

**COMMONWEALTH OF KENTUCKY**  
**Board of Claims**  
**Agenda**  
**November 15, 2012**

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The Board of Claims received 56 new claims during the month of October, 2012. A total of 55 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned one (1) claim for lack of jurisdiction.

Investigator Jackie Lynch decided 31 claims under \$1,000.00 in October, 2012. Jackie reports that 21 of these claims were denied and 10 were awarded, for a total amount awarded of \$3,287.18.

At its Board meeting on October 18, 2012, the Board dismissed 16 claims and awarded 10 claims totaling \$323,381.23. Together with the claims investigated in-house, the Board dismissed a total of 37 claims and awarded a total of 20 claims for a total amount awarded of \$326,668.41 in October, 2012.

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**For Instructions From the Board**

BC-2011-01070

LeAnne Grubbs vs. Transportation Cabinet / Department of Highways

Notes: Agreed Order awarding \$800.00 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$800.00 in settlement of this claim. ✓

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BC-2012-00086

Dianna Wellhausen vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Agreed Order awarding \$1,065.34 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$1,065.34 to the Claimant in settlement of this matter. ✓

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BC-2012-00278

Bryant McGuire vs. Commonwealth of Kentucky

Notes: November 15th, 2012- Default Order

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

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BC-2012-00332

Belinda Broton vs. University of Kentucky

Notes: November 15th, 2012- Default Order

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

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BC-2012-00346

Jordan Green vs. Justice and Public Safety Cabinet

Notes: November 15th, 2012- Default Order

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

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BC-2012-00425

Janet Cravens vs. Commonwealth of Kentucky

Notes: November 15th, 2012- Default Order

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

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BC-2012-00483

Gregory Davis vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding \$1,314.47 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding \$1,314.47 to the Claimant. ✓

BC-2012-00485

Lyndell Hatmaker vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Settlement awarding \$2,423.45 to the Claimant filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding \$2,423.45 to the Claimant. ✓

BC-2012-00500

Florence Arnold vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter a Final Order awarding \$1,048.00 to the Claimant in settlement of this matter. ✓

**Full Board Review**

BC-2012-00324

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

*Pass to next mtg.*

Notes: 8/23/12 Board ordered dismissed  
9/6/12 Claimant requests FBR (\$177.25)  
10/5/12 Held over until November agenda

BC-2012-00380

Michael Flynn vs. Transportation Cabinet / Dept. of Highways

*11*

Notes: 10/9/12 Board ordered dismissed  
10/15/12 Claimant requests FBR (\$280.20)

BC-2012-00413

Michael Ard vs. Justice and Public Safety Cabinet

*Uphold original dismissal*

Notes: 10/24/12 Board ordered dismissed  
10/31/12 Claimant requests FBR (\$294)

**Motions**

BC-2012-00336

David Hartline; Judy Hartline vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss and Withdrawal of Part of Motion to Dismiss and the Claimants' response filed thereto.

Counsel's Recommendation: Overrule the Motion to Dismiss, offset the amount claimed by the amount received by insurance, reducing said amount to the Claimants' insurance deductible pursuant to KRS 44.070(1), and assign the claim to the Board's investigator for a determination. ✓

BC-2012-00390

Charles Romans vs. Administrative Office of The Courts

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

Counsel's Recommendation: Enter a Final Order dismissing the claim for lack of jurisdiction over county entities. ✓

BC-2012-00396

Ronald Sattenberg vs. University of Louisville

Notes: Respondent's Answer and Motion to Dismiss and Claimant's Motion to Hold in Abeyance.

Counsel's Recommendation: Enter an Order holding the claim in abeyance pending the outcome of the Jefferson Circuit Court action filed by the Claimant against the Respondent. ✓

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BC-2012-00427

Marie Monk vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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

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

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BC-2012-00452

Bryan Collins vs. University of Kentucky

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

Counsel's Recommendation: Enter a Final Order dismissing the claim for failure to file within one year from the time for relief accrued, pursuant to KRS 44.110(1). ✓

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BC-2012-00477

Holly L. Busby vs. Transportation Cabinet / Dept. of Highways

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

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

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### **Recommended Order**

BC-2011-00612

Dorothy Carter vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mile Wilson's Recommended Findings of Fact, Conclusions of Law and Recommended Order granting Respondent's Motion for Summary Judgment.

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

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BC-2011-00926

McKenzy Bell 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 dismissing the claim with prejudice. ✓

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BC-2012-00008

Michael Johnson vs. Transportation Cabinet / Dept. of Highways

*Amend award to \$1000 ✓*

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$1,500.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$1,500.00.

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BC-2012-00302

Chris Eaton vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Opinion and Recommended Order dismissing the claim with prejudice as a default.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim with prejudice for the Claimant's failure to abide by the orders of this tribunal. ✓

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Total number of Claims: 22

COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS  
*Addendum*

*November 15, 2012*

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**BC-2012-235**

Elizabeth Jennings v. Finance and Administration Cabinet

Agreed Order filed awarding the Claimant \$4,537.69 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$4,537.69 as agreed to by the parties. ✓

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**BC-2012-385**

Terry Hamilton v. Transportation Cabinet, Dept. of Highways

Claimant's correspondence filed in response to the Respondent's offer to pay \$1,378.13 in settlement herein.

Counsel's Recommendation: Enter an Order awarding \$1,378.13 in settlement of this matter. ✓

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**BC-12-466**

Ronna Carmicle, Parent and Next Friend of Bradley Carmicle v. Casey Co. Board of Education, et al.

Agreed Order holding claim in abeyance pursuant to *Nelson Co. Board of Education v. Forte*, 337 S.W.3d 617 (Ky., 2011).

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

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**BC-2012-523**

Michael and Crystal Brewer v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding \$2,094.39 to the Claimants in settlement of this matter. ✓

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**BC-2012-535**

Jackie Briley v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Respondent's Answer recommending payment of the full amount claimed.

Counsel's Recommendation: Enter an Order awarding \$1,332.98 to the Claimant in settlement of this matter. ✓

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