

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

May 21, 2015

Minutes Approved

The Board of Claims received 171 new claims during the month of April, 2015. Paula reports that a total of 153 claims were set up and seven (7) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 65 claims under \$1,000.00 in April, 2015. Jackie reports that 39 of these claims were denied and 26 were awarded, for a total amount awarded of \$8,228.95.

At its Board meeting on April 16, 2015, the Board dismissed 12 claims and awarded three (3) claims totaling \$204,817.17. Together with the claims investigated in-house, the Board dismissed a total of 51 claims and awarded a total of 29 claims for a total amount awarded of \$213,046.12 in April, 2015.

For Instructions From the Board

BC-2008-00558

Estate of Peggy Branham vs. University of Kentucky

Notes: Agreed Order of Dismissal filed.

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

BC-2014-00730

Ryan Anglin vs. University of Kentucky

Notes: Agreed Order of Settlement awarding the Claimant \$6,005.87.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$6,005.87 in settlement of this matter. ✓

BC-2014-00800

Ann Nebraski vs. University of Kentucky

Notes: Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim without prejudice. ✓

BC-2015-00083

Bracken County Water District vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from the State Risk & Insurance Services Division of the Finance & Administration Cabinet that this claim was paid in full by the Commonwealth's liability insurance.

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

BC-2015-00086

Patty McCoy vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$1,000.00 filed.

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

BC-2015-00131

Heather Bargo vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$1,548.00 filed. ✓

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$1,548.00 in settlement of this matter.

Full Board Review

BC-2014-00798

Jeffrey Carpenter vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 1/22/15 Board ordered dismissed
2/3/15 Claimant requests FBR. On agenda for 2/19/15
2/26/15 Final Order - reversing and asking Claimant for info
3/24/15 Board Order - dismissing for failing to provide info.
4/3/15 Claimant requests FBR on Order entered on 3/24/15
4/8/15 FBR Memo to CI and Resp. On agenda for 5/21/15

*award 1/2 of
claimed amount
\$212.50*

BC-2014-00804

Brian Wefensette vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 2/16/15 Board ordered dismissed
2/26/15 Claimant requests FBR. Copy to Resp.
3/4/15 FBR Memo to Cl. and Resp. On agenda for 3/19/15
3/20/15 FBR Memo to Cl and Resp. HELD OVER TIL 4/16/15
4/16/15 FBR Memo to Cl. and Resp. HELD OVER TIL 5/21/15

Held over

BC-2014-00816

David Hommel vs. Tourism, Arts and Heritage / Dept. of Parks

Notes: 4/14/15 Claimant wants FBR (\$500). Letter to follow.
5/1/15 FBR Memo to CL. and Resp.

*Denied -
upheld.
dismissal*

Motions

BC-2013-00437

Jeffrey Peppin vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal for failure to prosecute. ✓

BC-2014-00708

Lou Raby; Sid Raby vs. Franklin Simpson Board of Education

Notes: Claimant's Memorandum of Law in support of its Motion to Amend, Vacate or Otherwise Correct the Board's Order of December 18, 2014 dismissing the claim against the Respondent's individual employees.

Counsel's Recommendation: Overrule the Claimant's Motion to Amend Vacate or Otherwise Correct the Board's 12/18/14 Order. ✓

BC-2014-00807

Estate of Johnny K. Maynard by and through Amy Maynard, Administratrix vs. Justice and Public Safety Cabinet / Ky. State Police

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

Counsel's Recommendation: Enter an Order holding the claim in abeyance pending the resolution of the Lawrence Circuit Court matter. ✓

BC-2015-00056

Chad Miller vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order Overruling the Respondent's Motion to Dismiss pursuant to KRS 446.030 and KRCP 6.01. ✓

Recommended Order

BC-2014-00114

Joseph Rishkofski vs. Justice and Public Safety Cabinet / Kentucky State Police

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice and thanksgiving. ✓

BC-2014-00530

Kevin Ruschman vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim for failure to prosecute. ✓

BC-2014-00598

Barbara Frank vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$1,196.00. ✓

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$1,196.00 in damages. ✓

BC-2014-00706

James Lang vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss for Lack of Subject Matter Jurisdiction.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim for lack of subject matter jurisdiction. ✓

Total number of Claims: 17

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

May 21, 2015

BC-2013-00384

Debra Hunt v. Transportation Cabinet

Notice of Voluntary Dismissal of Claim filed.

Counsel's Recommendation: Enter an Order dismissing the claim as requested by the Claimant. ✓

BC-2015-00093

Joseph Hutson v. Dept. of Public Advocacy

Agreed Order for extension of time to file a response to the pending Motion to Dismiss.

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

BC-2015-00239

Roy W. Brothers v. Finance and Administration Cabinet

Agreed Order Granting Response Extension.

Counsel's Recommendation: Enter the Agreed Order extending the Respondent's response deadline as agreed to by the parties. ✓

BC-2014-00610

Susannah Webb v. Transportation Cabinet / Dept. of Highways

Agreed Order of Dismissal filed.

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

BC-2014-00650

Ray and Sue Jones v. Transportation Cabinet / Dept. of Highways

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimants \$1,000.00 in settlement of their claim. ✓
