

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

September 17, 2015

Minutes Adopted

The Board of Claims received 74 new claims during the month of August, 2015. Paula reports that 77 claims were set up and two (2) were returned for lack of jurisdiction.

Investigator Jackie Lynch decided 81 claims under \$1,000.00 in August, 2015. Jackie reports that 38 of these claims were denied and 43 were awarded, for a total amount awarded of \$17,824.21.

At its Board meeting on August 20, 2015, the Board dismissed 13 claims and awarded nine (9) claims totaling \$205,969.94. Together with the claims investigated in-house, the Board dismissed a total of 51 claims and awarded a total of 52 claims for a total amount awarded of \$223,794.15 in August, 2015.

For Instructions From the Board

BC-2013-00649

Estate of Carolyn Turner vs. University of Kentucky

Notes: Agreed Order of Dismissal entered into by the parties filed.

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

BC-2014-00284

Sharon Rigby vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement for \$6,000.00 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of awarding the Claimant \$6,000.00 in settlement of this matter. ✓

BC-2015-00004

Darvy Hamilton vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal for \$2,200.00 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding \$2,200.00 to the Claimant in settlement of this matter. ✓

BC-2015-00107

Linda Roberts vs. Commonwealth of Kentucky

Notes: September 17, 2015- Default Order

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

BC-2015-00111

Alonza Gray vs. University of Kentucky

Notes: Agreed Order of Settlement for \$462.42 filed by the parties.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$462.42 in settlement of this matter. ✓

BC-2015-00116

Robert Skaggs vs. Commonwealth of Kentucky

Notes: September 17, 2015- Default Order

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

BC-2015-00148

William Johnston vs. Commonwealth of Kentucky

Notes: September 17, 2015-Default Order

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

BC-2015-00156

Bradley Haynes vs. Commonwealth of Kentucky

Notes: September 17, 2015- Default Order

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

BC-2015-00158

Kaitlyn Book vs. Eastern Kentucky University

Notes: September 17, 2015- Default Order

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

BC-2015-00163

Timothy Reece vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services that Claimant was paid in full by the Commonwealth's Self-Insured Auto Program (KSAP).

Counsel's Recommendation: Enter an Order dismissing the claim as satisfied by the Commonwealth's Self-Insured Auto Program (KSAP). ✓

BC-2015-00166

Jianjun Zhang vs. University of Kentucky

Notes: September 17, 2015- Default Order

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

BC-2015-00176

Judy Stewart vs. University of Kentucky

Notes: September 17, 2015- Default Order

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

BC-2015-00178

Tara Bryant vs. Commonwealth of Kentucky

Notes: September 17, 2015- Default Order

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

BC-2015-00203

Betty Schmidt vs. Tourism, Arts and Heritage Cabinet / State Fair Board

Notes: September 17, 2015- Default Order

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

BC-2015-00204

Robert Boone vs. Commonwealth of Kentucky

Notes: September 17, 2015- Default Order

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

BC-2015-00322

Anna Rutoskey vs. University of Kentucky

Notes: Agreed Order of Settlement for \$47,804.00 filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$47,804.00 in settlement of this claim. ✓

BC-2015-00489

Jerry Marshall vs. Transportation Cabinet / Dept. of Highways

Notes: Settlement Agreement for \$1,000.00 entered into between the parties.

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

BC-2015-00675

Nathan Hooten vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer referencing contractor involvement.

Counsel's Recommendation: Enter an Order of Dismissal pursuant to KRS 44.073(15). ✓

BC-2015-00695

Glenda Shrout vs. Finance and Administration Cabinet

Notes: Settlement Agreement for \$750.00 filed by the parties.

Counsel's Recommendation: Enter an Order adopting the Settlement Agreement awarding the Claimant \$750.00. ✓

BC-2015-00733

Joseph Sanderson vs. Dept. of Military Affairs

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

Counsel's Recommendation: Enter an Order awarding the Claimant \$1,000.00 pursuant to KRS 44.070(1). ✓

BC-2015-00762

Bobby Royalty vs. Transportation Cabinet / Dept. of Highways

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

Counsel's Recommendation: Enter an Order dismissing the claim as satisfied by the Commonwealth's self-insured auto program. ✓

BC-2015-00771

Bryson Embrey vs. Transportation Cabinet / Dept. of Highways

Notes: Notification from State Risk & Insurance Services that the claim was 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-2015-00450

Gus Collins vs. Transportation Cabinet / Dept. of Highways

Upheld

Notes: 8/21/15 Board ordered dismissed
8/27/15 Claimant requests FBR (\$282.49). Copy to Resp.
8/28/15 FBR Memo to Cl. and Resp.

Motions

BC-2015-00093

Joseph Hutson vs. Department of Public Advocacy

Notes: Respondent's unopposed Motion to Dismiss.

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 44.110(1). ✓

BC-2015-00620

Baylee Booth, by and through Lesley Hicks vs. Tourism, Arts and Heritage Cabinet / Dept. of Fish & Wildlife Resources

Notes: Respondent's unopposed Motion to Hold in Abeyance.

Counsel's Recommendation: Enter an Order holding the claim in abeyance pending determination of the Kentucky Self-Insured Auto Program (KSAP). ✓

BC-2015-00720

Artis Anderson vs. Cabinet for Health and Family Services

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

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

Recommended Order

BC-2013-00119

Janet Sullivan vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss, the Claimant's exceptions, and the Respondent's response filed thereto.

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

BC-2014-00734

Nathan Hampton vs. Tourism, Arts and Heritage Cabinet / Dept. of Fish & Wildlife Resources

Notes: Hearing Officer Jan West's Recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer dismissing the claim for Claimant's failure to prosecute. ✓

Total number of Claims: 28

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

September 17, 2015

BC-2012-00212

Justin Francisco v. University of Louisville

Agreed Order of Dismissal filed.

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

BC-2014-00313

Raymond Burdette v. University of Kentucky

Agreed Order of Settlement for \$6,000.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$6,000.00 in settlement of this matter. ✓

BC-2014-00624

Dempsey and Ella Chaffins v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal for \$5,000.00 filed.

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

BC-2015-00173

Paige W. Windham v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal for \$1,113.05 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,113.05 in settlement of this matter. ✓

BC-2015-00777

Eddie L. Quire v. Transportation Cabinet, Dept. of Highways

Respondent's Motion to Hold in Abeyance pending determination by the Commonwealth's self-insured auto program.

Counsel's Recommendation: Enter an Order holding the claim in abeyance pending determination by the Commonwealth's self-insured auto program. ✓
