

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
October 17, 2013

Minutes
Accepted

The Board of Claims received 47 new claims during the month of September, 2013. A total of 44 claims were set up, according to Assistant Clerk Paula Woolums. Paula also reports that five (5) claims were dismissed for lack of jurisdiction.

Investigator Jackie Lynch decided 31 claims under \$1,000.00 in September, 2013. Jackie reports that 16 of these claims were denied and 15 were awarded, for a total amount awarded of \$7,004.77.

At its Board meeting on September 19, 2013, the Board dismissed 16 claims and awarded 12 claims totaling \$41,324.07. Together with the claims investigated in-house, the Board dismissed a total of 32 claims and awarded a total of 27 claims for a total amount awarded of \$48,328.84 in September, 2013.

Executive Director's Report: We can send a disk with all appropriate agenda items to Board members who do not wish to receive e-mail correspondence. Board members will be queried as to their preference prior to the October mailing.

For Instructions From the Board

BC-2013-00186

Sidik Kekic vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

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

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

BC-2013-00469

Estate of Phyllis Reynolds vs. University of Kentucky Medical Center

Notes: Agreed Order dismissing the claim as settled for \$14,000.00 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order dismissing the claim as settled for \$14,000.00. ✓

Full Board Review

BC-2012-00444

Frank Sherley vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 11/27/12 Board ordered dismissed
9/3/13 Claimant requests FBR. Copy to Respondent.

Upheld original
dismissal

BC-2013-00095

Jerry Sacksteder vs. Department of Highways / Transportation

Notes: 4/22/13 Board ordered dismissed
9/3/13 Claimant requests FBR (\$300.13)

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BC-2013-00318

Elbert Long vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 8/13/13 Board ordeared dismissed
8/26/13 Claimant wants FBR (\$173.80)

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4-1

BC-2013-00335

Ronny Walker vs. Justice and Public Safety Cabinet / Dept. of Corrections

Uphold original

Notes: 8/30/13 Board ordered dismissed
9/10/13 Claimant requests FBR (\$300.00).

Motions

BC-2013-00401

Lori Shelton vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2013-00427

Charon Anderson 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. ✓

BC-2013-00497

Dustin Perkins vs. Education & Workforce Development Cabinet

Notes: Motion to Dismiss Education and Workforce Development Cabinet as a Party received 10/3/13; served on incorrect state agency.

Counsel's Recommendation: Enter an Order dismissing the Education & Workforce Development Cabinet as a party to this action. ✓

Recommended Order

BC-2011-00575

Jesse Brabrook; Shari Brabrook 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 denying payment of the claim. ✓

BC-2012-00219

Dempsey Chaffins; Ella Chaffins vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Braxton Crenshaw's Findings of Fact, Conclusions of Law and Recommended Order awarding \$1,500.00 to the Claimants.

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

BC-2012-00348

Patrick Elam vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2013-00121

Kevin Emring 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 denying payment of the claim. ✓

BC-2013-00136

Kathryn Henderson vs. Northern Kentucky University

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-2013-00248

Anthony Genovese vs. Transportation Cabinet / Dept. of Highways

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

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

Total number of Claims: 15

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

October 17, 2013

BC-2012-00498

Virginia Hancock v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal filed.

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

BC-2013-00444

Jennifer B. Reed v. Tourism, Arts & Heritage Cabinet, Dept. of Fish and Wildlife Resources

Respondent's Amended Answer recommending payment of the Claimant's insurance deductible of \$250.00 in settlement of this claim, pursuant to KRS 44.070(1).

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

BC-2013-00454

Ralph Rhodus v. University of Kentucky

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

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$1,450.00 for lost hearing aids. ✓

BC-2013-00469

Estate of Phyllis Reynolds v. University of Kentucky

Agreed Order filed awarding the Claimant \$14,000.00 in settlement of this matter.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$14,000.00 as agreed to by the parties. ✓
