

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

March 21, 2013

Ms. Cassidy out

The Board of Claims received 53 new claims during the month of February, 2013. A total of 49 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned two (2) claims for lack of jurisdiction.

Investigator Jackie Lynch decided 20 claims under \$1,000.00 in February, 2013. Jackie reports that 10 of these claims were denied and 10 were awarded, for a total amount awarded of \$3,264.68.

At its Board meeting on February 21, 2013, the Board dismissed 27 claims and awarded nine (9) claims totaling \$11,388.75. Together with the claims investigated in-house, the Board dismissed a total of 37 claims and awarded a total of 29 claims for a total amount awarded of \$14,653.43 in February, 2013.

At the February meeting, the Executive Director gave a report on the status of the mailings to the Board members: once all the kinks are worked out of the Crime Victims' Compensation Board e-mailings, the Board of Claims' meeting materials will also be e-mailed to the Board members. The goal is to have all meeting materials e-mailed to the Board members by the end of the year.

*Minutes Accepted
Paula Out*

For Instructions From the Board

BC-2010-00187

Vicki Marks vs. Ky. Community and Technical College System (KCTCS)

Notes: Agreed Order of Dismissal filed.

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

BC-2011-00156

Jeffrey Helton; Verla Helton vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$900.00 to the Claimants filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$900.00 to the Claimants as agreed by the parties. ✓

BC-2012-00032

Kelsey Powell vs. University of Kentucky

Notes: Agreed Order of Settlement for \$500.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$500.00 in settlement of this matter. ✓

BC-2012-00301

Nicole Jefferson vs. Finance and Administration Cabinet

Notes: Agreed Order awarding \$1,800.00 to the Claimant in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding \$1,800.00 to the Claimant as agreed by the parties. ✓

BC-2012-00513

George Reed vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed by the parties.

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

BC-2012-00540

Lisa Singleton vs. Commonwealth of Kentucky

Notes: March 21, 2013- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim ✓

BC-2012-00552

Karen Smith vs. University of Kentucky

Notes: March 21- 2013- Default Order
Counsel's Recommendation- Rule The Claimant in Default and Dismiss ✓

BC-2012-00553

William Hanshaw vs. University of Kentucky

Notes: March 21, 2013- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2012-00555

Ma-Dasha Duerson vs. University of Kentucky

Notes: March 21, 2013- Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2012-00556

Alexis LaPrelle vs. University of Kentucky

Notes: March 21, 2013- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2012-00571

Roy Lawless vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: March 21, 2013-Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2012-00572

Shenna Popplewell vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: March 21, 2013- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2012-00581

William Moses vs. Commonwealth of Kentucky

Notes: March 21, 2013- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

BC-2012-00590

Joe Livingston vs. Eastern Kentucky University

Notes: March 21, 2013- Default Order
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

BC-2013-00039

Gregg Holladay vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from Insurance Services Division that this claim was paid in full by the Commonwealth's Self-Insured Auto Program (KSAP).

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled. ✓

BC-2013-00096

Estate of Debra Whitehead vs. University of Kentucky

Notes: Agreed Order of Settlement awarding \$180,000.00 to the Claimant.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding \$180,000.00 to the Claimant as agreed to by the parties. ✓

Full Board Review

BC-2012-00324

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

Notes: 8/23/12 Board ordered dismissed
9/6/12 Claimant requests FBR (\$177.25)
10/17, 10/25-26 Numerous e-mails
11/13/12 Civil Summons
2/11/13 Franklin Circuit Court - Order dismissing
2/14/13 FBR Memo to Claimant and Respondent

*Uphold
original
dismissal*

BC-2012-00606

Michael Burgett vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 2/1/13 Board awarded \$217.25
2/21/13 Respondent requests FBR.
FBR Memo to Resp. and Claimant
On agenda for 3/21/13.

*Uphold
Original
award*

Motions

BC-2012-00594

Matthew Lykins vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Sustain the Respondent's Motion to Dismiss, thereby dismissing the claim with prejudice. ✓

BC-2012-00598

Darren Coffey vs. Cabinet for Health and Family Services and Administrative Office of The Courts

Notes: Both Respondents filed Motions to Dismiss, the Claimant filed responses thereto, and Respondent AOC filed a Reply to the Claimant's Response.

Counsel's Recommendation: Board attorney reviewing pleadings; recommendation forthcoming.

*Order parties to brief issues of off-sets +
FOI.*

BC-2013-00037

Bellsouth Telecommunications, Inc., d/b/a At and T Kentucky vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter an Order holding the claim in abeyance pending the outcome of the parallel federal admiralty case. ✓

Recommended Order

BC-2003-01060

Dean Wood, et al. vs. Administrative Office of The Courts

Exceptions Filed

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order awarding a total of \$185,747.44 between the seven (7) consolidated claims as follows:

- 03-1060 Dean Wood, \$28,225.65;
- 03-1061 John C. Wood, \$28,225.65;
- 03-1062 Dorothy Wood, \$28,225.65;
- 03-1063 Thelma Cornelius, \$28,225.65;
- 03-1064 Ann Perkins, \$28,225.65;
- 03-1065 Sandy W. Johnson, \$8,196.77
- 03-1066 Patricia W. Greene, \$8,196.77; and
- 03-1067 Harold Wood, \$28,225.65.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding a total of \$185,747.44 to the eight (8) Claimants as stated above. ✓

BC-2007-00049

Phillip Perkins; Andrew Perkins vs. Tourism, Arts & Heritage Cabinet / Department of Parks

(See 2/11/11 noted)

Notes: Hearing Officer Mike Wilson's Recommended Findings of Fact, Conclusions of Law and Recommended Order granting the Respondent's Motion for Summary Judgment and denying payment of the claim and the Claimant's Exceptions filed thereto.

Counsel's Recommendation: Reject the recommendation and remand the claim to Hearing Officer Wilson.

part of but accept recommendation to deny payment. That states that collateral estoppel applies.

BC-2010-00830

Amanda Hillman vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$10,351.31 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$10,351.31 to the Claimant. ✓

BC-2011-01051

Maxine Patterson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended 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-2012-00020

George Hammond; Connie Hammond vs. Transportation Cabinet / Dept. of Highways

Exceptions Filed

Notes: Hearing Officer Jan West'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-2012-00101

Charles Farmer vs. Ky. Community & Technical College System

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

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled. ✓

BC-2012-00146

Randy Cochran vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West'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-2012-00185

Petters Tucker vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Facts, 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-2012-00286

Nettie Coldwell vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order awarding \$100.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$100.00 to the Claimant. ✓

Total number of Claims: 30

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

March 21, 2013

BC-2012-00470

Dallas Bradford v. Tourism, Arts & Heritage Cabinet, Ky. State Fair Board

Agreed Order of Settlement and Dismissal awarding the Claimant \$390.21 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding \$390.21 to the Claimant. ✓

BC-2013-00034

Jeremy D. Young v. Transportation Cabinet, Dept. of Highways

Notification from State Risk & Insurance Services Division of the Finance and Administration Cabinet that the above-referenced claim was paid in full by the Ky. Self-Insured Auto Program (KSAP).

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

BC-12-00530

Margaret Ann Probus v. Transportation Cabinet, Dept. of Highways ✓

Agreed Order of Dismissal awarding \$1,100.00 to the Claimant in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding \$1,100.00 to the Claimant.
