

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
March 20, 2008

Commissioner
Larry Bond
Jim Carroll
attended
02/08 minutes
adopted

- Chair Billy Goodman convenes the meeting.
- Minutes of the February, 2008 Board Meeting.
- Executive Director's Report.

FEBRUARY MONTHLY TOTALS:

The Board of Claims received 105 new claims during the month of February, 2008. Of these, 24 were set up under \$1,000.00 (Jackie), 11 were set up under \$100.00 (Paula), and 9 were set up over \$1,000.00 (Lisa), for a total of 44 new claims processed. (49)

The Board awarded 10 claims for a total of \$15,303.26 at its February 21, 2008 meeting. There were also 22 claims dismissed by the Board at that meeting.

Jackie and Wanda decided 49 claims during the month of February, 2008. As of March 3, 2008, there are 77 active claims under \$1,000.00. Jackie reports that 15 of these claims have received answers and are in the decision process, although no decision is due until March 10, 2008. Therefore, there is no backlog for claims under \$1,000.00.

There were 12 claims over \$1,000.00 assigned to Hearing Officers in February.

Richard added report
re HO Mooney.

Addendum

IC-2006-00632

Lewana Moore vs. UK Medical Center / University of Kentucky

Notes: Agreed Order of Settlement for \$1,640.51.

Counsel's Recommendation: Enter Agreed Order as Settled and Award Claimant \$1,640.51. ✓

In Folder

IC-2007-00391

Barbara Hoskins; George Hoskins vs. Transportation / Transportation Cabinet

Notes: Agreed Order of Dismissal and Settlement filed.

Counsel's Recommendation: Enter Agreed Order as Settled and Award Claimants \$5,350.00. ✓

*Foray
abstained*

IC-2007-00540

Marrell Burton vs. Transportation / Transportation Cabinet

Notes: Agreed Order of Dismissal.

Counsel's Recommendation: Enter Agreed Order as Dismissed and Settled. ✓ 875.00

11

IC-2007-00691

manda Warth; John Warth vs. Department of Highways / Transportation

*Upheld
Reopened by
Board*

- Notes: 12/13/07 Board ordered dismissed (Findings of Fact, Opinion and Order)
- 3/5/08 Claimant called to ask for a Full Board Review
- 3/18/08 Claim placed on agenda to see if Board will re-open claim. If the Board reopens claim, it will be placed on agenda next month for a FBR.

For Instructions From the Board

IC-2007-00617

ary Runion vs. Department of Highways / Transportation

- Notes: August 27, 2007 Order for More Information
- October 11, 2007 Order to Comply or Show Cause

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

IC-2007-00618

ames Estes vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

- Notes: August 27, 2008 Order for More Information
- October 11, 2008 Order to Comply or Show Cause

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

IC-2007-00672

amuel Thacker vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

- Notes: October 5, 2007 Order for More Information
- Novemeber 9, 2007 Order to Comply or Show Cause

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

IC-2007-00679

Ernest Lee vs. Department of Highways / Transportation

- Notes: September 21, 2007 Order for More Information
- October 10, 2007 Order
- December 13, 2007 Order to Comply or Show Cause

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

Full Board Review

IC-2007-00527

usanna Saunders vs. Department of Highways / Transportation

*Upheld original
Order*

- Notes: 11/1/07 Board dismissed claim.
- 2/11/08 Claimant called askign for a Full Board Review
- 2/21/08 Claimant's written request for an FBR (\$631)

* This is on the agenda as:
LATE FILED REQUESTS FOR FULL BOARD REVIEW

3C-2007-00529
Valter Combs; ~~Ruwisela Combs vs. Department of Highways / Transportation~~

- Additional info in folder -

*Jackie pulled
for 04/08
Agenda*

Notes: 1/16/08 Board awarded \$500
2/4/08 Claimant's requests FBR
2/13/08 Claimant's Notice of Additional Claim and Request for Extension to File Additional Evidence (HAND OUT)
2/21/08 BD allowed claim to be put on March agenda at CI's request..

3C-2007-00792
Trenell Mitchell vs. Department of Highways / Transportation

Notes: 1/29/08 Board ordered dismissed
2/22/08 Claimant requests FBR (\$218.82)

*✓ uphold
original
Order*

Motions

3C-2007-00703
Larry Hawkins; Larry Hawkins vs. Monroe County Soil and Water Conservation District /
Monroe County Soil and Water Conservation District

Notes: Respondent's Motion to Dismiss filed 12/13/2007. No response received.

Counsel's recommendation: Dismiss claim against the county because the Board has no jurisdiction over claims against county governments. ✓

3C-2007-00876
Rosey Cruse vs. Department of Education / Department of Education; Madison County
Schools / Madison County Schools

Notes: Respondent's Motion to Dismiss, Claimant's Response to Motion to Dismiss, Respondent's Reply to Claimant's Response to Motion to Dismiss, and Claimant's Second Response to Respondent's Motion to Dismiss.

Counsel's Recommendation: Overrule Motion to Dismiss and assign to a Hearing Officer. ✓

3C-2008-00108
Daniel Cobble vs. Jefferson County District Court; Administrative Office of The Courts /
Administrative Office of The Courts

Notes: Respondent's Motion to Dismiss, Claimant's Response to Motion to Dismiss, letter from Respondent dated March 5, 2008, and letter from Claimant dated March 7, 2008.

Counsel's Recommendation: Sustain Motion to Dismiss. ✓

Recommended Order

3C-1999-01008
Michael Priddy vs. Murray State University / Murray State University

Notes: Hearing Officer Jan West's Recommended Order to Dismiss for Failure to Prosecute.

Counsel's Recommendation: Adopt Recommended Order and Dismiss. ✓

3C-2003-00667

Jack Taylor vs. Western State Hospital / Cabinet for Health and Family Services

Notes: Hearing Officer Todd Farmer's Recommended Order Dismissing Claim.
Claimant's Exceptions and Respondent's Response to Exceptions.

Counsel's Recommendation: Adopt the Recommended Order and Dismiss the claim, although this is a close case on the law. ✓

3C-2004-00033

~~Frazier Dailey vs. Cabinet for Health and Family Services / Cabinet for Health and Family Services~~

~~Notes: Hearing Officer Braxton Crenshaw's Recommended Order Dismissing.
Claimant's Exceptions to Recommended Order. -- in folder~~

~~Counsel's Recommendation - Adopt the Recommended Order and Dismiss claim.~~

*GMM pulled from Agenda.
Put on 04/08 Agenda.*

3C-2005-00569

Donald VanGosen vs. Department of Highways / Transportation

Notes: Hearing Officer Matthew Mooney's Recommended Order Awarding \$6,209.00.

Counsel's Recommendation -- Adopt the Recommended Order and Award \$6,209.00. ✓

Foray obtained

3C-2006-00194

Kathy Donahue vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Hearing Officer Matthew Mooney's Recommended Order Dismissing.

Counsel's Recommendation: Adopt Recommended Order and Dismiss claim. ✓

3C-2006-00523

Ashley Dotson vs. Eastern Kentucky University / E.K.U.

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the Recommended Order and Dismiss claim for Failure to Prosecute. ✓

3C-2006-00719

LaDonna Nichols vs. Morehead State University / Morehead State University

Notes: Hearing Officer Matthew Mooney's Recommended Order Dismissing.

Counsel's Recommendation - Adopt the Recommended Order and Dismiss claim. ✓

3C-2007-00087

Thomas Thompson vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation - Enter Agreed Order of Dismissal. ✓

3C-2007-00508

Manda Compton vs. Department of Parks / Commerce Cabinet

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Agreed Order and Award \$200.00. ✓

3C-2007-00583

Wette Ingram vs. Kentucky State Fair Board / Commerce Cabinet

Notes: Hearing Officer Jan West's Recommended Order Dismissing.

Counsel's Recommendation: Adopt the Recommended Order and Dismiss claim. ✓

3C-2007-00596

Loyce Braucher vs. Kentucky Horse Park / Commerce Cabinet

Notes: Agreed Order of Dismissal with Prejudice filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal. ✓

3C-2007-00629

Timothy Rollin vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Hearing Officer Todd Farmer's Recommended Order Granting Motion for Protective Order.

Counsel's Recommendation: Adopt Recommended Order and Grant Motion for Protective Order. ✓

3C-2007-00635

Ralph Paul vs. Cabinet for Health and Family Services / Cabinet for Health and Family Services

Notes: Hearing Officer Todd Farmer's Recommended Order Dismissing.

Counsel's Recommendation: Adopt the Recommended Order and Dismiss claim. ✓

3C-2007-00815

Janny Bridwell vs. Kentucky State Fair Board / Commerce Cabinet

Notes: Agreed Order Dismissing as Settled and Awarding \$2,185.00 to Claimant.

Counsel's Recommendation: Enter Agreed Order of Dismissal and Award \$2,185.00. ✓

3C-2007-00862

Mary Lanier vs. Transportation / Transportation Cabinet

Notes: Agreed Order of Dismissal/Settlement filed.

Counsel's Recommendation: Enter Agreed Order of Dismissal and Award \$1,056.70. ✓

*forfeiture
obtained*

3C-2007-00879

Etta Lisby vs. UK Medical Center / University of Kentucky

Notes: Answer Admitting Liability and Recommending Award.

Counsel's Recommendation: Award Claimant \$1,951.77 (amount claimed). ✓

3C-2008-00092

Maryley Cunningham vs. Murray State University / Murray State University

Notes: Agreed Order of Dismissal/Settlement filed.

Counsel's Recommendation: Enter Agreed Order and Award \$2,089.85. ✓

Total number of Claims: 31