

COMMONWEALTH OF KENTUCKY
Claims Commission
Agenda
September 26, 2017

*Minutes
Approved*

The Kentucky Claims Commission received 64 negligence claims filed against the Commonwealth during the month of ~~July~~^{August}, 2017. Sasha Petrey reports that 37 claims were set up, 15 claims were returned for lack of jurisdiction, and 16 claims were dismissed for failure to perfect.

Investigator Angela Robertson decided 45 claims under \$2,500.00 in August, 2017. Angela reports that 19 of these claims were denied and 26 were awarded, for a total amount awarded of \$11,149.71.

At its meeting on August 29, 2017, the Kentucky Claims Commission dismissed eight (8) negligence claims and awarded three (3) negligence claims totaling \$33,260.77. Together with the claims investigated in-house, the Claims Commission dismissed a total of 43 negligence claims and awarded a total of 29 negligence claims for a total amount awarded of **\$44,410.48** in August, 2017.

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-2015-1057

Patricia Gilbert v. 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-2016-604

Jacob Eschmeyer v. 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-2016-671

Michelle E. Fewell v. Tourism, Arts & Heritage Cabinet, Ky. State Fair Board

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

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$6,500.00 in settlement of this matter.

BC-2017-004

Melissa Feltner v. Transportation Cabinet, Dept. of Highways

Notes: Agreed Order for \$2,273.11 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$2,273.11 in settlement of this matter.

BC-2017-017

Brindell Smith v. University of Louisville

Notes: Agreed Order of Dismissal filed.

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

BC-2017-061

Loretta Moss v. Justice & Public Safety Cabinet, Dept. of State Police

Notes: Agreed Order of Dismissal filed.

for \$3450⁰⁰

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

BC-2017-121

Gary Marcum v. Transportation Cabinet, Dept. of Highways

Notes: Agreed Order for \$1,500.00 filed.

Counsel's Recommendation: Enter the Agreed Order awarding the Claimant \$1,500.00 in settlement of this matter.

BC-2017-276

La'Don Arnold v. Tourism, Arts & Heritage Cabinet, Ky. State Fair Board

Notes: KSFb's Answer recommending payment of the claim filed.

Counsel's Recommendation: Enter an Order awarding the Claimant \$2,466.00 in settlement of this claim.

MOTIONS:

BC-2017-064

Dan Bondick v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Notes: Respondent's Answer requesting dismissal of the claim filed.

Counsel's Recommendation: Enter an Order overruling the "motion" to dismiss and assigning the claim to Hearing Officer Mitch Mattingly for further proceedings.

BC-2017-176

Martha Hall v. Transportation Cabinet, Dept. of Highways

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

Counsel's Recommendation: Enter an Order overruling the Motion to Dismiss and assigning the claim to Hearing Officer Tim Cocanougher for further proceedings. ✓

BC-2017-258

Mallie Harmon v. Transportation Cabinet, Dept. of Highways

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

Counsel's Recommendation: Enter an Order dismissing the claim pursuant to KRS 49.120. ✓

Total number of Claims: 11

FULL COMMISSION REVIEWS:

BC-2017-012

Christopher Hawkins v. Justice & Public Safety Cabinet, Dept. of Corrections

Investigator's Notes: The Claimant's request for a Full Commission Review was received on 8/8/17. The Claimant stated that some of the documents submitted were not acknowledged in the findings of facts and that it was not his place to initiate a theft report, but the responsibility of the Corrections staff per CPP 14.1. This request was submitted after the statute of limitation, the request was due on or before August 4, 2017. The Investigator requests that the dismissal of the claim be upheld by the Commission.

BC-2017-049

Richard Turpin v. Justice & Public Safety Cabinet, Dept. of Corrections

Investigator's Notes: The Claimant filed a claim for stolen items and damage to his typewriter while receiving medical care. The Claimant filed a grievance at EKCC during the review EKCC admitted fault for the theft but not for damage to the typewriter. The Respondent stated they admit some of the Claimants property was left behind and could not be found but the typewriter was placed in a secured location and was packed for transfer in a safe manner. Respondent recommended award of \$174.73 for the television and tennis shoes minus depreciation value. The depreciation of electronics is 10% per year making the reimbursement value of the television \$ 148.36 and shoes depreciation is 30% the first year and 10% thereafter making their reimbursement value \$26.37. No proof of negligence was submitted regarding the typewriter so the Claimant total award was \$174.73. The Claimant requested a Full Commission Review requesting reimbursement of \$249.00 or he will take the matter to court. The Claimant states he should be reimbursed for his typewriter also. Recommend the Commission uphold the award of \$174.73.

Total number of Claims: 13