017-395

Robert M. Parks v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant's exceptions.

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

BC-2017-531

Trevor Rohlman v. University of Kentucky

Notes: Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim and the Claimant's exceptions.

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

Total number of claims: 16*