

COMMONWEALTH OF KENTUCKY  
Board of Claims  
Agenda  
November 18, 2010

Minutes  
Accepted

The Board of Claims received 61 new claims during the month of October, 2010. A total of 55 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned one (1) subrogation claim for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 34 claims (under \$1,000.00) in October, 2010. Jackie reports that 26 claims were dismissed and 8 claims were awarded, for a total amount awarded of \$3,105.12.

At its Board meeting on October 21, 2010, the Board dismissed 23 claims and awarded nine (9) claims totaling \$26,679.17. Together with the claims investigated in-house, the Board dismissed a total of 49 claims and awarded a total of 17 claims for a total amount awarded of \$29,784.29 in October, 2010.

**For Instructions From the Board**

BC-2009-00250

Amber Adams; Melinda Adams vs. Knox County Board of Education, et al.

Notes: Agreed Order of Dismissal submitted by Hearing Officer Braxton Crenshaw. ✓

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

BC-2009-00670

Maxwell Gilpin; Glenna Crockett vs. Jefferson County Board of Education

Notes: Agreed Order of Dismissal filed. ✓

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

BC-2010-00100

Robert Johnson vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Dismissal filed by the parties. ✓

Counsel's Recommendation: Enter the Agreed Order, awarding Claimant \$1,000.00 and dismissing the claim with prejudice. ✓

BC-2010-00287

John Angelus vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Dismissal filed by the parties. ✓

Counsel's Recommendation: Enter the Agreed Order awarding an \$800.00 settlement to the Claimant. ✓

BC-2010-00355

Amy Hickman vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order of Dismissal recommended by Hearing Officer Jan West. ✓

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

BC-2010-00363

Kenneth Lynn vs. Commonwealth of Kentucky

Notes: November 18, 2010- Default Order

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

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BC-2010-00382

Shawn Curry vs. Transportation Cabinet / Department of Highways

Notes: November 18, 2010- Default Order

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

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BC-2010-00385

Donald Watts vs. Transportation Cabinet / Department of Highways

Notes: November 18, 2010- Default Order

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

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BC-2010-00450

Bertie Skeels vs. Transportation Cabinet / Department of Highways

Notes: November 18, 2010- Default Order

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

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BC-2010-00462

Katherine Wright vs. Commonwealth of Kentucky

Notes: November 18, 2010- Default Order

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

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BC-2010-00477

Lawanna Kennard vs. Commonwealth of Kentucky

Notes: November 18, 2010- Default Order

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

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BC-2010-00497

Donnie Dunn vs. Transportation Cabinet / Department of Highways

Notes: November 18, 2010- Default Order

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

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BC-2010-00499

Leisa Logsdon vs. Transportation Cabinet / Department of Highways

Notes: November 18, 2010- Default Order

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

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BC-2010-00507

Jessie Curtsinger vs. Commonwealth of Kentucky

Notes: November 18, 2010- Default Order

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

BC-2010-00508

Jamaal Shelton vs. Transportation Cabinet / Department of Highways

Notes: November 28, 2010- Default Order

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

BC-2010-00512

Robert Johnson vs. Transportation Cabinet / Department of Highways

Notes: November 18, 2010- Default Order

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

BC-2010-00689

Robert Aguirre vs. Western Kentucky University

Notes: Agreed Order awarding \$4,975.00 filed.

Counsel's Recommendation: Enter Agreed Order awarding Claimant \$4,975.00 and dismissing the claim with prejudice. ✓

**Full Board Review**

BC-2010-00614

Shirley Watson vs. Transportation Cabinet / Department of Highways

Notes: 10/15/10 Board ordered dismissed  
10/28/10 Claimant requests FBR (\$221.21)

*Uphold Original Dismissal*

**Motions**

BC-2010-00413

Steven Wayne vs. Transportation Cabinet / Department of Highways

Notes: Respondent's Motion to Reconsider Motion to Dismiss.

Counsel's Recommendation: ~~Overrule~~ *System overrule* the Motion to Reconsider, consolidate with Claim No. BC-10-445, and remand claim to Hearing Officer Jan West for further proceedings. ✓

BC-2010-00445

Irene Karp vs. Transportation Cabinet / Department of Highways

Notes: Respondent's Motion to Reconsider Motion to Dismiss.

Counsel's Recommendation: ~~Overrule~~ *System overrule* the Motion to Reconsider, consolidate with Claim No. BC-10-413, and reassign claim to Hearing Officer Jan West for further proceedings. ✓

BC-2010-00574

Jason Mullikin vs. Justice and Public Safety Cabinet / Department of Corrections and Jeffrey R. Burton

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

Counsel's Recommendation: Dismiss the claim for lack of jurisdiction over county agencies, pursuant to Commonwealth v. Harris. ✓

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BC-2010-00589

Mohammed Haque vs. Transportation Cabinet

Notes: Respondent's Motion to Dismiss, Claimant's response filed thereto, and Respondent's Notice of Filing of Contract pursuant to the Order of the Board.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Jan West for discovery on the alleged independent acts of negligence on the part of the Commonwealth. ✓

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BC-2010-00600

Durenda Howard, next friend of Angelina Rusher vs. Corbin Independent School District and Corbin Independent Board of Education

Notes: Respondent's Motion to Dismiss, Claimant's Response to Motion to Dismiss and Respondent's Reply in Support of Motion to Dismiss.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer William Rudloff for further proceedings. ✓

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BC-2010-00647

Sharon Hall vs. Justice and Public Safety Cabinet / Department of Corrections

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

Counsel's Recommendation: Enter a Final Order dismissing the claim for lack of jurisdiction over independent contractors of the Commonwealth, pursuant to KRS 44.073(15). ✓

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### **Recommended Order**

BC-2005-00565

Jody Lundberg vs. Transportation Cabinet / Department of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice as paid from collateral sources. ✓

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BC-2005-00570

Mikaela Lundberg, by and through Jody Lundberg vs. Transportation Cabinet / Department of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice as paid by collateral sources. ✓

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BC-2005-00996

Caretenders of New Jersey, Inc. vs. Transportation Cabinet

Notes: Hearing Officer William Rudloff's Recommended Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

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

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*Exceptions filed*

BC-2008-00800

Austin McNeil; Christal Dawson vs. Johnson County Board of Education

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

Counsel's Recommendation: Enter Final Order dismissing the claim with prejudice as settled by the parties. ✓

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BC-2009-00189

Julia Lewis 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 finding liability on the part of the Respondent in this bifurcated claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer regarding liability and remand for a hearing on damages. ✓

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BC-2009-00381

Megan Bellamy vs. Eastern Kentucky University

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

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

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BC-2009-00631

Dennis Kramer vs. Transportation Cabinet / Department of Highways

*Exceptions Filed*

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding Claimant \$1,884.00 in damages.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and award \$1,884.00 to Claimant. ✓

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BC-2009-00638

Lora Kelley vs. Ky. Community and Technical College System

Notes: Hearing Officer Jan West's Opinion and Recommended Order denying the Respondent's Motion for Default Judgment.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and overrule the Respondent's Motion for Default Judgment. ✓

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BC-2009-00782

L and L Body Shop vs. Transportation Cabinet / Department of Highways

Notes: Hearing Officer William Rudloff'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 and dismiss the claim with prejudice. ✓

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BC-2009-00853

Monty Reynolds 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 denying the claim.

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

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BC-2009-00938

Corinne Wiley vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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

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

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BC-2010-00017

Christopher Ross vs. Transportation Cabinet / Department of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice at the request of the Claimant. ✓

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BC-2010-00022

Travise Wilson vs. Transportation Cabinet / Department of Highways

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice at the Claimant's request. ✓

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BC-2010-00075

Michael Riddle vs. Transportation Cabinet / Department of Highways

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

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

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Total number of Claims: 38

**COMMONWEALTH OF KENTUCKY**  
**BOARD OF CLAIMS**  
*Addendum*  
*November 18, 2010*

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**BC-2008-1240**

Estate of Shawna McCreary v. Transportation Cabinet, Dept. of Highways

Agreed Order awarding \$25,000.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order and award the Claimant accordingly. ✓

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**BC-2009-205**

Stuart Wright, Sr. v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal filed.

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

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**BC-2010-503**

George Smith v. Transportation Cabinet, Dept. of Highways

Agreed Order of Settlement and Dismissal filed.

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

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**BC-2010-592**

Don Sullivan v. Transportation Cabinet, Dept. of Highways

Agreed Order of Settlement and Dismissal filed.

Counsel's Recommendation: Enter a Agreed Order and award Claimant \$750.00 in settlement of this claim. ✓

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**BC-10-630**

Rebecca J. Gooch v. Transportation Cabinet, Dept. of Highways

Joint Motion for Approval of Settlement Agreement

Counsel's Recommendation: Enter a Final Order awarding \$2,000.00 to the Claimant as stipulated in the Settlement Agreement between the parties. ✓

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**BC-2010-666**

Josh Strong v. Transportation Cabinet, Dept. of Highways

Notification from State Risk & Insurance Services Division that the claim was paid by the Commonwealth's liability insurance carrier.

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

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