

**COMMONWEALTH OF KENTUCKY**

**Board of Claims**

**Agenda**

**October 15, 2015**

*Minutes Adopted*

The Board of Claims received 68 new claims during the month of September, 2015. Paula reports that 58 claims were set up and four (4) were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 75 claims under \$1,000.00 in September, 2015. Jackie reports that 36 of these claims were denied and 39 were awarded, for a total amount awarded of \$13,548.96.

At its Board meeting on September 17, 2015, the Board dismissed 20 claims and awarded nine (9) claims totaling \$66,329.47. Together with the claims investigated in-house, the Board dismissed a total of 56 claims and awarded a total of 48 claims for a total amount awarded of \$79,878.43 in September, 2015.

**For Instructions From the Board**

BC-2013-00163

Shon Goodwin; Carlos Goodwin vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal as stipulated by the parties. ✓

BC-2015-00301

Wendy Clay vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2015-00392

John Amis vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding the Claimant \$750.00.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$750.00 in settlement of this matter. ✓

BC-2015-00725

Glen Henderson vs. University of Kentucky

Notes: Respondent's Answer recommending payment of claim.

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,000.00 as recommended by the Respondent. ✓

BC-2015-00777

Eddie Quire vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services that the claim was paid by the Commonwealth's self-insured auto program (KSAP).

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

BC-2015-00790

Robert Parker vs. Justice and Public Safety Cabinet, et. al.

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

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

BC-2015-00821

George Hoffman vs. Transportation Cabinet

Notes: Email notification from State Risk & Insurance Services that this claim has been paid in full by the Commonwealth's self-insured auto program (KSAP).

Counsel's Recommendation: Enter an Order dismissing the claim as paid by KSAP. ✓

**Full Board Review**

BC-2015-00514

Michael Hendrix vs. Transportation Cabinet / Dept. of Highways

*Reverse & Award  
\$296.42*

Notes: 8/27/15 Board ordered dismissed  
9/14/15 Claimant requests FBR (\$296.42).  
9/16/15 FRB Memo to Cl. and Resp.

BC-2015-00527

Stephen Nunn vs. Justice and Public Safety Cabinet / Dept. of Corrections

*Upheld*

Notes: 9/2/15 Board ordered dismissed  
9/14/15 Claimant requests FBR  
9/16/15 FBR Memo to CIL and Resp. (\$367.26)

BC-2015-00601

James Mallory vs. Justice and Public Safety Cabinet / Dept. of Corrections

*Award additional  
amount of \$25<sup>00</sup>*

Notes: 8/27/15 Board awarded \$281.91  
9/8/15 Claimant requested Full Board Review  
9/10/15 FBR Memo to Cl. and Resp.

**Motions**

BC-2015-00589

Rebecca Burns vs. Transportation Cabinet

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

Counsel's Recommendation: Enter an Order dismissing the claim as not filed within one (1) year of the time the claim for relief accrued, pursuant to KRS 44.110. ✓

BC-2015-00638

Rama Arla; Mohana Arla vs. Worthington Fire Department

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

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

BC-2015-00676

X'Zashea Lawson-Mayes vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order of Dismissal for failure to state a claim upon which relief can be granted as no duty was breached by the Respondent. ✓

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BC-2015-00700

Champion Security Services, LLC, by and through Curtis Gordon, Jr. vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter an Order overruling the Motion to Dismiss, assigning the claim to Hearing Officer Jan West, and ordering the Claimant corporation to hire an attorney to represent its interests in this matter. ✓

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### **Recommended Order**

BC-2014-00191

Harold and Doris Harmon, et al. vs. Energy & Environment Cabinet / Dept. of Natural Resources

Notes: Former Hearing Officer Braxton Crenshaw's Recommended Order denying the Respondent's Motion to Dismiss and Respondent's Exceptions filed thereto.

Counsel's Recommendation: Reject the recommendation of the former hearing officer denying the Respondent's Motion to Dismiss these 76 consolidated claims and enter an Order dismissing the claims as time-barred pursuant to KRS 44.110. ✓

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BC-2014-00567

Marie Hall 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 and the Claimant's exceptions filed thereto.

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

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BC-2014-00736

Jennifer Joyner 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 at the Claimant's request. ✓

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BC-2014-00823

Greg Basham vs. Transportation Cabinet / Dept. of Highways

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

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

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BC-2015-00012

Howard Scharstein 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 to dismiss the claim at the Claimant's request. ✓

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BC-2015-00316

Starlett Whitley-Wells vs. Finance and Administration Cabinet / Dept. of Revenue

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

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

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BC-2015-00520

Roger Mulloy 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 to dismiss the claim at the Claimant's request. ✓

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Total number of Claims: 21