

**COMMONWEALTH OF KENTUCKY**

**Board of Claims**

**Agenda**

**November 19, 2015**

*Minutes adopted.*

The Board of Claims received 58 new claims during the month of October, 2015. Paula reports that 56 claims were set up and six (6) were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 60 claims under \$1,000.00 in October, 2015. Jackie reports that 30 of these claims were denied and 30 were awarded, for a total amount awarded of \$12,222.73.

At its Board meeting on October 15, 2015, the Board dismissed 14 claims and awarded five (5) claims totaling \$3,353.33. Together with the claims investigated in-house, the Board dismissed a total of 44 claims and awarded a total of 35 claims for a total amount awarded of \$15,576.06 in October, 2015.

**For Instructions From the Board**

BC-2013-00517

Steve Robbins vs. Tourism, Arts and Heritage Cabinet / State Fair Board

Notes: Claimant's Notice of Voluntary Dismissal.

Counsel's Recommendation: Enter an Order of Dismissal as settled by the parties. ✓

BC-2015-00117

Whitney Phillips vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00225

Michael Arms vs. Transportation Cabinet / Department of Highways

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00226

Kathy Chitwood vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00227

Jerry Hudson vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00271

Rebekah Wilson vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00285

Rhonda Conn vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00289

Cindy Maynard vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00298

Jeffrey Zimpelman vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00307

John Carr vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00321

Carolyn Martin vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00353

Mark North vs. University of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00363

Wensheng Lin vs. Tourism, Arts and Heritage Cabinet / State Fair Board

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00406

William Goosey vs. University of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00407

Hendrika Martin vs. Commonwealth of Kentucky

Notes: Counsel's Recommendation: Rule the Claimant in default and dismiss. ✓

BC-2015-00567

George Gibson vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$1,382.80.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,382.80 in settlement of this matter. ✓

BC-2015-00833

David Barnes vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2015-00842

Crescent Paper Tube Company vs. Transportation Cabinet

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

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

BC-2015-00870

Highway Equipment Company vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Answer recommending payment of the claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,500.00 in settlement of this matter. ✓

BC-2015-00890

Shelby Napier vs. University of Kentucky

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,000.12 in damages. ✓

**Full Board Review**

BC-2015-00452

Earl Freeman vs. Transportation Cabinet / Department of Highways

*Upheld  
Dismissal*

Notes: 9/16/15 Board ordered dismissed  
10/1/15 Claimant requests FBR (\$500)  
10/7/15 FBR Memo to Cl. and R. on agenda for 10/19/15.

BC-2015-00531

Timothy Weaver vs. Transportation Cabinet / Department of Highways

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Notes: 9/23/15 Board ordered dismissed  
10/6/15 CL. Requests FBR (\$500)  
10/7/15 FBR Memo to Cl. and Resp.

BC-2015-00603

Stacey Parks vs. Transportation Cabinet / Department of Highways

*Upheld  
~~Dismissal~~  
Dismissal*

Notes: 8/18/15 Board ordered dismissed  
9/2/15 Claimant requests FBR (\$500)  
10/7/15 FBR Memo to Cl. and Resp.

BC-2015-00610

Michael Yanez vs. Justice and Public Safety Cabinet / Dept. of Corrections

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Notes: 10/19/15 Board ordered dismissed  
11/2/15 Claimant requests FBR. Copy to R.  
11/5/15 FBR Memo to Cl. and Resp.

BC-2015-00616

Michael Turner vs. Transportation Cabinet / Department of Highways

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Notes: 10/1/15 Board ordered dismissed  
10/9/15 Claimant requests FBR. Copy to Resp  
10/12/15 FBR Memo to Cl. and Resp.

BC-2015-00659

Carla Sparks vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 10/16/15 Board ordered dismissed  
10/23/15 Claimant requests FBR (\$250)  
10/28/15 FBR Memo to Cl. and Resp.

*Upheld  
Dismissal*

BC-2015-00699

Jeffrey Hamilton vs. Transportation Cabinet / Department of Highways

Notes: 10/16/15 Board ordered dismissed  
11/2/15 Claimant requests FBR (\$500) ✓  
11/5/15 FBR Memo to Cl. and Resp.

*Reverse +  
award*

BC-2015-00728

Paul Mays vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 10/14/15 Board ordered dismissed  
11/2/15 Claimant requests FBR (\$264.59). Copy to R  
11/5/15 FBR Memo to CL and Resp. On agenda for 11/19/15

*Upheld  
Dismissal*

BC-2015-00798

Carlin Dillard vs. Transportation Cabinet / Department of Highways

Notes: 10/23/15 Board ordered Dismissed  
10/20/15 Claimant requests FBR (\$500)  
10/26/15 FBR Memo to Cl. and Resp.

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### Motions

BC-2015-00614

Shantanu Neravetla vs. University of Louisville

Notes: Respondent's unopposed Answer and Motion to Dismiss.

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

BC-2015-00703

John Kinley vs. University of Kentucky

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Overule the Motion to Dismiss as premature and assign the claim to Hearing Officer Mike Wilson for further proceedings. ✓

BC-2015-00775

Linda Weick vs. Transportation Cabinet

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order reserving the Motion to Dismiss and adding the Finance and Administration Cabinet as a Respondent to this matter. ✓

BC-2015-00786

Linda Hinkle vs. University of Kentucky

Notes: Respondent's unopposed Motion to Dismiss.

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

**Recommended Order**

BC-2012-00416

Mitchell Harris vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommended Order Denying Motion to Dismiss and the Respondent's exceptions filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer overruling the Motion to Dismiss. ✓

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BC-2014-00575

Michael Bush vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

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

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BC-2014-00636

Linda Brodbeck; Thomas Brodbeck vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

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

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BC-2014-00677

Neysa Whitfill vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant \$5,258.83.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$5,258.83. ✓

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BC-2014-00760

Montas Jackson vs. University of Kentucky

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

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

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BC-2015-00006

Nannie James vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

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

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BC-2015-00045

Jose Perez vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

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

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BC-2015-00072

Mary Taylor vs. Tourism, Arts and Heritage Cabinet / Ky. Horse Park

Notes: Hearing Officer Natalie Lile's Recommended Order of Dismissal.

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

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BC-2015-00161

Stephanie Kelly vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Natalie Lille's Recommended Order of Dismissal.

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

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Total number of Claims: 42

COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS  
*Addendum*

*November 19, 2015*

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**BC-2013-00012**

Glenda F. Amburgey v. Transportation Cabinet / Dept. of Highways

Agreed Order of Dismissal filed.

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

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**BC-2014-00691**

Delores Carter v. University of Louisville

Agreed Order of Dismissal filed.

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

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**BC-2014-00766**

Mark Creech v. Finance and Administration Cabinet and Transportation Cabinet

Claimant's Motion to Dismiss.

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

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**BC-2015-00473**

William T. Burt v. Transportation Cabinet / Dept. of Highways

Agreed Order of Settlement for \$500.00 filed by the parties.

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

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**BC-2015-00505**

Janet Stidham v. Transportation Cabinet / Dept. of Highways

Agreed Order for \$1,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,000.00 as agreed by the parties. ✓

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