

**COMMONWEALTH OF KENTUCKY**

**Board of Claims**

**Agenda**

**November 21, 2013**

*Minutes Accepted*

The Board of Claims received 52 new claims during the month of October, 2013. A total of 44 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that one claim was dismissed for lack of jurisdiction.

Investigator Jackie Lynch decided 40 claims under \$1,000.00 in October, 2013. Jackie reports that 35 of these claims were denied and five (5) were awarded, for a total amount awarded of \$1,312.28.

At its Board meeting on October 17, 2013, the Board dismissed eight (8) claims and awarded five (5) claims totaling \$18,200.00. Together with the claims investigated in-house, the Board dismissed a total of 43 claims and awarded a total of 10 claims for a total amount awarded of \$19,512.28 in October, 2013.

**For Instructions From the Board**

BC-2007-00846

Shail Jain and Mahender Jain v. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$5,000.00 to the Claimants filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$5,000.00 to the Claimants in settlement of this matter. ✓

BC-2009-00492

Misty Slater vs. Justice and Public Safety Cabinet / Department of Corrections

Notes: Status Report from the Claimant indicating that the claim was settled in Oldham Circuit Court.

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

BC-2009-00650

Ina Risner and Aaron Risner vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$2,500.00 to the Claimants filed.

Counsel's Recommendation: Enter the Agreed Order awarding \$2,500.00 to the Claimants in settlement of this matter. ✓

BC-2011-00582

Estevao Lima vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Notice of Voluntary Dismissal.

Counsel's Recommendation: Enter an Order dismissing the claim at the Claimant's request. ✓

BC-2012-00361

Sondra Lawrence vs. University of Kentucky

Notes: November 21, 2013- Defalut Order

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

BC-2012-00588

Sarah Miller vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$30,500.00 to the Claimant in settlement of this claim.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$30,500.00 as agreed to by the parties. ✓

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BC-2012-00610

Tesheria Denton vs. University of Kentucky

Notes: November 21, 2013- Default Order

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

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BC-2013-00001

Sonja Johnson vs. Commonwealth of Kentucky

Notes: November 21, 2013- Default Order

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

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BC-2013-00073

Clayton Lord and Gloria Watkins vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$3,250.00 to the Claimants in settlement of this claim.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimants \$3,250.00 in settlement of this matter. ✓

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BC-2013-00080

Ronnie Cole vs. University of Kentucky

Notes: Agreed Order of Dismissal filed by the parties.

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

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BC-2013-00125

Margaret Steen vs. University of Kentucky

Notes: November 21, 2013- Default Order

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

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BC-2013-00176

Noorullah Paghmani vs. University of Kentucky

Notes: November 21, 2013- Default Order

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

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BC-2013-00188

Eugene Mayberry vs. Transportation Cabinet / Dept. of Highways

Notes: November 21, 2013- Default Order

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

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BC-2013-00196

Cary Price vs. Commonwealth of Kentucky

Notes: November 21, 2013- Default Order

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

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BC-2013-00198

James Whyte vs. Commonwealth of Kentucky

Notes: November 21, 2013-Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

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BC-2013-00206

Gayle Hunt vs. Transportation Cabinet / Dept. of Highways

Notes: November 21, 2013- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

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BC-2013-00227

Scottie Jones vs. University of Kentucky

Notes: November 21, 2013- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

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BC-2013-00240

Eric Anthony vs. Justice and Public Safety Cabinet

Notes: November 21, 2013- Default Order  
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

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BC-2013-00255

Lisa Haydon vs. Transportation Cabinet / Dept. of Highways

Notes: November 21, 2013- Default Order  
Counsel's Recommendation-Rule the Claimant in Default and Dismiss ✓

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BC-2013-00262

Denzil Adkins vs. University of Kentucky

Notes: November 21, 2013- Default Order  
Counsel's Recommendation- Rule the Claimant in Default and Dismiss ✓

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BC-2013-00342

Cindy Castle vs. Tourism, Arts and Hertiage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$648.00 in settlement of this claim. ✓

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BC-2013-00459

Louisville Gas and Electric vs. Transportation Cabinet

Notes: Claim filed by a third party administrator on behalf of LG&E.

Counsel's Recommendation: Enter an Order dismissing the claim as a collateral or dependent claim pursuant to KRS 44.070(1). ✓

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BC-2013-00462

Donald Mason vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services Division that the claim was paid in full by the Ky. Self-Insured Auto Program (liability insurance).

Counsel's Recommendation: Enter an Order of Dismissal as paid in full by the Ky. Self-Insured Auto Program. ✓

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BC-2013-00477

Hal Jones vs. University of Kentucky

Notes: Respondent's Answer offering a settlement amount to the Claimant and Claimant's acceptance thereof.

Counsel's Recommendation: Enter an Order awarding the Claimant \$4,173.11 in settlement of this claim. ✓

**Full Board Review**

BC-2013-00175

Leslie Wright vs. Department of Highways / Transportation

*Reverse & Award*

Notes: 5/31/13 Board ordered dismissed  
11/12/13 Claimant requests FBR (\$500)  
She discovered someone else, Dana Pant, who had her claim paid, same day and incident (same pothole)

BC-2013-00415

Jacob Wiseman vs. Justice and Public Safety Cabinet

*Upheld*

Notes: 10/3/13 Board ordered dismissed ✓

BC-2013-00433

Willard Tucker vs. Transportation Cabinet / Dept. of Highways

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Notes: 10/23/13 Board ordered dismissed  
10/30/13 Claimant requests FBR (\$180.00)

**Motions**

BC-2009-00682

Tonya Spradlin; Chelsey Spradlin vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Motion to Withdraw filed by Claimant's attorney.

Counsel's Recommendation: Enter an Order sustaining the Motion to Withdraw and giving Claimant twenty (20) days to find new counsel. ✓

BC-2013-00330

John C. McDavid vs. Administrative Office of The Courts

Notes: Briefs filed per Board's Order of 9/19/13 regarding the statute of limitations of this claim.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice as filed outside the statute of limitations found at KRS 44.110. ✓

BC-2013-00432

Stephen Watson vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice as filed outside the statute of limitations found at KRS 44.110. ✓

BC-2013-00442

Wendy R. Jeffries, Guardian of William Jeffries, a Minor vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer and Motion to Dismiss and Claimant's response filed thereto; and Claimant's Motion to Hold Case in Abeyance with no response filed by the Respondent.

Counsel's Recommendation: Enter an Order holding this claim in abeyance and reserving the Respondent's Motion to Dismiss pending resolution of immunity and jurisdictional issues in Jefferson Circuit Court, Civil Action No. 13-CI-1492. ✓

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BC-2013-00456

Charon Anderson #177122 vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

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

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BC-2013-00471

Mecca Traughber vs. Finance and Administration Cabinet / Dept. of Revenue

Notes: Respondent's Motion to Dismiss; Claimant filed an Agreed Order holding the claim in abeyance in response. ✓

Counsel's Recommendation: Enter the Agreed Order holding this claim in abeyance and reserving the Respondent's Motion to Dismiss pending resolution of immunity and jurisdictional issues in the case of Traughber v. Green, Warren Circuit Court, Civil Action No. 13-CI-1149.

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### **Recommended Order**

BC-2010-00193

Estate of Larry Barrett, by and through Rita Barrett, Administratrix vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson'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 denying payment and dismissing the claim with prejudice. ✓

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BC-2012-00335

Galen Ratliff vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Florence Huffman'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 denying payment and dismissing the claim with prejudice. ✓

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BC-2013-00046

Marvin Ratliff vs. Administrative Office of The Courts and Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Mike Wilson'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 denying payment and dismissing the claim with prejudice. ✓

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BC-2013-00203

Lena Speakes vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss this claim at the request of the Claimant.

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

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BC-2013-00217

Alex Kennedy vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Recommended Order dismissing this claim as a default.

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

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Total number of Claims: 38

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

*November 21, 2013*

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**BC-2011-1135**

Kimberly G. Jones v. Transportation Cabinet, Dept. of Highways

Counsel for Claimant's Motion to Withdraw filed.

Counsel's Recommendation: Enter an Order allowing counsel for the Claimant to withdraw from representation of the Claimant in this matter.

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**BC-2013-00105**

Robert Higbee v. University of Kentucky

Agreed Order of Settlement awarding the Claimant \$2,417.55 in settlement of this matter filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,417.55.00 in settlement of this matter.

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