

**COMMONWEALTH OF KENTUCKY**

**Board of Claims**

**Agenda**

**May 20, 2010**

*Adopted*

The Board of Claims received 65 new claims during the month of April, 2010. A total of 65 claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed five (5) claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 52 claims (under \$1,000.00) in April, 2010. Jackie reports that 39 claims were dismissed and 13 claims were awarded, for a total amount awarded of \$4,778.72.

At its Board meeting on April 15, 2010, the Board dismissed 21 claims and awarded seven (7) claims totaling \$25,027.22. Together with the claims investigated in-house, the Board dismissed a total of 60 claims and awarded a total of 20 claims for a total amount awarded of \$29,805.94 in April, 2010.

*Sullivan not present.*

**For Instructions From the Board**

BC-2007-00304

Jerry Lunsford vs. Transportation Cabinet

Notes: Agreed Order of Dismissal filed by the parties.

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

BC-2007-00473

Elizabeth Watkins vs. University of Kentucky Medical Center

Notes: Joint Motion of Dismissal and Settlement filed, awarding \$200,000.00 to Claimant.

Counsel's Recommendation: Enter Order of Settlement and Dismissal and award Claimant \$200,000.00 as agreed by the parties. ✓

BC-2008-00882

Jasey Beckman vs. Transportation Cabinet

Notes: Agreed Order of Dismissal filed by the parties.

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

BC-2008-01054

Ronald Ford vs. Tourism, Arts & Heritage Cabinet / Kentucky Horse Park

Notes: Agreed Order Dismissing as Settled filed.

Counsel's Recommendation: Enter the Agreed Order and award Claimant \$750.22 in settlement of this claim. ✓

BC-2009-00045

Jenny Carey vs. University of Kentucky Albert B. Chandler Hospital

Notes: Agreed Order of Dismissal filed by the parties.

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

BC-2009-00568

Boothfire and Safety, Inc. vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order and award \$1,000.00 to Claimant in settlement of this matter. ✓

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BC-2009-00588

Gregory Summers vs. Transportation Cabinet

Notes: Agreed Order of Dismissal tendered.

Counsel's Recommendation: Enter Agreed Order and dismiss the claim with prejudice at the request of the parties. ✓

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BC-2009-00606

Brenda Killion vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$1,561.57 as agreed to by the parties. ✓

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BC-2009-00643

Sidney Avery vs. Commonwealth of Kentucky

Notes: May 20, 2010- Default Order

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

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BC-2009-00693

Kimberly Walker vs. Transportation Cabinet / Department of Highways

Notes: May 20, 2010- Default Order

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

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BC-2009-00732

Sean Underwood vs. Justice and Public Safety Cabinet

Notes: May 20, 2010- Default Order

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

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BC-2009-00741

Robert Williams vs. Justice and Public Safety Cabinet

Notes: May 20, 2010- Default Order

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

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BC-2009-00743

Jerry Ball vs. Justice and Public Safety Cabinet

Notes: May 20, 2010- Default Order

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

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BC-2009-00769

LaShane Morris vs. Justice and Public Safety Cabinet

Notes: May 20, 2010- Default Order

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

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BC-2009-00855

Robert Caldwell vs. Transportation Cabinet / Department of Highways

Notes: May 20, 2010- Default Order

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

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BC-2009-00858

Debbie Osborne vs. Personnel Cabinet

Notes: May 20, 2010- Default Order

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

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BC-2009-00873

Wayne Meenach vs. Transportation Cabinet / Department of Highways

Notes: May 20, 2010- Default Order

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

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BC-2009-00884

Dwayne Sparks vs. Justice and Public Safety Cabinet

Notes: May 20, 2010- Default Order

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

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BC-2009-00911

Virginia Carnes vs. Transportation Cabinet / Department of Highways

Notes: May 20, 2010- Default Order

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

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BC-2009-00919

William Lancaster; Sherri Lancaster vs. University of Kentucky

Notes: May 20, 2010- Default Order

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

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BC-2009-00932

Ridge Willson vs. University of Kentucky

Notes: May 20, 2010- Default Order

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

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BC-2009-00948

Shelley VanWinkle vs. University of Kentucky

Notes: May 20, 2010- Default Order

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

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BC-2009-00955

Christopher Schoner vs. Justice and Public Safety Cabinet

Notes: May 20, 2010- Default Order

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

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BC-2009-00996

Daniel Caudill vs. University of Kentucky

Notes: June 20, 2010-Default Order

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

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BC-2009-01021

Greg Reed vs. Justice and Public Safety Cabinet

Notes: May 20, 2010- Default Order

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

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BC-2010-00217

Pamela Jackson vs. Western Kentucky University

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter Final Order accepting the agreement of the parties to award Claimant \$3,379.10. ✓

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BC-2010-00249

University of Kentucky, d/b/a University Press of Kentucky vs. Tourism, Arts & Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's offer of settlement of \$883.35 and Claimant's acceptance thereof.

Counsel's Recommendation: Enter a Final Order awarding Claimant \$883.35 in settlement of this claim. ✓

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**Full Board Review**

BC-2009-00870

Samuel Graves vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 4/9/10 Board ordered dismissed

4/27/10 Claimant's letter taken as FBR. Claims didn't get copy of FOF (sent copy with FBR memo. (\$530.60).

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*Upheld  
Dismissal*

BC-2009-00935

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

Notes: 4/7/10 Board ordered dismissed.

4/19/10 Claimant requests FBR (\$268.85)

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BC-2009-00977  
Curtis Mayes vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 3/30/10 Board ordered dismissed  
4/13/10 Claimant requests FBR (\$254.79)

*Uphold  
Dismissal*

BC-2009-00990  
Johnny Price vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 4/09/10 Board dismissed claim  
4/22/10 Claimant request FBR (\$407.47)

*H*

BC-2009-01008  
Jared Hart vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 3/29/10 Board ordered dismissed  
4/8/10 Claimant requests FBR

*H*

BC-2009-01012  
Rosalind Pulce vs. University of Kentucky

Notes: 3/31/10 Board ordered dismissed  
4/13/10 Claimant requests FBR

*H*

BC-2009-01016  
Mary Conner vs. Transportation Cabinet / Department of Highways

Notes: 3/15/10 Board dismissed claim.  
4/27/10 Claimant requests FBR (\$655.92) ✓

*Reverse +  
Award*

BC-2009-01027  
Rakan Elsalem vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 4/07/10 Board ordered dismissed  
4/14/10 Claimant requests FBR (\$821.64)

*Uphold  
Dismissal*

BC-2010-00005  
Kevin Wilson vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 3/25/10 Board ordered dismissed  
4/9/10 Claimant requests FBR

*H*

BC-2010-00008  
Willie Underwood vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 4/7/10 Board ordered dismissed  
4/21/10 Claimant requests FBR (\$366.19)

*H*

BC-2010-00023  
Violet George vs. Transportation Cabinet / Department of Highways

Notes: 3/25/10 Board dismissed claim  
4/8/10 Claimant requests FBR

*\$155.78 ✓*

*Reverse +  
Award*

BC-2010-00093

Phillip Anderson vs. Transportation Cabinet / Department of Highways

*Reverse & Award*

Notes: 4/23/10 Board dismissed claim. ✓  
4/28/10 Claimant requests FBR (\$250.00) ✓

BC-2010-00094

Jacob Wiseman vs. Justice and Public Safety Cabinet / Dept. of Corrections

~~Reverse~~  
*Amend Original decision & award*

Notes: 4/23/10 Board denied claim ✓  
4/26/10 Claimant requests FBR (\$341.60) ✓

**Motions**

BC-2010-00039

Jerri Jackson vs. Transportation Cabinet

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

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

BC-2010-00171

David Kempfer vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Overrule Respondent's Motion to Dismiss and assign claim to a hearing officer in the 2010-2011 Fiscal Year. ✓

BC-2010-00174

Bruce Collins vs. Justice and Public Safety Cabinet / Department of Corrections

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

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

BC-2010-00216

Connie Marshall vs. Justice and Public Safety Cabinet / Ky. State Police; Governor's Office; and Attorney's General Office

Notes: Motions to Dismiss filed by all three (3) Respondents. Claimant filed responses to all three (3) Motions to Dismiss.

Counsel's Recommendation: Enter Final Order dismissing the claim against all three (3) Respondents for failure to state a claim upon which relief can be granted. ✓

**Recommended Order**

BC-1988-00917

Deborah Cole (now Turner), Individually and on behalf of Justin Cole and Sharon McQueen vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommended Order awarding damages totalling \$33,388.06 to Claimants. Briefs on damages filed by the parties pursuant to the Board's Order of 4/15/10. ✓

Counsel's Recommendation: Forthcoming at the Board meeting. *Amend RO to offset any recovery.*

BC-2003-00284

Afshin Sazegari vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Recommended Order dismissing the claim with prejudice for the Claimant's failure to prosecute.

Counsel's Recommendation: Adopt the recommendation to enter a Final Order dismissing the claim with prejudice. ✓

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BC-2005-00954

Laura Dishon vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$200,000.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer to enter a Final Order awarding \$200,000.00 to the Claimant. ✓

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BC-2006-00301

Marcella Coomer vs. Cabinet for Health and Family Services

Notes: Hearing Officer Braxton Crenshaw's Recommended Opinion and Order granting the Respondent's Motion to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer to enter a Final Order granting the Motion to Dismiss. ✓

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BC-2008-00828

Jeletta Barnes vs. Transportation Cabinet

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer to enter a Final Order denying payment of the claim. ✓

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BC-2008-01000

Sean Bardes vs. Eastern Kentucky University

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

Counsel's Recommendation: Adopt the recommendation to enter a Final Order dismissing the claim at the Claimant's request. ✓

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BC-2009-00249

Dillard Stanley vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Darren Embry's Recommended Order dismissing the claim with prejudice.

Counsel's Recommendation: Adopt the recommendation of the hearing officer to enter a Final Order dismissing the claim with prejudice. ✓

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BC-2009-00519

Franchesca Sublett vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim for failure to comply with the orders of the hearing officer.

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

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BC-2009-00634

Sally Baker vs. Energy & Environmental Cabinet / Dept. for Natural Resources / Division of Forestry

Notes: Hearing Officer Darren Embry's Recommended Order awarding \$5,850.00 to Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer to award Claimant \$5,850.00. ✓

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BC-2009-00921

Valerie Mills vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim for failure to comply with the orders of the hearing officer.

Counsel's Recommendation: Adopt the recommendation of the hearing officer to dismiss the claim with prejudice. ✓

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Total number of Claims: 54



**COMMONWEALTH OF KENTUCKY**  
**BOARD OF CLAIMS**  
*Addendum*  
*May 20, 2010*

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**BC-10-325**

Bellsouth Telecommunications, Inc., d/b/a AT&T Kentucky v. Transportation Cabinet,  
Department of Highways

Notification from State Risk and Insurance Services Division that the  
Respondent's liability insurance carrier settled this matter for the amount claimed.

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

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