

COMMONWEALTH OF KENTUCKY  
Board of Claims  
Agenda  
May 15, 2014

*Sullivan out  
minutes accepted*

---

The Board of Claims received 99 new claims during the month of April, 2014. A total of 118 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that five (5) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 54 claims under \$1,000.00 in April, 2014. Jackie reports that 28 of these claims were denied and 26 were awarded, for a total amount awarded of \$8,782.87.

At its Board meeting on April 17, 2014, the Board dismissed 18 claims and awarded four (4) claims totaling \$24,439.36. Together with the claims investigated in-house, the Board dismissed a total of 46 claims and awarded a total of 30 claims for a total amount awarded of \$33,222.23 in April, 2014.

---

**For Instructions From the Board**

BC-2008-01195

Estate of Glenn Johnson, Jr. vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding \$65,000.00 to the Claimant Estate.

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

---

BC-2008-01196

Estate of Sevin Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding \$50,000.00 to the Claimant Estate.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant Estate \$50,000.00. ✓

---

BC-2008-01197

Estate of Mya Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding \$50,000.00 to the Claimant.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$50,000.00. ✓

---

BC-2008-01198

Estate of McKinzye Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding \$50,000.00 to the Claimant.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$50,000.00. ✓

---

BC-2008-01199

Estate of Glenna Johnson vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order dismissing the claim with prejudice filed.

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

---

BC-2013-00617

Loretta Alessandro vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding \$500.00 to the Claimant. ✓

BC-2013-00640

Linnea Ramsey vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$850.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$850.00 to the Claimant in settlement of this matter. ✓

**Full Board Review**

BC-2013-00480

Cheryl Roe vs. Transportation Cabinet and Justice and Public Safety Cabinet

Notes: 12/18/13 Board ordered dismissed  
 1/09/14 Claimant left phone message. 931-239-8954 not good no.  
 1/10/14 Letter to Claimant after receiving phone message and didn't have a working phone number  
 2/10/14 Claimant called and left message that she has been very ill and in hospital.  
 2/11/14 I called her at 931-551-1111. Left message.  
 3/4/14 I called and reached her at 1:57. Still wanted a FBR.  
 4/7/14 Received a letter dated March 25, 2014, asking for FBR.

*Upheld original dismissal*

BC-2013-00607

Dawony Coleman vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/29/14 Board ordered dismissed  
 2/10/14 Claimant requests FBR (\$153.73)  
 3/18/14 Requests FBR but to be held over until April, so he can provide more evidence.

||

BC-2014-00059

Jean Graves vs. Transportation Cabinet / Dept. of Highways

Notes: 4/18/14 Board ordered dismissed  
 4/23/14 Claimant request FBR.  
 4/24/14 FBR Memo

||

**Motions**

BC-2013-00058

Poplar Brook Development, LLC. vs. Uninsured Employers' Fund

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

Counsel's Recommendation: Forthcoming at meeting.

*Briefs in 30 days*

*Slander of Title is not negligence, per Gurn*

BC-2013-00450

Samuel Gaddie vs. Justice and Public Safety Cabinet; Cabinet for Health and Family Services; and Office of the Attorney General

Notes: Motions to Dismiss filed by each Respondent; no responses filed by the Claimant.

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

BC-2013-00632

Melissa Simmons vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Claimant's Voluntary Motion to Dismiss.

Counsel's Recommendation: Enter an Order dismissing the claim without prejudice as requested by the Claimant. ✓

---

BC-2014-00031

Ronald Curtis vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 44.073(15). ✓

---

BC-2014-00032

Mark Crossland vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 44.073(15). ✓

---

BC-2014-00104

Dana Davis vs. Kenton Commonwealth Attorney, Rob Sanders

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order dismissing the damage claims for mental anguish and/or loss of reputation and assign the remaining claim to Hearing Officer Jan West for further proceedings. ✓

---

BC-2014-00110

John Morrison vs. Finance and Administration Cabinet / Division of Fleet Management;  
Transportation Cabinet / Dept. of Highways; and Cabinet for Health and Family Services

Notes: Motions to Dismiss filed by Respondents Finance and Administration Cabinet and Transportation Cabinet and the Claimant's responses; notification of submittal to the Commonwealth's Self-Insured Auto Program for possible coverage.

Counsel's Recommendation: Overrule the motion as premature at this point and assign the claim to Hearing Officer Jan West to oversee discovery. ✓

---

BC-2014-00121

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

Notes: Respondent's unopposed Motion to Dismiss.

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

---

BC-2014-00159

Glema Thomas vs. Administrative Office of the Courts / Pike Co. Master Commissioner

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order dismissing the claim as time-barred pursuant to KRS 44.110(1). ✓

---

### **Recommended Order**

BC-2010-00452

Charles Wright vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Recommended Findings of Fact, Conclusions of Law and 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. ✓

---

Total number of Claims: 20

**COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS  
*Addendum***

*May 15, 2014*

---

**BC-2012-182**

Estate of Debra Jean Brock v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal awarding \$20,000.00 to the Claimant Estate.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant Estate \$20,000.00 in settlement of this matter. ✓

---

**BC-2014-321**

Pedro Rios v. Transportation Cabinet, Dept. of Highways

Answer withdrawing the Motion for More Definite Statement and agreeing to pay the full amount claimed to the Claimant.

Counsel's Recommendation: Enter an Order vacating the Board's Order of May 13, 2014 and awarding \$2,156.12 to the Claimant. ✓

---