

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

November 20, 2014

Minutes Adopted

The Board of Claims received 54 new claims during the month of October, 2014. Paula reports that a total of 52 claims were set up and two (2) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 29 claims under \$1,000.00 in October, 2014. Jackie reports that 14 of these claims were denied and 15 were awarded, for a total amount awarded of \$7,001.22.

At its Board meeting on October 16, 2014, the Board dismissed 23 claims and awarded eight (8) claims totaling \$530,211.74. Together with the claims investigated in-house, the Board dismissed a total of 37 claims and awarded a total of 23 claims for a total amount awarded of \$537,212.96 in October, 2014.

For Instructions From the Board

BC-2014-00052

Sheila Howard vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$1,000.00 in settlement.

Counsel's Recommendation: Enter the Agreed Order for \$1,000.00. ✓

BC-2014-00361

Gary Riportella vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2014-00409

Janet Stacy vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order for \$800.00 filed by the parties.

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

BC-2014-00431

Sydney Collins vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$7,463.43 in medical expenses. ✓

BC-2014-00435

Donald Tolson vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$1,259.61 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,259.61 in settlement of this matter. ✓

BC-2014-00544

Winona Easterling vs. UK Medical Center / University of Kentucky

Notes: November 20, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss



BC-2014-00555

Robert Begley vs. UK Medical Center / University of Kentucky

Notes: November 20, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss



BC-2014-00584

Bernadette Moore vs. UK Medical Center / University of Kentucky

Notes: November 20, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss



BC-2014-00589

Tonja Hicks vs. UK Medical Center / University of Kentucky

Notes: November 20, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss



BC-2014-00593

Sudershan Dhawan vs. UK Medical Center / University of Kentucky

Notes: November 20, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss



BC-2014-00599

Phillip Moore vs. Department of Parks / Tourism, Arts and Heritage

Notes: November 20, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss



BC-2014-00670

Dusty Nunn vs. UK Medical Center / University of Kentucky

Notes: November 20, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss



BC-2014-00672

Roy Holt vs. Transportation Cabinet / Dept. of Highways

Notes: Notification that the claim was paid by in full by the Commonwealth's liability insurance.

Counsel's Recommendation: Enter an Order of Dismissal as paid in full by KSAP. ✓

BC-2014-00675

Donald Carpenter vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,300.00 in settlement of this matter. ✓

BC-2014-00713

Tayna Fogle vs. Department of Education

Notes: Agreed Order for Extension of Time to file a response to the claim.

Counsel's Recommendation: Enter the Agreed Order for Extension of Time as agreed by the parties. ✓

BC-2014-00722

C. Elizabeth Ramsey vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$2,500.00 for lost dentures. ✓

BC-2014-00723

David Jackson vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter an Order of Dismissal as paid by KSAP. ✓

Full Board Review

BC-2014-00616

Tommy Richards vs. Department of Highways / Transportation

*upheld
Dismissal*

Notes: 9/12/14 Board ordered dismissed
9/26/14 Claimant requests FBR (\$400.87 - 4 tires). Copy to R.

Motions

BC-2014-00654

Johnny Walker vs. Murray State University

Notes: Claimant's Motion for Extension of Time to file a response to the Respondent's Motion to Dismiss.

Counsel's Recommendation: Enter an Order granting the Claimant's request for extension of time to December 18, 2014. ✓

BC-2014-00666
Kevin Schaap vs. Kentucky Board of Claims

Motion to Dismiss - Failure to state a Claim

Notes: Respondent's Answer and Motion to Dismiss and Claimant's response filed thereto (copies will be mailed to the Board Members).

Counsel's Recommendation: For discussion.

BC-2014-00693
David Darlington vs. Public Service Commission

Notes: Respondent's letter requesting dismissal; no response filed by the Claimant.

Counsel's Recommendation: Enter an Order of Dismissal for lack of jurisdiction pursuant to KRS 44.070(1). ✓

BC-2014-00706
James Lang vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion for Extension of Time to file Answer.

Counsel's Recommendation: Enter an Order granting the Respondent's motion and assigning the claim to Hearing Officer Mike Wilson for further proceedings. ✓

Recommended Order

BC-2013-00470
Mack Farr; Sarah Farr; Lynne Farr vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order awarding payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimants \$9,035.16. ✓

BC-2014-00009
Ruben Salinas vs. University of Kentucky and Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Mike Wilson's Recommendation of Dismissal.

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

BC-2014-00088
Vinh Luu vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Adopt the hearing officer's recommendation awarding the Claimant \$1,000.00. ✓

BC-2014-00358
Christopher Evans vs. Transportation Cabinet / Dept. of Highways

Exceptions Filed

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 denying payment of the claim. ✓

BC-2014-00380
Priscilla Dwelly 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 of the claim. ✓

BC-2014-00509

Michael Evert vs. University of Kentucky

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

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim at the Claimant's request. ✓

Total number of Claims: 28

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

November 20, 2014

BC-2014-00618

Zachary Zoeller v. Transportation Cabinet, Dept. of Highways

Settlement Agreement for \$1,250.00 filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,250.00 in settlement of this matter. ✓
