

COMMONWEALTH OF KENTUCKY
Claims Commission
Agenda
October 24, 2017

*Minutes
Approved*

The Kentucky Claims Commission received 61 negligence claims filed against the Commonwealth during the month of September, 2017. Sasha Petrey reports that 39 claims were set up, 10 claims were returned for lack of jurisdiction, and seven (7) claims were dismissed for failure to perfect.

Investigator Angela Robertson decided 10 (ten) claims under \$2,500.00 in September, 2017. Angela reports that five (5) of these claims were denied and five (5) were awarded, for a total amount awarded of \$3,418.57.

At its meeting on September 29, 2017, the Kentucky Claims Commission dismissed two (2) negligence claims and awarded seven (7) negligence claims totaling \$18,189.11. Together with the claims investigated in-house, the Claims Commission dismissed a total of seven (7) negligence claims and awarded a total of 12 negligence claims for a total amount awarded of **\$21,607.68** in September, 2017.

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-2014-825

Doris A. Harris v. Transportation Cabinet, Dept. of Highways

Notes: Respondent's Status Report indicating that this claim was dismissed in April, 2017 by the Clay Circuit Court in Case No. 15-CI-352.

Counsel's Recommendation: Enter an Order of Dismissal as settled in the Clay Circuit Court action. ✓

BC-2015-966, 2015-967, and 2015-968

Eric Henry, Individually and as Next Friend of Kelsey Henry and Administrator of the Estate of Marcus Henry v. Transportation Cabinet, Dept. of Highways

Notes: Agreed Order awarding the Claimant \$150,000.00 in settlement of these consolidated claims.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$150,000.00. ✓

BC-2016-188

Wade A. McNabb v. Education Cabinet, Professional Standards Board

Notes: Agreed Order Recommending Dismissal filed by Hearing Officer Tim Cocanougher.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice as recommended by the hearing officer. ✓

FULL COMMISSION REVIEW:

BC-2017-069

Labreeska Wallace v. Transportation Cabinet, Dept. of Highways

Investigator's Notes: The Claimant hit a pothole on the Gene Snyder in Louisville between mile markers 23 and 24, causing \$850.41 in damage. The Respondent stated that it was not aware of the pothole at the time of the incident but, once advised, repairs were completed. The Claimant did not file a police report or photographs. Burden of proof is on the Claimant but this has not been met with the provided information. It is recommended upholding dismissal.

RECOMMENDED ORDERS:

BC-2008-952

The Estate of Daryl Lynn Pauly, M.D. v. University of Kentucky

Notes: Hearing Officer Carson Kerr's Opinion and Recommended Order granting the Respondent's Motion for Summary Judgment and the Claimant's exceptions filed thereto.

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

BC-2014-459

Romeo Delrosario v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Patrick Flannery'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.

BC-2015-740

Adam Leroy v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Mitch Mattingly's Recommended Order of Dismissal for failure to show cause.

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

BC-2016-199

Jeffrey Seay v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Allen O. 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.

BC-2016-393

Anthony Jerome v. Western Kentucky University

Notes: Hearing Officer Allen O. 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. ✓

BC-2016-607

Derrick Smith v. Justice & Public Safety Cabinet, Dept. of Corrections

Notes: Hearing Officer Jim Howard's Recommended Findings of Fact, Conclusions of Law and Summary Judgment, dismissing the claim.

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

BC-2017-003

Kristi Pittman v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Jim Howard's Recommended Findings of Fact, Conclusions of Law and Order Dismissing the claim for failure to abide by the orders of the hearing officer.

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

BC-2017-010

Michael Nickels v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Notes: Hearing Officer Jim Howard's Recommended Findings of Fact, Conclusions of Law and Order Dismissing the claim.

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

Total number of Claims: 13