

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
September 18, 2014

Minutes Accepted

The Board of Claims received 44 new claims during the month of August, 2014. A total of 34 claims were set up and two (2) claims were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 46 claims under \$1,000.00 in August, 2014. Jackie reports that 23 of these claims were denied and 23 were awarded, for a total amount awarded of \$9,952.09.

At its Board meeting on August 26, 2014, the Board dismissed 22 claims and awarded eight (8) claims totaling \$27,328.68. Together with the claims investigated in-house, the Board dismissed a total of 45 claims and awarded a total of 31 claims for a total amount awarded of \$37,280.77 in August, 2014.

For Instructions From the Board

BC-2013-00306

Eula Conley vs. Transportation Cabinet / Dept. of Highways

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

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

BC-2013-00545

Emma Warren vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order for \$6,500.00 filed.

Counsel's Recommendation: Enter the Agreed Order settling the claim for \$6,500.00. ✓

BC-2014-00012

William Baumle vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order for \$5,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$5,000.00 in settlement of this matter. ✓

BC-2014-00090

Ramona Bowers vs. University of Kentucky

Notes: September 18, 2014- Default Order

Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00091

Beth McMichael vs. Transportation Cabinet / Dept. of Highways

Notes: September 18, 2014- Default Order

Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00101

Margaret McHendrix vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order

Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00122

William Stevens vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00154

Coy Monroe vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00179

Ezekiah Adams vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00186

Norma Rada vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00189

Christian Ramsey vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00274

Charlotte Howard vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00292

Ronny Riley vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00300

Betty Montgomery vs. Commonwealth of Kentucky

Notes: September 18, 2014- Default Order
Counsel's Recommendation- Rule the Claimant in Default and Dismiss. ✓

BC-2014-00446

Paula Elliott vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order for \$500.00 filed.
Counsel's Recommendation: Enter the Agreed Order settling this claim for \$500.00. ✓

BC-2014-00633

Donald Soule vs. University of Kentucky

Notes: Answer accepting liability and recommending payment of full amount claimed.

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$3,000.00 for lost hear aids. ✓

Full Board Review

BC-2014-00547

Uriah Pasha vs. Justice and Public Safety Cabinet / Dept. of Corrections

Held over

Notes: 8/8/14 Board ordered dismissed
8/14/14 Claimant requests FBR (391.98).

Motions

BC-2014-00013

Kevin Schaap vs. Finance and Administration Cabinet / KHEAA and KHSLC

Notes: Claimant's Motion to Disqualify Hearing Officer Mike Wilson.

Counsel's Recommendation: Overrule the Motion to Disqualify and ~~Order the Hearing Officer's Recommendation to be issued:~~

direct HO to hold AHC & hearing.

BC-2014-00551

Estate of Shirley Smith, Deceased vs. University of Kentucky

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

Counsel's Recommendation: Dismiss for failure to state a claim upon which relief can be granted. ✓

BC-2014-00559

Evelyn Cole Stevens vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer and Motion to Dismiss and Claimant's Motion to File Amended Claim.

Counsel's Recommendation: Grant the Respondent's Motion to Dismiss for failure to state a claim upon which relief can be granted, thereby dismissing the claim without prejudice, and deny the Claimant's Motion to File Amended Claim. ✓

BC-2014-00573

John Bryant vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Dismiss the claim for lack of jurisdiction as the roadway is maintained by Louisville/Jefferson Co. Metro Government. ✓

Recommended Order

BC-2011-00469

David Graham vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Florence Huffman's Recommended Order denying payment of the claim and the Claimant's exceptions filed thereto.

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

BC-2012-00504

Curtis Nelson vs. Administrative Office of The Courts

Notes: Hearing Officer Florence Huffman's Recommended Order denying the Respondent's Motion for Summary Judgment and the Claimant's response filed thereto.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying the Respondent's Motion for Summary Judgment.

Total number of Claims: 23

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

September 18, 2014

BC-2012-00602

Gerald Compton v. Transportation Cabinet, Dept. of Highways

Agreed Order for \$1,250.00 filed.

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

BC-2013-00466

Mac Eldridge v. Transportation Cabinet, Dept. of Highways

Agreed Order for \$17,500.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$17,500.00 in settlement of this matter. ✓

BC-2014-00448

Donita Otis 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 in settlement of this matter. ✓

BC-2014-00470

Jerry M. Marshall 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 in settlement of this matter. ✓

BC-2014-00643

Karen Clay v. University of Kentucky

Agreed Order of Settlement for \$30,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$30,000.00 in settlement of this claim. ✓

BC-2014-00651

Cynthia Harris, Co-Guardian of Russell H. Long v. University of Kentucky

Respondent's Answer recommending payment of full amount claimed.

Counsel's Recommendation: Enter an Order reimbursing the Claimant \$3,000.00 for lost hearing aids. ✓
