

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
March 19, 2009

Minutes Accepted

The Board of Claims received 126 new claims during the month of February, 2009. A total of 97 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed nine (9) claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 54 claims (under \$1000.00) in February, 2009. Thirty six (36) claims were dismissed and 18 claims were awarded, for a total amount awarded of \$7,028.79.

At its Board meeting on February 19, 2009, the Board dismissed 41 claims and awarded nine (9) claims totaling \$43,277.39. Together with the claims investigated in-house, the Board dismissed a total of 77 claims and awarded a total of 27 claims for a total amount awarded of \$50,306.18 in February, 2009.

For Instructions From the Board

BC-2008-00296

Julie Warning vs.

Notes: April 1, 2008 Order for More Information
September 9, 2008 Order to Comply or Show Cause

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

BC-2008-00306

Robert Campbell vs.

Notes: April 7, 2008 Order for More Information
September 9, 2008 Order to Comply or Show Cause

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

BC-2008-00310

Ronald Roth vs.

Notes: April 3, 2008 Order for More Information
September 9, 2008 Order to Comply or Show Cause

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

BC-2008-00324

Brenda Camp vs.

Notes: April 7, 2008 Order for More Information
September 9, 2008 Order to Comply or Show Cause

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

BC-2008-00347

Faidd Shaib vs.

Notes: April 22, 2009 Order for More Information
September 9, 2009 Order to Comply or Show Cause

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

BC-2008-00364

Andy Hilmer vs.

Notes: April 17, 2008 Order for More Information
September 9, 2008 Order to Comply or Show Cause

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

BC-2008-00382

Faye Jeffries vs.

Notes: April 18, 2008 Order for More Information
September 8, 2008 Order to Comply or Show Cause

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

BC-2008-00456

Jackie Robinson vs.

Notes: April 28, 2008 Order for More Information
September 9, 2008 Order to Comply or Show Cause

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

BC-2008-00479

Marvin Smith vs.

Notes: April 30, 2008 Order for More Information
September 8, 2008 Order to Comply or Show Cause

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

BC-2008-00489

Louise Gerard vs.

Notes: May 14, 2008 Order for More Information
September 8, 2008 Order to Comply or Show Cause

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

BC-2008-00521

Matt Nickell; Tessa Nickell vs.

Notes: May 14, 2008 Order for More Information
September 8, 2008 Order to Comply or Show Cause

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

BC-2008-00522

James Washington vs.

Notes: May 12, 2008 Order for More Information
September 8, 2008 Order to Comply or Show Cause

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

BC-2008-00530

Alvin Anderson vs.

Notes: September 18, 2008 Order for More Information
May 9, 2008 Order to Comply or Show Cause

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

BC-2008-00552

Misty Coffey vs.

Notes: May 29, 2008 Order for More Information
September 18, 2008 Order to Comply or Show Cause

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

BC-2008-00580

Benjamin Schreiber vs.

Notes: May 8, 2008 Order for More Information
September 18, 2008 Order to Comply or Show Cause

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

BC-2008-00592

Kathleen Zandona vs.

Notes: May 16, 2008 Order for More Information
September 18, 2008 Order to Comply or Show Cause

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

BC-2008-00593

Charles Neville vs.

Notes: May 28, 2008 Order for More Information
September 18, 2008 Order to Comply or Show Cause

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

BC-2008-00630

Eric Uhlenhuth vs.

Notes: May 23, 2008 Order for More Information
September 18, 2008 Order to Comply or Show Cause

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

BC-2008-00632

Joseph Ackerman vs.

Notes: May 23, 2008 Order for More Information
September 18, 2008 Order to Comply or Show Cause

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

BC-2008-00643

Arnold Blanton vs.

Notes: May 21, 2008 Order for More Information
September 18, 2008 Order to Comply or Show Cause

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

BC-2008-00992

Pelham Wilson vs.

Notes: September 29, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause
February 5, 2009 Letter for the Claimant requesting the claim to be Closed.

Counsel's Recommendation- Accept Order Dismissing Claim. ✓

BC-2008-01227

Derek Cox vs. Bell County Constable

Notes: Claim filed against Bell County. No Answer filed.

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction over county governments. ✓

BC-2009-00475

Pamela DeBlasio vs.

Notes: April 30, 2008 Order for More Information
September 8, 2008 Order to Comply or Show Cause

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

Full Board Review

BC-2008-00746

Mark Rountree vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 1/30/09 Board ordered dismissed
2/12/09 Claimant Requests FBR

*Motion to
Pass to 04/09
Docket
Reversed +
Awarded \$9000*

BC-2008-00777

William Padgett vs. UK Medical Center / University of Kentucky

Notes: 1/30/09 Board ordered dismissed.
2/12/09 Claimant's daughter Carolyn Wilkins called and wants to request a FBR on her father's behalf.
2/13/09 My FBR Memo to Claimant's daughter and Respondent, along with notes from our phone conversation.

BC-2008-00978

Nathan Moore vs. Justice and Public Safety Cabinet / Department of Corrections

*Uphold
Dismissal*

Notes: 2/20/09 Board dismissed claim.
2/27/09 Claimant requests a FBR.
3/05/09 FBR memo to Claimant and Respondent.

BC-2008-01042

Dennie McGuire vs. Department of Highways / Transportation

*Uphold
Dismissal*

Notes: 1/16/90 Board ordered dismissed
2/4/09 Claimant requests Full Bd. Review (\$500)

Motions

BC-2007-00478

Geneva Combs vs. University of Kentucky

Notes: Agreed Order of Voluntary Dismissal.

Counsel's Recommendation: Enter Final Order dismissing claim. ✓

BC-2008-00726

David Griggs vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss.

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

BC-2008-01095

John Glauber vs. Transportation Cabinet

Notes: Respondent's unopposed Motion for Summary Judgment.

Counsel's Recommendation: Enter Final Order sustaining Motion for Summary Judgment and dismiss claim. ✓

BC-2008-01111

Holly Rosser vs. Cabinet for Health and Family Services / Western State Hospital

Notes: Motion to Withdraw as Counsel filed by Claimant's attorney.

Counsel's Recommendation: Enter Order allowing Claimant's attorney to withdraw. ✓

BC-2008-01200

Ken Presley vs. Education Cabinet, Ky Department for Workforce Investment, Kentucky Office for the Blind, and Kentucky Business Enterprises

Notes: Respondent's Motion to Dismiss; Claimant's Motion to Hold in Abeyance filed in response to the Motion to Dismiss; and Respondent's Opposition to Motion to Hold in Abeyance.

Counsel's Recommendation: The Board has no authority over contract claims; thus, enter Final Order dismissing for lack of jurisdiction. ✓

BC-2008-01204

Larry Mann vs. Tourism, Arts and Heritage Cabinet / Dept. of Fish and Wildlife

Notes: Respondent's Answer and unopposed Motion to Dismiss.

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction over contractors. ✓

BC-2008-01235

Windstream CMR TPA vs. Transportation Cabinet / Department of Highways

Notes: Respondent's Answer and unopposed Motion to Dismiss.

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction over contractors. ✓

BC-2009-00015

Janice Henderson vs. Hardin Memorial Hospital; Hardin County

Notes: Respondent's Motion to Dismiss.

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

BC-2009-00036

Tonya Pezzarossi vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Overrule Motion to Dismiss and Assign claim to Hearing Officer Jan West. ✓

BC-2009-00045

Jenny Carey vs. University of Kentucky

Notes: Agreed Order Holding Claim in Abeyance pending the outcome of the parallel civil matter.

Counsel's Recommendation: Enter Agreed Order holding claim in abeyance. ✓

BC-2009-00053

Melinda Lamaster; Christa Burchett; Melinda Burchett; Clifford Burchett vs. Johnson County Sheriff's Department

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction over county governments. ✓

BC-2009-00062

Tim Tomeny vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction. ✓

BC-2009-00069

Michael Embree vs. Justice and Public Safety Cabinet / Department of Corrections; and Larue County Detention Center

Notes: Claim filed against a county government entity.

Counsel's Recommendation: Enter Final Order dismissing Larue County Detention Center from this claim. ✓

Recommended Order

BC-2004-00741

BellSouth Telecommunications, Inc. vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Settlement and Dismissal.

Counsel's Recommendation: Enter Final Order dismissing claim as settled, pursuant to the agreement of the parties. ✓

\$8000⁰⁰

BC-2006-00289

Nickie Robinson vs. Environmental and Public Protection Cabinet / Division of Forestry

Notes: Hearing Officer Darren Embry's Recommended Order denying the claim.

Counsel's Recommendation:

Adopt Recommended Order to Deny ✓

BC-2007-00448

Michael Cooley; Gail Cooley vs. Tourism, Arts & Heritage Cabinet / Kentucky Horse Park

Notes: Hearing Officer Braxton Crenshaw's Recommended Findings of Fact, Conclusions of Law and Recommended Order denying the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and render a Final Order denying the claim. ✓

BC-2007-00754

Davetta Davis vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding Claimant \$3,651.43 in damages.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and award Claimant \$3,651.43. ✓

BC-2007-00775

Robert Macklin vs. Cabinet for Health and Family Services

Notes: Agreed Order of Settlement filed, awarding Claimant \$3,400.00 in settlement of this claim.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimant \$3,400.00. ✓

BC-2008-00015

Julie Burgett vs. Tourism, Arts & Heritage Cabinet / Kentucky State Fair Board

Notes: Hearing Officer Jan West's Recommended Order denying the claim.

Counsel's Recommendation: Enter Final Order adopting the recommendation of the hearing officer and deny the claim. ✓

BC-2008-00151

Joshua Shepherd; Melanie Shepherd vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Todd Farmer's Recommended Order of Dismissal.

Counsel's Recommendation: Enter Final Order dismissing claim for failure to comply with the orders of the hearing officer. ✓

BC-2008-00250

Lesley Green vs. University of Kentucky Medical Center

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Final Order dismissing the claim as settled, pursuant to the agreement of the parties. ✓

\$130.00

BC-2008-00707

Jenna Garrett vs. Transportation Cabinet

Notes: Hearing Officer Charles Miller's Recommended Order of Dismissal.

Counsel's Recommendation: Enter Final Order dismissing claim for Claimant's lack of prosecution of same. ✓

BC-2008-00984

Randall Becknell; Wilma Becknell vs. Transportation Cabinet

Notes: Agreed Order of Dismissal awarding Claimants \$800.00 in settlement of this claim.

Counsel's Recommendation: Enter Agreed Order of Dismissal and award Claimants \$800.00. ✓

BC-2008-01058

Arthur Swint vs. Transportation Cabinet / Department of Highways

Notes: Agreed Settlement filed, awarding Claimant \$1,526.64 in settlement of this claim.

Counsel's Recommendation: Enter Final Order awarding Claimant \$1,526.64. ✓

BC-2008-01165

James Maupin vs. University of Kentucky Medical Center

Notes: Respondent's Answer agreeing to pay Claimant \$232.28 in settlement of this claim.

Counsel's Recommendation: Enter Final Order awarding Claimant \$232.28 in settlement of this claim. ✓

BC-2009-00120

AT and T Southeast Facilities vs. Transportation Cabinet

Notes: Notification from State Risk and Insurance Division that this claim was settled for the full amount claimed by Travelers Insurance.

Counsel's Recommendation: Enter Final Order dismissing claim as settled by Travelers Insurance. ✓

Total number of Claims: 53

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS**

*Addendum
March 19, 2009*

BC-2009-209

Vanessa Cox v. Louisville Metro Government

Claim filed against a county governmental entity.

Counsel's Recommendation: Enter Final Order dismissing claim for lack of jurisdiction, per *Commonwealth v. Harris*. ✓

BC-2008-935

Jimmy Banks v. Transportation Cabinet

Claim paid by State Risk & Insurance for amount claimed.

Counsel's Recommendation: Enter Final Order dismissing claim as paid. ✓
