

COMMONWEALTH OF KENTUCKY  
Board of Claims  
Agenda  
June 20, 2013

*Jim's Larry  
out for July*

*Minutes Approved*

The Board of Claims received 54 new claims during the month of May, 2013. A total of 52 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned four (4) claims for lack of jurisdiction.

Investigator Jackie Lynch decided 40 claims under \$1,000.00 in May, 2013. Jackie reports that 22 of these claims were denied and 18 were awarded, for a total amount awarded of \$7,119.65.

At its Board meeting on May 16, 2013, the Board dismissed five (5) claims and awarded eight (8) claims totaling \$36,684.16. Together with the claims investigated in-house, the Board dismissed a total of 27 claims and awarded a total of 26 claims for a total amount awarded of \$43,803.81 in May, 2013.

*Summer Absent*

**For Instructions From the Board**

BC-2012-00310

Flora Peggs vs. Finance and Administration Cabinet

Notes: Agreed Order awarding \$1,500.00 to the Claimant.

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

BC-2013-00100

Kevin Wells vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer confirming Claimant's claim of alleged negligence by the Respondent in June, 2008.

Counsel's Recommendation: Enter a Final Order dismissing the claim as barred by KRS 44.110(1) and (2). ✓

BC-2013-00113

William Murdock vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order awarding \$700.00 to the Claimant.

Counsel's Recommendation: Enter the Agreed Order awarding \$700.00 to the Claimant in settlement of this matter. ✓

BC-2013-00178

Tiauna King vs. University of Kentucky

Notes: Respondent's Answer offering settlement and Claimant's written acceptance.

Counsel's Recommendation: Enter a Final Order awarding \$840.16 to the Claimant in settlement of this matter. ✓

BC-2013-00189

Shirley Orme vs. University of Kentucky

Notes: Respondent's Answer recommending payment of full amount claimed.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$1,225.00 for lost dentures. ✓

BC-2013-00208

Sherrie Calvert vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Answer referencing contractor involvement.

Counsel's Recommendation: Enter a Final Order dismissing the claim as barred by KRS 44.073(15). ✓

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BC-2013-00229

Jerry Weaver vs. University of Kentucky

Notes: Respondent's Answer recommending payment of lowest estimate for replacement dentures.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$1,592.00 for lost dentures. ✓

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**Full Board Review**

BC-2013-00040

Tammy Highfield vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: 4/24/13 Board ordered dismissed  
5/9/13 Claimant requests FBR (\$550)

*Upheld original  
dismissal*

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BC-2013-00153

Brandon Hughes vs. Justice and Public Safety Cabinet

Notes: 5/23/13 Board ordered dismissed  
6/5/13 Claimant requests FBR (\$211.74)

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**Motions**

BC-2011-00021

Benny Miller and Ruth Miller, POA for Harvey Millers. University of Kentucky

Notes: Respondent's Motion for Summary Judgment and Claimant's response filed thereto.

Counsel's Recommendation: Sustain the Motion for Summary Judgment pursuant to KRS 395.278, thereby dismissing the claim. ✓

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BC-2012-00563

Rosalyn Wakefield and Helen Waits vs. Justice and Public Safety Cabinet / Dept. of State Police

Notes: Claimant Wakefield's Motion to Remove Claim from Abeyance and Respondent's response filed thereto.

Counsel's Recommendation: Overrule the Motion to Remove from Abeyance pursuant to Nelson Co. Board of Education v. Forte, 337 S.W. 3d 617 (Ky., 2011). ✓

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BC-2013-00118

Janet Sullivan vs. University of Kentucky

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

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Florence Huffman for further proceedings. ✓

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BC-2013-00147

Charlie Dorris vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion for Summary Judgment; no response received from the Claimant.

Counsel's Recommendation: Overrule the Motion for Summary Judgment and assign the claim to Hearing Officer Mike Wilson for further proceedings. ✓

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BC-2013-00149

Laura Hatfield vs. Cabinet for Health and Family Services

Notes: Respondent's Motion to Dismiss, Claimant's response, Respondent's reply to Claimant's response and letters from both parties to the Board.

Counsel's Recommendation: Sustain the Motion to Dismiss pursuant to KRS 44.070(1) and KRS 44.110(1). ✓

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BC-2013-00161

Mistie Kincer vs. Kentucky Board of Social Work

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

Counsel's Recommendation: Sustain the Motion to Dismiss pursuant to KRS 335.070 and KRS 335.090. ✓

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BC-2013-00166

Tiffani Martin vs. Transportation Cabinet / Dept. of Highways

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

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

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BC-2013-00172

Jessica Turri vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

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

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to Hearing Officer Florence Huffman for further proceedings. ✓

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### **Recommended Order**

BC-2011-00789

Stephanie Maguire vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

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BC-2011-01072

Tammy Smith vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Recommendation to Dismiss.

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

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BC-2011-01094

Jeffrey Kuhnhein 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.

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

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BC-2012-00058

Earl Estes vs. University of Kentucky

Notes: Hearing Officer Braxton Crenshaw's Recommended Order of Dismissal.

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

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BC-2012-00328

Robert Donaway 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.

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

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BC-2012-00341

David DeBoard vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Mike Wilson's Findings of Fact, Conclusions of Law and Recommended Order awarding \$2,325.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding \$2,325.00 to the Claimant. ✓

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BC-2012-00415

Gregory Gantt vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Jan West'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 denying payment of the claim. ✓

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BC-2012-00482

Barbara Sue Tackett vs. University of Kentucky

Notes: Hearing Officer Mike Wilson's Recommended Order awarding \$2,860.00 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer reimbursing the Claimant \$2,860.00 for lost dentures. ✓

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Total number of Claims: 25

**COMMONWEALTH OF KENTUCKY  
BOARD OF CLAIMS  
*Addendum***

*June 20, 2013*

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**BC-2012-00476**

Michael Potts v. Finance and Administration Cabinet

Agreed Order of Settlement filed.

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

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**BC-2012-00526**

Robert E. Young v. Transportation Cabinet, Dept. of Highways

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order dismissing this claim with prejudice as agreed by the parties. ✓

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