

WV LEGISLATIVE CLAIMS COMMISSION

ANNUAL REPORT

2021

Janet N. Kawash
Clerk of the Commission

2021

Annual Report
of the
West Virginia Legislative Claims Commission

Commissioners

J. David Cecil, Presiding Commissioner

J. Rudy Martin, Commissioner

Andrew B. Cooke, Commissioner

Janet N. Kawash, Clerk



West Virginia Legislative Claims Commission

Presiding Commissioner
J. David Cecil

Commissioners
J. Rudy Martin
Andrew B. Cooke

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Janet N. Kawash
Clerk

Becky A. Ofiesh
Chief Deputy Clerk

Honorable Members of the
West Virginia State Legislature

It is my honor and privilege to present to you, in accordance with West Virginia Code §14-2-25, the Annual Report of the West Virginia Legislative Claims Commission. This Report covers the activities of the Commission for the calendar year 2020.

Respectfully submitted,

A handwritten signature in blue ink that reads "Janet N. Kawash".

Janet N. Kawash
Clerk

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SUMMARY OF FUNDS

REGULAR CLAIMS BILL

GENERAL REVENUE FUNDS	\$4,310,007.70
SPECIAL REVENUE FUNDS	\$ 68,896.38
STATE ROADS FUNDS	\$ 621,407.14
TOTAL FOR REGULAR CLAIMS BILL	\$5,000,311.22

Claims presented to the 2021 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0642	John's Lock and Key Service	Commission on Special Investigations	166.15	166.15	12/4/2020
19-1334	Ricoh USA	Department of Administration, Office of Technology	3,285.00	3,285.00	6/17/2020
19-1205	State Electric Supply	Department of Administration, Office of Technology	16,624.95	16,624.95	2/27/2020
19-1362	Manpower of WV, Inc. dba Manpower	Department of Health and Human Resources	7,989.39	7,989.39	7/7/2020
18-0512	Premier Construction Group, LLC	Department of Health and Human Resources, Office of Emergency Medical Services	34,890.00	34,890.00	11/13/2020
18-1426	Brian Alt	Division of Corrections and Rehabilitation	1,436.22	1,436.22	12/11/2020
20-0023	Jose Cantu	Division of Corrections and Rehabilitation	196.10	196.10	12/18/2020
19-0565	Anthony Cartagena	Division of Corrections and Rehabilitation	599.01	599.01	12/18/2020
20-0463	Anthony Cartagena	Division of Corrections and Rehabilitation	774.58	774.58	12/18/2020
19-1543	Anthony Cartagena	Division of Corrections and Rehabilitation	513.09	513.09	12/18/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1483	Billy Evans	Division of Corrections and Rehabilitation	204.95	204.95	12/18/2020
20-0205	Brandon Graham	Division of Corrections and Rehabilitation	240.05	240.05	12/11/2020
20-0270	Thomas Gravely, Jr.	Division of Corrections and Rehabilitation	212.00	212.00	12/11/2020
20-0109	Tayron Jerome Griffin	Division of Corrections and Rehabilitation	1,020.00	500.00	12/11/2020
19-1467	Mark Harris	Division of Corrections and Rehabilitation	783.20	783.20	12/18/2020
19-0826	Willard Hutchinson	Division of Corrections and Rehabilitation	160.95	18.00	12/4/2020
19-1463	John Maudlin	Division of Corrections and Rehabilitation	35.81	9.00	12/18/2020
19-1283	Brian Morgan	Division of Corrections and Rehabilitation	23.59	23.59	12/18/2020
19-1117	Chad D. Robinson	Division of Corrections and Rehabilitation	2,499.00	1,000.00	12/18/2020
19-1369	Joshua Stitley	Division of Corrections and Rehabilitation	64.61	64.61	12/11/2020
18-1701	WV Regional Jail Authority	Division of Corrections and Rehabilitation	6,228,423.61	4,248,238.76	10/22/2020
20-0086	Beth Adams and Joseph M. Adams	Division of Highways	250.00	250.00	6/24/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0169	Frank Adams and Nancy Adams	Division of Highways	1,079.24	1,000.00	10/22/2020
19-1510	Brenda Adkins and Chris Adkins	Division of Highways	186.15	186.15	9/10/2020
20-0350	Kelli Adkins	Division of Highways	367.81	367.81	12/4/2020
20-0257	Shawn M. Adkins	Division of Highways	227.63	227.63	10/22/2020
20-0219	Lori G. Akers Barton	Division of Highways	663.53	500.00	10/22/2020
20-0305	Chris Allender	Division of Highways	232.35	232.35	10/22/2020
19-1309	Kenneth M. Allison	Division of Highways	1,380.28	250.00	2/13/2020
20-0238	Osama Al-Omar	Division of Highways	307.93	307.93	6/24/2020
19-0851	Dreama Andrews and Leslie Andrews	Division of Highways	205.72	205.72	11/13/2020
20-0024	Robert R. Antill and Cynthia M. Antill	Division of Highways	409.70	409.70	10/22/2020
20-0396	Stephenson Arbaugh	Division of Highways	265.21	250.00	12/11/2020
19-1029	S. Renee Arruda	Division of Highways	585.63	500.00	8/19/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1250	Jamie Austin	Division of Highways	286.18	286.18	12/4/2020
20-0235	Tabitha D. Austin and Richard Austin	Division of Highways	6,994.51	250.00	10/22/2020
19-1011	Bryan Backus	Division of Highways	74.33	74.33	10/22/2020
19-1012	Bryan Backus	Division of Highways	69.50	69.50	10/22/2020
20-0085	Jared Wade Bailey	Division of Highways	405.11	405.11	7/29/2020
20-0009	Eric Wayne Baker	Division of Highways	808.22	808.22	10/22/2020
19-1558	Clyde B. Ball and Margaret A. Ball	Division of Highways	257.56	257.56	7/29/2020
19-0642	Curtis L. Ball, Jr.	Division of Highways	945.07	945.07	10/22/2020
19-1198	Karon A. Barnard	Division of Highways	1,385.40	500.00	8/19/2020
20-0016	Charles Barnett	Division of Highways	3,000.00	3,000.00	11/13/2020
19-1342	Jane Ann Bartsch	Division of Highways		17,500.00	12/4/2020
20-0150	Amber D. Beller	Division of Highways	148.73	148.73	7/29/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1465	Leo Bennett	Division of Highways	876.16	876.16	12/11/2020
20-0202	Vickie Bennett	Division of Highways	175.99	175.99	6/24/2020
19-1010	Debra Benson and Russell Benson	Division of Highways	172.78	172.78	6/24/2020
19-0677	Cassandra Bentley	Division of Highways	540.00	540.00	12/11/2020
19-0901	Dorthea Berisford	Division of Highways	1,233.26	500.00	10/22/2020
20-0077	Kendra E. Berkhouse and Stephen Berkhouse	Division of Highways	901.40	500.00	7/29/2020
20-0225	Julie E. Blake and Aaron L. Blake	Division of Highways	960.37	500.00	8/19/2020
20-0237	Kathleen Bland	Division of Highways	1,135.61	500.00	10/22/2020
20-0458	Denise Blankenship	Division of Highways	171.29	171.29	12/4/2020
20-0063	Thomas Blasingim, Jr. and Stephanie Blasingim	Division of Highways	1,485.07	500.00	12/4/2020
20-0135	Joanne Bonar	Division of Highways	183.91	183.91	10/22/2020
20-0117	Jenna Born and Derek Born	Division of Highways	331.78	331.78	9/10/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1345	James M. Boston	Division of Highways	340.62	340.62	9/10/2020
20-0076	Danny L. Botkins and Terri E. Botkins	Division of Highways	277.55	277.55	6/24/2020
19-0540	Michael Bowman and Connie Bowman	Division of Highways	243.80	243.80	8/19/2020
20-0479	Douglas Branham	Division of Highways	426.82	426.82	10/22/2020
19-1279	Austin Brislin and Laura Brislin	Division of Highways	475.21	475.21	2/13/2020
20-0182	Luciana A. Britton	Division of Highways	4,863.47	500.00	8/19/2020
19-1136	Joann Brooks	Division of Highways	4,770.55	500.00	8/19/2020
20-0189	Elva Marie Brown and Chris Brown	Division of Highways	1,800.00	1,000.00	8/19/2020
19-0949	Joel Brown, John Brown and Linda Brown	Division of Highways	309.50	309.50	9/10/2020
19-1597	Ronald W. Brown	Division of Highways	250.00	250.00	5/14/2020
19-1314	Michael Brown, Jr.	Division of Highways	219.39	219.39	1/7/2020
19-1503	Patricia A. Brownfield	Division of Highways	1,088.26	1,000.00	7/29/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1067	Robert S. Browning	Division of Highways	467.43	467.43	10/22/2020
20-0275	Nancy A. Broyles and David Broyles	Division of Highways	980.08	500.00	7/7/2020
19-1449	Floyd J. Burdine	Division of Highways	613.85	250.00	12/11/2020
20-0423	Donald J. Burns	Division of Highways	847.52	500.00	12/3/2020
19-1496	Crystal L. Bush	Division of Highways	500.00	500.00	5/14/2020
19-1497	Patrick Butler	Division of Highways	100.00	100.00	5/14/2020
19-1411	Allen H. Butler, Jr. and E & J Auto Sales	Division of Highways	1,956.53	1,956.53	12/4/2020
20-0173	Gina Butts	Division of Highways	392.14	250.00	9/10/2020
19-1401	Misty Calvert and Michael Calvert	Division of Highways	364.00	364.00	5/14/2020
20-0379	Leigh Ann Campbell Vankirk	Division of Highways	240.24	240.24	11/13/2020
20-0043	Molly C. Cancino Murphy	Division of Highways	586.36	500.00	7/29/2020
20-0302	Cynthia R. Carpenter and John Carpenter	Division of Highways	14,959.24	500.00	10/22/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1513	Virginia Carpenter	Division of Highways	477.00	100.00	8/19/2020
19-1224	Mary Carter	Division of Highways	222.60	222.60	8/19/2020
20-0360	John Edward Carter and Deborah Jane Carter	Division of Highways	461.92	130.91	12/18/2020
19-1551	Heath Casto	Division of Highways	2,548.20	1,000.00	11/13/2020
19-0344	Anna Wentz Chandler	Division of Highways	235.19	235.19	7/7/2020
20-0174	Jody Chapman and Leah Chapman	Division of Highways	510.39	510.39	9/10/2020
19-1397	Jacob L. Chapman, III and Holly Gumbert	Division of Highways	257.67	257.67	12/4/2020
20-0337	Roger Childers and Mary Childers	Division of Highways	118.19	118.19	11/13/2020
19-1237	City of McMechen	Division of Highways	1,555.57	1,000.00	8/19/2020
20-0402	David L. Clark and Margaret P. Clark	Division of Highways	428.00	107.00	12/18/2020
19-1540	Phyllis Sue Clay and Milton Clay, Jr.	Division of Highways	916.00	500.00	10/22/2020
20-0401	Jeremy Cobb and Megan Cobb	Division of Highways	425.51	425.51	12/4/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0017	Loretta Cogar	Division of Highways	500.00	500.00	6/24/2020
20-0369	Cynthia Coleman and Alexandria Musilli	Division of Highways	1,088.00	1,000.00	10/22/2020
19-1326	Jeffrey S. Conaway	Division of Highways	296.60	296.60	8/19/2020
19-0884	Anthony Conner and Donald Conner	Division of Highways	991.79	991.79	9/10/2020
20-0071	Morgan Conner	Division of Highways	439.47	439.47	8/19/2020
19-0910	Frederick Dean Connors, Sr.	Division of Highways	783.24	500.00	8/19/2020
19-1575	Carol Sue Cook	Division of Highways	334.26	334.26	11/13/2020
19-1242	Teresa Copley and Teddy Copley	Division of Highways	343.12	343.12	10/22/2020
17-0061	John Corbett, Admin. Of the Estate of Lisa Corbett, Deceased	Division of Highways	125,000.00	75,000.00	10/22/2020
19-0971	Terry A. Corder	Division of Highways	219.35	219.35	5/14/2020
19-0523	Korey Coulter	Division of Highways	460.74	460.74	8/19/2020
19-1343	Sandra N. Counts and Jesse Counts-Nenni	Division of Highways	211.85	211.85	6/17/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1578	Kennedy Cowan-Davis and Pamela Cowan	Division of Highways	1,909.61	500.00	12/4/2020
19-0967	Robert H. Cox	Division of Highways	2,198.63	2,198.63	12/11/2020
19-0167	Eva G. Crago	Division of Highways	310.29	310.29	8/19/2020
20-0269	Juanita E. Cremeans	Division of Highways	266.62	266.62	10/22/2020
20-0287	Troy Crites and Donna Myers	Division of Highways	270.30	270.30	9/10/2020
19-0994	Richard Cross and Linda Cross	Division of Highways	1,267.78	1,000.00	8/19/2020
20-0154	Jesse A. Crouch	Division of Highways	170.66	170.66	8/19/2020
20-0283	Elizabeth C. Cruikshank and James Arbogast	Division of Highways	170.13	170.13	9/10/2020
20-0351	James M. Cumberledge and Marcie A. Cumberledge	Division of Highways	271.18	271.18	12/3/2020
19-1025	Mona Cumberledge	Division of Highways	240.51	240.51	10/22/2020
19-1363	Edward M. Cyphert	Division of Highways	126.00	126.00	2/18/2020
19-1160	Donna D'Amico and James D'Amico	Division of Highways	113.21	113.21	9/10/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1421	Judith M. Damron	Division of Highways	199.75	199.75	1/7/2020
20-0362	Michael R. Davies	Division of Highways	213.86	213.86	10/22/2020
19-1042	Bobby L. Davis	Division of Highways	163.24	163.24	2/18/2020
19-0294	Jeffrey G. Davis	Division of Highways	1,370.44	250.00	11/13/2020
20-0289	Charles Day	Division of Highways	2,701.36	2,701.36	12/4/2020
20-0231	Cindy Dean and Kylee Dean	Division of Highways	228.05	228.05	6/24/2020
19-1330	Henry G. Dean and Barbara T. Dean	Division of Highways	159.00	159.00	1/22/2020
19-1290	James Dean and Vickie Dean	Division of Highways	192.60	192.60	2/18/2020
19-1565	Nicole Debolt	Division of Highways	277.72	277.72	10/22/2020
19-1038	Gordon Degenhardt	Division of Highways	451.47	451.47	8/19/2020
20-0333	Shannon E. Delisi	Division of Highways	531.77	250.00	10/22/2020
20-0492	Sherry Dennison	Division of Highways	341.66	50.00	12/3/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0123	Cathy S. Dent	Division of Highways	440.48	440.28	7/29/2020
19-0468	Donna A. Deskins Greene	Division of Highways	227.90	227.90	11/13/2020
20-0317	Maggie Deweirdt	Division of Highways	1,403.29	500.00	10/22/2020
19-0695	Crisha Deyton and James Deyton	Division of Highways	384.86	384.86	5/14/2020
19-1455	Jessica Dianellos	Division of Highways	634.36	634.36	5/14/2020
20-0053	Jane Dinardi and David Dinardi	Division of Highways	201.35	201.35	10/22/2020
19-1281	Cody Dolin	Division of Highways	961.37	961.37	11/13/2020
20-0416	James D. Dolin and Sheila Dolin	Division of Highways	292.15	292.15	12/4/2020
20-0481	Kimberly S. Donnally	Division of Highways	1,943.51	1,000.00	12/3/2020
19-0760	Courtney M. Dove	Division of Highways	252.00	252.00	9/10/2020
19-1332	Dennis Driscoll, Sr.	Division of Highways	500.00	500.00	1/7/2020
20-0240	Allen G. Eastman	Division of Highways	160.94	160.94	8/19/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1381	Teena M. Edmonds	Division of Highways	60.42	60.42	9/10/2020
20-0254	Ali K. El-Amin and Yuliya A. El-Amin	Division of Highways	703.79	500.00	10/22/2020
19-1372	Timothy Elischer	Division of Highways	430.00	250.00	9/10/2020
19-0885	Melissa A. Ellis and Christopher Queen	Division of Highways	599.29	500.00	8/19/2020
20-0161	William R. Ellis, Jr.	Division of Highways	199.79	199.79	9/10/2020
20-0538	Larry Emerson	Division of Highways	98.58	98.58	12/3/2020
19-1415	Sherri L. England and Michael England	Division of Highways	307.01	307.01	5/14/2020
19-0989	Andrew Corin Enoch	Division of Highways	787.28	750.00	8/19/2020
20-0387	Regina Evans	Division of Highways	180.29	180.29	10/11/2020
19-1586	Carl E. Exline, Jr.	Division of Highways	209.29	209.29	3/10/2020
20-0371	Justin D. Fields	Division of Highways	270.85	270.85	12/3/2020
20-0137	Bryce Fink	Division of Highways	1,403.40	500.00	9/10/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1351	Brian L. Finley	Division of Highways	1,532.92	500.00	8/19/2020
19-1340	Jack G. Finney and Theresa Finney	Division of Highways	445.81	445.81	3/10/2020
20-0419	Jennifer A. Finnicum	Division of Highways	233.20	233.20	12/3/2020
19-1157	Deeanna Fleshman and William Fleshman	Division of Highways	230.00	230.00	12/3/2020
19-1412	William Edward Fogle	Division of Highways	347.50	347.50	2/18/2020
19-1458	Matthew Patrick Forester	Division of Highways	273.32	273.32	8/19/2020
19-1238	Stephen J. Fortunato and Dona J. Fortunato	Division of Highways	1,005.05	500.00	8/19/2020
20-0290	Janet L. Frame and Roger Frame	Division of Highways	716.00	500.00	10/22/2020
20-0192	Linda Francis and William Clayton	Division of Highways	168.00	168.00	10/22/2020
19-1231	Bryan Furrow	Division of Highways	56.17	56.17	11/13/2020
19-1104	Vincent A. Gala, Jr.	Division of Highways	756.45	756.45	12/4/2020
19-1350	Larry Gander	Division of Highways	527.43	527.43	1/7/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1230	Patricia Garcia-Torres	Division of Highways	200.00	200.00	9/10/2020
19-1079	Amy Renee Gay	Division of Highways	447.68	447.68	8/19/2020
20-0530	Emily Gay and Aaron Gay	Division of Highways	327.31	327.31	12/4/2020
19-1264	Brent Allen Gearhart	Division of Highways	417.62	417.62	2/13/2020
19-0866	Ryan M. Geisel and Michael J. Geisel	Division of Highways	750.00	750.00	9/10/2020
20-0235	Johnny George, Jr. and Johnny George, Sr.	Division of Highways	2,024.60	2,024.60	10/22/2020
20-0334	Samuel T. Geso	Division of Highways	874.77	500.00	12/11/2020
19-1331	Kassee Gibson	Division of Highways	2,341.67	2,341.67	10/22/2020
19-1041	Mercedes Glaspell	Division of Highways	551.07	551.07	8/19/2020
20-0175	Graham Godwin and Thomas Godwin	Division of Highways	500.00	500.00	6/24/2020
19-1512	James E. Goodman	Division of Highways	1,319.49	500.00	12/18/2020
19-1501	Laura Greathouse and Rodney Greathouse	Division of Highways	712.32	712.32	5/14/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1268	C. Sam Green	Division of Highways	1,721.01	1,000.00	7/29/2020
19-1427	Julie A. Gross and David Gross	Division of Highways	235.36	235.36	3/4/2020
19-1423	Julie A. Gross and David Gross	Division of Highways	235.36	235.36	3/4/2020
18-0966	Stephanie Gunnells and Stephanie Gunnells, as Admin. Of the Estate of Eugene Brogan	Division of Highways	3,570.18	500.00	10/22/2020
20-0198	Thomas P. Gunnoe and Linda A. Gunnoe	Division of Highways	559.61	500.00	7/29/2020
20-0142	Eva S. Guthrie	Division of Highways	1,082.63	500.00	8/19/2020
19-1576	Jacqueline Guthrie	Division of Highways	315.52	315.52	12/4/2020
20-0340	Donna Hager and Paul Hager	Division of Highways	431.64	431.64	12/4/2020
19-1562	Robert Ray Haines and Kelly Haines	Division of Highways	250.00	250.00	6/24/2020
20-0215	Cara Hall	Division of Highways	112.57	112.57	6/24/2020
20-0052	Edmond E. Hall	Division of Highways	315.56	315.56	6/24/2020
19-0818	Jason Hamilton	Division of Highways	893.66	500.00	8/19/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0521	Kathryn Hanifan	Division of Highways	839.14	500.00	12/3/2020
19-0981	Linda Hapney and John L. Hapney, Sr.	Division of Highways	478.82	250.00	10/22/2020
20-0005	Larry Harbison	Division of Highways	1,000.00	1,000.00	5/14/2020
19-0331	Connie Hardman	Division of Highways	239.29	239.29	5/14/2020
19-0463	Grover Allen Harmon	Division of Highways	276.62	276.62	6/24/2020
19-0432	Jeffrey C. Harrah and Joshua Harrah	Division of Highways	188.25	188.25	6/24/2020
20-0036	Johnathan Harrah	Division of Highways	4,627.00	500.00	12/11/2020
19-0555	Anne E. Harris	Division of Highways	175.89	175.89	8/19/2020
20-0425	Harley Hart	Division of Highways	1,170.48	500.00	10/22/2020
19-0573	Beverly A. Haught	Division of Highways	487.88	487.88	8/19/2020
20-0001	Steven R. Haught	Division of Highways	790.92	500.00	8/19/2020
20-0042	Mary J. Hawkins	Division of Highways	320.00	320.00	10/22/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
15-0825	Roger A. Hawkins and Fonda Renee Hawkins	Division of Highways	25,000.00	25,000.00	11/13/2020
20-0393	Michael R. Hefner	Division of Highways	113.17	113.17	11/13/2020
20-0003	Steve M. Henderson	Division of Highways	656.53	500.00	9/10/2020
18-1616	Alice Hern	Division of Highways	82.00	82.00	7/29/2020
19-1444	Mark W. Knotts and Cathy Jo Higgins	Division of Highways	267.50	250.00	3/4/2020
19-1568	Lois Hill	Division of Highways	573.51	573.51	7/29/2020
19-0856	Stephanie Hitchman and Robert Hitchman	Division of Highways	334.04	334.04	8/19/2020
19-1439	David A. Hobbs	Division of Highways	1,222.60	1,222.60	9/10/2020
19-1460	Terri L. Holmes and Keith O. Holmes	Division of Highways	148.73	148.73	5/14/2020
19-0073	Andrew Holt	Division of Highways	188.66	188.66	10/22/2020
19-1563	Jarin Hongpaisan and Phenphone Suanse	Division of Highways	682.01	682.01	12/4/2020
19-0697	Charles Hopson	Division of Highways	91.16	91.16	10/22/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0466	Melissa M. Howell-Lees	Division of Highways	500.00	500.00	6/24/2020
20-0391	Shirley June Hubbard	Division of Highways	370.60	370.60	10/22/2020
20-0022	Brandy Hudson	Division of Highways	321.00	321.00	9/10/2020
19-1329	Carol A. Hughes	Division of Highways	435.71	435.71	2/18/2020
19-0726	Steve Hunt	Division of Highways	107.80	107.80	2/18/2020
20-0531	Thomas Hutchinson and Joanna Hutchinson	Division of Highways	788.01	788.01	12/4/2020
19-1262	Michelle Jack	Division of Highways	1,162.77	500.00	12/3/2020
19-1366	Joseph R. Jackson	Division of Highways	140.93	140.93	1/7/2020
19-1489	Mistie Jackson and Michael Jackson	Division of Highways	731.60	731.60	5/14/2020
19-1505	Lisa A. Baker and Tyler Jarr	Division of Highways	176.19	176.19	10/22/2020
19-1143	Carolyn Faye Jarrell	Division of Highways	1,303.95	1,000.00	7/29/2020
19-0653	Amos Christopher Jarrett	Division of Highways	309.55	309.55	8/19/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0449	Brock Jarrett	Division of Highways	137.84	137.84	5/14/2020
19-1074	Haley Jelinek	Division of Highways	726.00	500.00	10/22/2020
20-0187	Briseis L. Jenkins	Division of Highways	349.63	349.63	7/7/2020
19-1187	Fairley E. Jewell and Melissa J. Jewell	Division of Highways	915.57	500.00	12/3/2020
19-1370	Steven Joe	Division of Highways	1,146.00	500.00	9/10/2020
19-1596	James Ray Johnson	Division of Highways	325.00	325.00	11/13/2020
20-0542	Jerry B. Johnson and Barbara J. Johnson	Division of Highways	19,730.47	500.00	12/4/2020
20-0346	David Jones and Kathryn Jones	Division of Highways	578.80	578.80	12/3/2020
19-1537	Donna Jones	Division of Highways	494.48	494.48	11/13/2020
20-0094	Kathy Jones	Division of Highways	603.53	603.53	10/22/2020
19-1002	Lora Jones	Division of Highways	289.36	289.36	6/24/2020
19-1335	Melody R. Jordan	Division of Highways	526.02	526.02	2/13/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1560	Michelle Joseph	Division of Highways	2,184.75	500.00	10/22/2020
20-0388	Gary R. Justice, Sr.	Division of Highways	513.00	513.00	10/22/2020
19-1509	Aaron Kalar	Division of Highways	3,652.23	1,005.32	12/18/2020
19-1442	Desiree Jane Kimball	Division of Highways	4,445.18	1,000.00	11/13/2020
19-0588	Jared King	Division of Highways	244.44	244.44	8/19/2020
20-0307	Christopher S. Knapp	Division of Highways	134.30	134.30	10/22/2020
19-1588	Timothy L. Koch and Kathleen Reilly	Division of Highways	500.00	500.00	6/24/2020
20-0068	Rosalie Kovalyk	Division of Highways	601.92	601.92	10/22/2020
19-1373	Glenn W. Kraynie, Jr.	Division of Highways	1,170.60	500.00	3/4/2020
20-0221	Brian LaRue and Brittany LaRue	Division of Highways	487.60	487.60	6/24/2020
19-1261	Marcel Lazare	Division of Highways	159.43	159.43	5/14/2020
19-1450	Valerie Leggett and Jarrel Leggett	Division of Highways	626.22	500.00	9/10/2020

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19-0663	William M. Lemon	Division of Highways	243.26	243.26	8/19/2020
20-0324	Ryan Scott Lieving	Division of Highways	95.23	95.23	12/18/2020
18-1522	Edward R. Link and Elizabeth Link	Division of Highways	50,000.00	50,000.00	10/22/2020
20-0074	Chase Long	Division of Highways	228.94	228.94	10/22/2020
20-0121	Valerie Long	Division of Highways	500.00	500.00	8/19/2020
20-0203	Deborah Lonzer	Division of Highways	3,750.72	1,875.50	12/4/2020
20-0410	Kelly Loughry	Division of Highways	300.00	300.00	11/13/2020
20-0067	Rikki McCormick Lowe	Division of Highways	223.63	223.63	7/29/2020
19-0923	Luther Lumley	Division of Highways	891.07	891.07	12/18/2020
19-1582	Michael Lykins	Division of Highways	3,026.68	2,000.00	9/10/2020
20-0466	Paulette Mabry	Division of Highways	278.20	278.20	12/18/2020
19-1454	Ian MacFawn	Division of Highways	680.00	680.00	5/14/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1621	Nicholas Maltese and Stacy Maltese	Division of Highways	8,002.00	8,002.00	12/11/2020
19-0604	Douglas Markley	Division of Highways	1,308.39	890.43	10/22/2020
18-0770	Barbara Marple	Division of Highways	223.89	223.89	12/3/2020
20-0279	Carey Marra	Division of Highways	216.97	216.97	8/19/2020
19-0757	Greg Martin	Division of Highways	450.45	450.45	8/19/2020
19-0941	Mary Ann Matheny	Division of Highways	574.53	574.53	11/13/2020
20-0313	Christopher Mattox	Division of Highways	164.30	164.30	10/22/2020
19-1502	James A. McCord and Cab East LLC	Division of Highways	279.87	250.00	10/22/2020
20-0010	Dakota A. McCormick	Division of Highways	380.00	380.00	7/29/2020
20-0253	Elizabeth McDonald and Stephen McDonald	Division of Highways	616.80	500.00	12/3/2020
20-0261	Nikia McGhee	Division of Highways	250.00	250.00	12/4/2020
19-0026	Catherine T. McKinney	Division of Highways	239.48	239.48	11/13/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0027	Catherine T. McKinney	Division of Highways	1,774.30	1,000.00	12/18/2020
19-0744	Mary Kay McQuain	Division of Highways	282.70	282.70	9/10/2020
19-0791	Jared Lee Melton	Division of Highways	238.75	238.75	12/4/2020
19-1078	Linda J. Mendetta	Division of Highways	336.60	250.00	8/19/2020
19-0962	Clara A. Michael	Division of Highways	768.31	500.00	11/13/2020
20-0019	Jan Miles and Mark Miles	Division of Highways	671.86	671.86	9/10/2020
19-1338	Ben Millard	Division of Highways	453.86	453.86	9/10/2020
20-0436	Martha K. Miller	Division of Highways	633.81	633.81	12/4/2020
19-0887	Nicole Minor and Dwight Minor	Division of Highways	231.90	231.90	8/19/2020
19-1391	Sharon Klein and Jackie Mitchell	Division of Highways	480.54	480.54	5/14/2020
20-0147	MJ Trucking and Trailer Leasing, Inc.	Division of Highways	1,775.73	1,000.00	10/22/2020
19-1374	Levi Moore and Rene Moore	Division of Highways	500.00	500.00	1/7/2020

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19-1356	Mary M. Moore	Division of Highways	569.80	500.00	8/19/2020
19-0618	Pamela Mae Moore	Division of Highways	133.89	133.89	8/19/2020
19-1112	Robert C. Moore and Lovetta Moore	Division of Highways	417.16	417.16	11/13/2020
18-0400	Barbara S. Morris	Division of Highways	1,251.34	500.00	8/19/2020
20-0065	Timothy Morris	Division of Highways	4,352.43	3,000.00	12/11/2020
18-1453	Jeffrey Lee Morrison	Division of Highways	298.48	250.00	11/13/2020
19-1282	Linda L. Morton	Division of Highways	139.34	139.34	9/10/2020
20-0079	Carol S. Moser	Division of Highways	222.50	222.50	6/24/2020
20-0303	Joshua Moss	Division of Highways	3,184.77	1,000.00	12/18/2020
20-0713	Mountaineer Contractors, Inc.	Division of Highways	25,900.43	25,900.43	12/18/2020
20-0395	Charles E. Mullins	Division of Highways	105.90	105.90	11/13/2020
20-0138	Justin G. Mullins	Division of Highways	250.00	250.00	9/10/2020

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19-1380	Jessica Muncy, Eric Mills and Mills Service, Inc.	Division of Highways	737.14	500.00	12/4/2020
20-0308	Corey Murphy and Lauren Murphy	Division of Highways	24,200.00	24,200.00	10/22/2020
20-0400	Norma Jean Murphy	Division of Highways	340.83	340.83	10/22/2020
19-0356	Alexander Murray	Division of Highways	390.00	390.00	6/24/2020
19-1566	James Murray	Division of Highways	306.68	306.68	8/19/2020
19-1561	Rebecca Nagy and John Nagy	Division of Highways	542.93	542.93	10/22/2020
20-0309	Melanie K. Naternicola	Division of Highways	168.99	168.99	12/3/2020
20-0111	Brad D. Nelson	Division of Highways	2,745.42	1,000.00	12/3/2020
18-1723	Carder Nicholas	Division of Highways	500.00	500.00	5/14/2020
19-1500	Robert P. Nichols and Victoria A. Nichols	Division of Highways	250.00	250.00	3/10/2020
20-0007	Brandon Nicholson and Lisa M. Nicholson	Division of Highways	297.39	297.39	6/24/2020
19-1479	O.R. Colan Associates, LLC	Division of Highways	44,017.00	44,017.00	3/4/2020

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20-0375	Valerie L. Oldaker and Jeffrey S. Oldaker	Division of Highways	491.84	491.84	12/3/2020
20-0229	Reggie Ours	Division of Highways	622.95	500.00	10/22/2020
19-1530	Joyce C. Overbay	Division of Highways	683.68	500.00	12/11/2020
19-1529	Joyce C. Overbay	Division of Highways	392.58	392.58	12/11/2020
20-0159	David Palmer and Brenda Palmer	Division of Highways	2,468.49	500.00	9/10/2020
20-0559	William Pantili and Bilco, Inc.	Division of Highways	3,124.55	1,000.00	12/3/2020
19-1065	Michael Parker	Division of Highways	250.00	250.00	2/18/2020
19-1571	Randy A. Parks and Melinda Parks	Division of Highways	431.02	431.02	9/10/2020
20-0512	Sheri L. Parsons	Division of Highways	531.81	500.00	12/4/2020
20-0195	Emmitt C. Patterson	Division of Highways	306.34	306.34	11/13/2020
20-0232	Cecil E. Peck	Division of Highways	1,241.72	500.00	12/3/2020
19-1344	Robert Peck and Diana Peck	Division of Highways	1,346.82	500.00	11/13/2020

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19-0622	Carol L. Phillips	Division of Highways	130.91	130.91	8/19/2020
19-0623	Carol L. Phillips	Division of Highways	517.16	517.16	8/19/2020
19-1424	David E. Pierce and Dave's Auto Repair of Ritchie County	Division of Highways	5,813.47	500.00	12/4/2020
19-1532	Douglas J. Pinn and Cynthia L. Sweitzer	Division of Highways	1,000.00	1,000.00	5/14/2020
20-0314	Kellie S. Poore	Division of Highways	330.63	330.63	12/3/2020
19-1209	A. Robert Potesta and Carolyn Potesta	Division of Highways	197.99	197.99	8/19/2020
19-0767	Phyllis Ann Propst and David Propst	Division of Highways	6,150.00	5,000.00	12/18/2020
20-0382	Randy Pullen	Division of Highways	1,845.46	842.00	11/13/2020
20-0066	Robert E. Queen	Division of Highways	2,683.60	500.00	10/22/2020
19-1507	Robert Raley	Division of Highways	500.00	500.00	3/10/2020
19-1359	Stanley W. Ratliff	Division of Highways	822.21	822.21	3/4/2020
19-1341	Louis J. Rauso	Division of Highways	500.00	500.00	1/7/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0207	Jerry L. Ray	Division of Highways	234.20	234.20	8/19/2020
19-1471	Carolyn E. Reed	Division of Highways	250.00	250.00	5/14/2020
19-1446	Rhonda K. Reed and Thomas Reed	Division of Highways	500.00	500.00	5/14/2020
20-0336	Christopher Wayne Reeves	Division of Highways	645.29	645.29	12/18/2020
18-1618	John W. Reisenweber and Erin K. Reisenweber	Division of Highways	16,000.00	16,000.00	8/19/2020
20-0315	Deneane R. Reneau	Division of Highways	251.59	251.59	12/3/2020
20-0013	Mustafa Rfat and Nazli Khazirova	Division of Highways	289.33	289.33	9/10/2020
19-0850	Patricia Richardson and William Richardson	Division of Highways	262.00	262.00	5/14/2020
19-1225	Robert Rickard	Division of Highways	95.40	95.40	9/10/2020
19-1128	James R. Ridgeway	Division of Highways	185.50	185.50	2/18/2020
20-0452	Angela Lorraine Rogers and James Andrew Rogers	Division of Highways	95.00	95.00	10/22/2020
18-1553	Viola A. Rogers	Division of Highways	2,655.00	2,655.00	11/13/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0204	Irene Renee Rollins	Division of Highways	183.83	183.83	11/13/2020
19-1310	Chandler Rose	Division of Highways	425.69	425.69	2/13/2020
19-0992	Beth Ross	Division of Highways	154.95	154.95	12/11/2020
19-0829	Holly Rowan	Division of Highways	567.63	567.63	9/10/2020
20-0348	James J. Rowe	Division of Highways	242.74	242.74	11/13/2020
19-0832	Michael Rowe	Division of Highways	594.92	500.00	2/13/2020
20-0485	Roger A. Rumbaugh	Division of Highways	277.00	277.00	12/4/2020
19-0723	Andrew Thomas Ryan	Division of Highways	304.18	304.18	8/19/2020
20-0397	George Samsell and Patty Samsell	Division of Highways	650.00	650.00	12/4/2020
20-0249	Jeff Sandy	Division of Highways	638.80	500.00	10/22/2020
19-1355	Jeffrey W. Sapp, Jr.	Division of Highways	500.00	500.00	2/18/2020
20-0090	Mohamad Sarraj and Ghaddy Alsaty	Division of Highways	559.77	500.00	10/22/2020

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20-0455	Shawn Scarberry	Division of Highways	1,544.40	500.00	12/3/2020
19-1590	Erik D. Schafer	Division of Highways	1,300.00	1,300.00	10/22/2020
20-0062	Fred F. Schneider, Jr.	Division of Highways	500.00	500.00	6/24/2020
19-1477	Delane Schoolcraft and Jennifer Schoolcraft	Division of Highways	2,237.95	500.00	12/4/2020
19-1316	Marissa Schrebe	Division of Highways	1,288.86	1,000.00	8/19/2020
20-0088	Lance E. Schultz	Division of Highways	785.26	392.63	12/4/2020
20-0157	Kristin N. Scullen and Michael A. Scullen	Division of Highways	223.72	223.72	9/10/2020
20-0072	Sharon Sears	Division of Highways	924.37	924.37	11/13/2020
20-0444	Timothy See	Division of Highways	154.58	154.58	12/3/2020
19-1034	Stephanie Serig	Division of Highways	440.00	440.00	12/18/2020
19-1257	Martha H. Setterstrom	Division of Highways	140.17	140.17	6/17/2020
19-0837	Ellen L. Shafer	Division of Highways	1,126.00	500.00	9/10/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0355	Shavonna E. Shafer and Jeffrey P. Shafer	Division of Highways	266.71	266.71	10/22/2020
19-0227	Courtney Shamblin	Division of Highways	262.76	262.76	6/24/2020
19-1464	Wesley Shanholtzer and Karen Shanholtzer	Division of Highways	318.00	318.00	9/10/2020
20-0172	Clinton E. Sheets	Division of Highways	1,414.44	500.00	12/4/2020
19-0420	Kayla M. Sheets	Division of Highways	135.00	135.00	6/24/2020
20-0131	Larry Shepherd	Division of Highways	100.05	100.05	6/24/2020
20-0041	Barbara Sherrell, Michael Sherrell and Michael and Barbara Sherrell Living Trust	Division of Highways	1,000.00	1,000.00	6/24/2020
19-1319	Pamela Shiflett	Division of Highways	639.48	500.00	7/29/2020
20-0197	Rebecca Shilot and Michael Shilot	Division of Highways	3,999.93	1,000.00	8/19/2020
20-0345	Randy S. Short and Angel D. Short	Division of Highways	702.76	500.00	10/22/2020
20-0486	Steve Short, Jr.	Division of Highways	1,277.13	500.00	12/4/2020
20-0487	Michael G. Simon	Division of Highways	293.00	293.00	10/22/2020

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19-0378	Deborah J. Simpkins	Division of Highways	734.74	500.00	11/13/2020
19-1354	Jerry L. Sink and Bonita L. Sink	Division of Highways	213.48	213.48	3/10/2020
19-1353	Beverly Sisson	Division of Highways	254.87	254.87	3/4/2020
19-1125	David Sites	Division of Highways	1,897.15	1,897.15	9/10/2020
19-1388	Denzil Slaughter	Division of Highways	174.90	174.90	5/14/2020
19-0868	Joann Slie and Rusty Slie	Division of Highways	838.40	500.00	8/19/2020
19-0002	Dewey T. Smith	Division of Highways	745.13	250.00	10/22/2020
20-0069	Forrest Smith	Division of Highways	82.39	82.39	10/22/2020
20-0246	Janice Smith	Division of Highways	520.25	250.00	7/29/2020
19-1239	Sharla Smith	Division of Highways	219.64	219.64	12/3/2020
20-0239	Sabrina N. Smith and June Haught	Division of Highways	277.00	277.00	6/24/2020
19-1593	Donald K. Smith, II	Division of Highways	743.12	500.00	7/29/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0020	Danny R. Smith, Jr.	Division of Highways	2,375.00	2,375.00	7/29/2020
20-0213	Mark E. Snapp	Division of Highways	3,410.94	250.00	10/22/2020
19-1523	Kenneth D. Snare and Renny S. Snare	Division of Highways	284.21	284.21	9/10/2020
19-0215	James E. Snead and Hope R. Snead	Division of Highways	5,804.56	500.00	10/22/2020
19-0444	Dennis Snider and Donna Snider	Division of Highways	280.00	280.00	11/13/2020
19-1549	Johnny Brent Snyder, II	Division of Highways	379.74	379.74	6/24/2020
20-0453	Sharon Splane	Division of Highways	111.25	111.25	10/22/2020
19-1462	Kelly Staats and Daniel Staats	Division of Highways	935.91	500.00	11/13/2020
20-0376	Joshua D. Stear	Division of Highways	406.58	406.58	12/3/2020
20-0012	Douglas Stearns and JMS Natural Gas Consulting, LLC	Division of Highways	1,000.00	1,000.00	6/24/2020
20-0151	Chanda Stemple	Division of Highways	198.11	198.11	10/22/2020
19-1056	Vicki L. Stemple	Division of Highways	679.44	679.44	9/10/2020

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20-0153	Carl Stepek	Division of Highways	424.98	424.98	9/10/2020
19-1539	Julia Stephens	Division of Highways	75.96	75.96	7/29/2020
19-1526	Shannon A. Stephens and Erin M-K Stephens	Division of Highways	465.52	465.52	9/10/2020
19-1379	Lila Rae Stetter	Division of Highways	228.60	228.60	2/18/2020
20-0226	Beverly J. Stickel	Division of Highways	135.39	135.39	7/29/2020
20-0418	Jami T. Stollings and Jennifer Stollings	Division of Highways	249.10	249.10	10/22/2020
20-0461	Terri Stricklen	Division of Highways	472.78	250.00	12/4/2020
19-1346	Randall P. Stump, Sr. and Virginia Stump	Division of Highways	90.95	90.95	2/18/2020
19-0776	Alan Sturm	Division of Highways	169.86	169.86	9/10/2020
19-1320	Goldie Suttle	Division of Highways	200.00	200.00	7/29/2020
20-0095	Gregory Swiger	Division of Highways	530.00	250.00	8/19/2020
19-1531	Ronald P. Syrolo	Division of Highways	412.00	412.00	6/24/2020

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19-1587	Cayley Tackett and Robin Tackett	Division of Highways	570.01	500.00	7/29/2020
20-0103	Raymond R. Taylor and Frances Taylor	Division of Highways	101.36	101.36	10/22/2020
20-0130	Samantha Taylor	Division of Highways	835.00	500.00	9/10/2020
20-0398	Mark W. Teter	Division of Highways	6,649.00	500.00	12/18/2020
20-0070	Richard E. Thoman	Division of Highways	257.17	257.17	9/10/2020
19-1280	Penny Ellen Thompson	Division of Highways	639.33	500.00	8/19/2020
19-1459	Sonda Toney	Division of Highways	648.43	648.43	12/11/2020
20-0248	Jennifer Tucker	Division of Highways	742.00	742.00	10/22/2020
20-0243	Jennifer Tucker	Division of Highways	2,052.16	1,236.00	10/22/2020
20-0027	Stephanie Tuel and Jeffrey Tuel	Division of Highways	1,020.19	500.00	9/10/2020
19-0986	Roy H. Tunick	Division of Highways	1,267.90	250.00	10/22/2020
19-0769	Angela D. Turner and Richard Turner	Division of Highways	644.33	644.33	8/19/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0681	Ira T. Turner	Division of Highways		1,500.00	12/11/2020
19-0571	Justin Tyree and Kaylee Tyree	Division of Highways	3,600.00	3,600.00	3/4/2020
18-0019	Elijah Underwood	Division of Highways	5,526.00	4,774.97	12/18/2020
19-0951	Maggie E. Uphold	Division of Highways	181.44	181.44	9/10/2020
19-1493	Phyllis Van Horn	Division of Highways	121.76	121.76	9/10/2020
20-0110	Susan Vealey	Division of Highways	2,187.32	500.00	7/29/2020
20-0327	Hazel Walker	Division of Highways	140.00	140.00	10/22/2020
19-0421	Jackie R. Walker	Division of Highways	966.12	966.12	10/22/2020
20-0181	Brian Wallis	Division of Highways	242.45	242.45	6/24/2020
19-1550	Derrick G. Walls	Division of Highways	372.06	372.06	9/10/2020
19-1518	Floyd L. Walters, Jr.	Division of Highways	760.00	760.00	12/3/2020
19-1516	Floyd L. Walters, Jr.	Division of Highways	707.12	707.12	12/3/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1545	Kathy Wayman and Vincent Wayman	Division of Highways	319.66	319.66	8/19/2020
20-0489	Michael J. Weaver	Division of Highways	708.26	581.83	12/18/2020
19-1256	Daniel Webb	Division of Highways	95.23	95.23	2/13/2020
20-0389	David A. Weekley and Diana G. Weekley	Division of Highways	252.02	250.00	12/4/2020
19-0998	Tracy Westerman	Division of Highways	1,962.54	1,962.54	8/19/2020
20-0282	Adrian Hurl White	Division of Highways	99.09	99.09	7/7/2020
19-1210	Tony White	Division of Highways	3,602.02	1,000.00	10/22/2020
18-1518	John Ralph Whitmore	Division of Highways	590.60	325.00	10/22/2020
18-0988	John Ralph Whitmore	Division of Highways	38.77	38.77	10/22/2020
19-1536	Myra E. Wickline	Division of Highways	448.10	448.10	12/4/2020
20-0524	Barbara Wile and James Butcher	Division of Highways	462.69	250.00	12/3/2020
20-0089	Shelly Willham and David Willham	Division of Highways	398.10	398.10	6/24/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
20-0328	Gary W. Williams and Pam Williams	Division of Highways	146.59	146.59	10/22/2020
19-0198	Peggy S. Williams and Roger Williams	Division of Highways	465.55	465.55	12/4/2020
19-0689	Britney Williamson	Division of Highways	355.66	355.66	5/14/2020
19-0404	David A. Wilson and Cheryle A. Wilson	Division of Highways	145.22	145.22	5/14/2020
19-1511	Ryan E. Wilson	Division of Highways	913.73	913.73	5/14/2020
19-1466	Brenda K. Wolverton and Johnny Wolverton	Division of Highways		2,495.00	12/18/2020
19-1299	John M. Woods	Division of Highways	443.02	443.02	1/7/2020
16-0652	Jackie K. Woodson	Division of Highways		117,050.00	12/11/2020
19-1451	Patricia Wright	Division of Highways	250.00	250.00	5/14/2020
19-1535	Raymond D. Wukeson	Division of Highways	235.40	235.40	6/24/2020
19-0939	Leslie D. Wylie	Division of Highways	146.99	146.99	9/10/2020
20-0046	Stephen A. Yaczola	Division of Highways	1,168.94	500.00	8/19/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1003	John L. Yelcich and Larinda Yelcich	Division of Highways	385.30	385.30	8/19/2020
20-0330	Sandra D. Yocum	Division of Highways	224.01	224.01	10/22/2020
20-0217	Aaron M. Zaltzman	Division of Highways	1,775.12	500.00	8/19/2020
19-1377	Jeffrey Zemerick	Division of Highways	256.00	256.00	2/18/2020
17-0210	Paul White Chevrolet	Division of Motor Vehicles	357.50	357.50	12/18/2020
20-0166	Elizabeth Anne McCormick	Educational Broadcast Authority	8,229.00	8,229.00	9/10/2020
19-0470	Albertson Consulting, Inc.	WV Board of Medicine	19,125.00	19,125.00	6/17/2020
20-0212	Parsec, Inc.	WV Public Port Authority	29,503.93	29,503.93	6/17/2020
20-0093	Consultant Services	WV Veterans Nursing Facility	3,920.00	3,920.00	3/4/2020
			\$7,050,560.04	\$5,000,311.22	

Disallowed Claims Presented to the 2021 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
19-0659	Jason Ray Blankenship	Division of Corrections and Rehabilitation	50,000.00	Disallowed	6/17/2020
19-0567	Anthony Cartagena	Division of Corrections and Rehabilitation	27.49	Disallowed	6/17/2020
19-0798	Brandon E. Cremeans	Division of Corrections and Rehabilitation	100,000.00	Disallowed	6/17/2020
18-1492	Henry Timberlake Duncan	Division of Corrections and Rehabilitation	625.00	Disallowed	6/17/2020
19-0727	Brandon Fitzpatrick	Division of Corrections and Rehabilitation	159.41	Disallowed	6/17/2020
20-0029	Troy Goodman	Division of Corrections and Rehabilitation	15,000.00	Disallowed	12/4/2020
18-1524	Jonathan Hager	Division of Corrections and Rehabilitation	1,076.52	Disallowed	6/17/2020
19-1006	Michael Hoosier	Division of Corrections and Rehabilitation	77.00	Disallowed	6/17/2020
19-0537	Billy Lloyd	Division of Corrections and Rehabilitation	899.90	Disallowed	6/17/2020
18-1547	Marlin McClain	Division of Corrections and Rehabilitation	200.00	Disallowed	6/17/2020
19-0015	Michael Salisbury	Division of Corrections and Rehabilitation	125.00	Disallowed	6/17/2020
18-1508	Charles M. Wentz	Division of Corrections and Rehabilitation	713.35	Disallowed	6/17/2020
19-0197	Richard Winning	Division of Corrections and Rehabilitation	264.00	Disallowed	6/17/2020
20-0415	Frankie Bailey	Division of Highways	555.68	Disallowed	12/4/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
15-0861	Timothy Boley as Admin. Of the Estate of Timothy J. Boley, Deceased	Division of Highways		Disallowed	12/11/2020
19-1265	Sandra J. Burdette	Division of Highways	396.92	Disallowed	6/17/2020
20-0165	Gloria Calloway	Division of Highways	3,134.69	Disallowed	12/4/2020
20-0164	Gloria Calloway	Division of Highways	3,134.69	Disallowed	12/4/2020
19-0134	Brian Cochran and Laura Cochran	Division of Highways	1,013.12	Disallowed	12/18/2020
17-0339	Carla A. Cogar, Indiv. And as Admin. Of the Estate of Timothy B. Cogar, Deceased	Division of Highways		Disallowed	12/11/2020
20-0120	Phyllis A. Copley-Adkins	Division of Highways	1,820.00	Disallowed	12/18/2020
19-1180	Andrew Currence	Division of Highways	166.85	Disallowed	12/4/2020
18-0542	Larry Dale Davis, Sr. and Sandra Lee Davis	Division of Highways	14,000.00	Disallowed	12/11/2020
19-0430	Norma Jean Fellure	Division of Highways	762.77	Disallowed	10/22/2020
19-1478	Steve Flora and Absolute Pest Control	Division of Highways	1,828.76	Disallowed	12/18/2020
19-1103	David E. Hancock and Annette G. Hancock	Division of Highways	1,528.00	Disallowed	12/18/2020
20-0260	John Harless and Robert Harless	Division of Highways	4,450.77	Disallowed	12/4/2020
20-0507	Mary Kim Hungerman	Division of Highways	281.56	Disallowed	12/18/2020
19-1457	Joseph N. Hunter	Division of Highways	4,000.00	Disallowed	12/18/2020
19-1448	Garnet Husk	Division of Highways	1,231.75	Disallowed	12/18/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
17-0154	Thomas L. Hutchinson	Division of Highways	855.00	Disallowed	12/18/2020
18-0947	Molly Jordan	Division of Highways	20,000.00	Disallowed	12/18/2020
19-1325	Phillip L. Kessell	Division of Highways	436.65	Disallowed	12/4/2020
19-1004	George R. Kiley and Terrie M. Kiley	Division of Highways	3,882.24	Disallowed	12/18/2020
19-1382	Merrienne Leff	Division of Highways	3,350.14	Disallowed	12/18/2020
19-1522	Rachel McCabe	Division of Highways		Disallowed	12/18/2020
20-0427	Michelle H. McKinney	Division of Highways	765.60	Disallowed	12/4/2020
19-1134	Eric Charles Miller	Division of Highways	1,082.63	Disallowed	12/18/2020
18-1267	Shawn Aaron Moore and Jenny Moore	Division of Highways	960.81	Disallowed	6/17/2020
17-0278	Jay E. Moore and Jennifer K. Moore	Division of Highways	23,746.00	Disallowed	12/11/2020
20-0083	John Pape	Division of Highways	1,937.01	Disallowed	12/4/2020
20-0078	Joel A. Parker	Division of Highways	1,507.52	Disallowed	12/18/2020
19-0360	Larry G. Patterson	Division of Highways	907.15	Disallowed	12/4/2020
20-0061	Jonathan Pennington and Stephanie Pennington	Division of Highways	296.80	Disallowed	12/4/2020
19-1318	Gregory S. Roquet and Stephanie L. Roquet	Division of Highways	652.00	Disallowed	12/18/2020
19-0977	Adam Roush	Division of Highways	500.00	Disallowed	12/4/2020

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
20-0188	Sheldon Sheridan	Division of Highways	643.57	Disallowed	12/4/2020
19-0735	Katrina Smith and Luther Smith	Division of Highways	101.85	Disallowed	12/18/2020
20-0220	Mark E. Snapp	Division of Highways	763.22	Disallowed	10/22/2020
17-0736	Steven Paul Sullivan	Division of Highways		Disallowed	12/18/2020
17-0737	Steve Paul Sullivan and Angela D. Riffle	Division of Highways		Disallowed	12/18/2020
20-0268	Jennifer Talbott	Division of Highways	1,458.41	Disallowed	12/18/2020
20-0281	Amber Thompson and Richard Thompson	Division of Highways	1,231.36	Disallowed	12/18/2020
19-0587	Ellen A. Thorne	Division of Highways	433.16	Disallowed	12/18/2020
19-1408	Trimble, Inc.	Division of Highways	307,394.00	Disallowed	12/18/2020
19-1534	Micah Veres	Division of Highways	500.00	Disallowed	12/18/2020
18-1716	Sheyenne Walker and Danny Walker	Division of Highways	211.93	Disallowed	6/17/2020
20-0008	Jessica White and Ben White	Division of Highways	3,223.43	Disallowed	12/4/2020
17-0340	Nettie Wisner, Individ. And as Admin. Of the Estate of Robert Wisner, Deceased	Division of Highways		Disallowed	12/11/2020
17-0480	Steve Freeman	State of West Virginia		Disallowed	12/11/2020
17-0261	Pamela Crislip	West Virginia State Police		Disallowed	12/18/2020

\$584,313.71

WEST VIRGINIA LEGISLATIVE CLAIMS COMMISSION
ABSTRACTS OF AWARDED CLAIMS

CLAIMS AGAINST THE COMMISSION ON SPECIAL INVESTIGATIONS

CC-20-0642 JOHN'S LOCK AND KEY SERVICE v. COMMISSION ON SPECIAL INVESTIGATIONS

The Claimant brought this claim to recover \$166.15 for professional services provided pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$166.15.

AMOUNT CLAIMED: \$166.15

AMOUNT AWARDED: \$166.15

CLAIMS AGAINST THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY

CC-19-1334 RICOH USA v. DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY

The Claimant brought this claim to recover \$3,285.00 for professional services provided pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$3,285.00.

AMOUNT CLAIMED: \$3,285.00

AMOUNT AWARDED: \$3,285.00

CC-19-1205 STATE ELECTRIC SUPPLY v. DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY

The Claimant brought this claim to recover \$16,624.95 for professional services provided pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$16,624.95.

AMOUNT CLAIMED: \$16,624.95

AMOUNT AWARDED: \$16,624.95

CLAIMS AGAINST THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES

CC-19-1362 MANPOWER OF WV, INC. DBA MANPOWER v. DEPARTMENT OF HEALTH AND HUMAN RESOURCES

The Claimant brought this claim to recover \$7,989.39 for providing professional services pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$7,989.39.

AMOUNT CLAIMED: \$7,989.39

AMOUNT AWARDED: \$7,989.39

CLAIMS AGAINST THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES, OFFICE OF EMERGENCY MEDICAL SERVICES

CC-18-0512 PREMIER CONSTRUCTION GROUP, LLC v. DEPARTMENT OF HEALTH AND HUMAN RESOURCES, OFFICE OF EMERGENCY MEDICAL SERVICES

The Claimant filed this claim seeking to recover \$39,720.00 for payment of unpaid invoices for construction services provided to the Respondent pursuant to its contract. The Respondent admitted the validity of the claim as to \$34,890.00 and further stated that there were sufficient funds expired in the appropriate fiscal years from which the invoices could have been paid but it was without a mechanism to pay the outstanding invoices. The Respondent denied the validity of the claim as to three invoices totaling \$4,830.00, asserting that those invoices did not have sufficient certification to permit the payment. The Claimant opted to forego a final hearing on the contested three invoices. The Claims Commission recommended an award in the amount of \$34,890.00

AMOUNT CLAIMED: \$39,720.00

AMOUNT AWARDED: \$34,890.00

CLAIMS AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION

CC-18-1426 BRIAN ALT v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated as follows: In June, 2018, the Claimant was incarcerated at Mount Olive Correctional Complex. He alleged that when he was out of his cell, the Respondent's employees opened the door to his cell. He further alleged that other inmates then entered his cell and stole various items of his personal property, including an Xbox, controllers, games, a television, CD's, personal hygiene items and commissary. The inmates involved were apprehended and charged; the Claimant's personal property was kept as evidence and then classified as contraband. The Claimant placed a value of \$1,436.22 on his personal property. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent.

The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$1,436.22 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,436.22

AMOUNT AWARDED: \$1,436.22

CC-20-0023 JOSE CANTU v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of certain personal property that he alleged was lost while under the care of the Respondent. At the hearing, the Claimant testified that he had been incarcerated at Huttonsville Correctional Center where he had a small television in his cell. When he was transferred to Northern Correctional Center, the television was not transferred with the Claimant. The State Shop staff packaged the television and made arrangements to have the package shipped to the Claimant at Northern through the United States Postal Service. The Claimant learned from the State Shop supervisor at Northern that when his television arrived, it had been damaged in transit and was disposed of pursuant to the Respondent's policy directives. The Claimant alleged that the Respondent's employees at Huttonsville failed to properly wrap and package the television to prevent breakage or other damage. The Claimant's grievance was ultimately denied. The Claimant placed a value of \$196.10 on his damaged television.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that a bailment existed between the Claimant and the Respondent. The Respondent had a duty to exercise reasonable and ordinary care with the respect to the Claimant's personal property and failed to do so on the date of the incident. The Claims Commission recommended an award in the amount of \$196.10.

AMOUNT CLAIMED: \$196.10

AMOUNT AWARDED: \$196.10

CC-19-0565 ANTHONY CARTAGENA v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of certain personal property that he alleged was lost while under the care of the Respondent. At the hearing, the Claimant, an inmate at Mount Olive Correctional Complex, testified that on January 10, 2019, he was placed in segregation. Upon his release from segregation, he discovered that some of his personal property was missing. He placed a value of \$599.01 on his missing property. The Claimant exhausted his administrative remedies before filing this claim.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Claims Commission determined that a bailment situation existed and that the Respondent was responsible for the Claimant's property and that an award was due to the Claimant.

AMOUNT CLAIMED: \$599.01

AMOUNT AWARDED: \$599.01

CC-19-1543 ANTHONY CARTAGENA v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant, an inmate at Mount Olive Correctional Complex, filed this action to recover the value of certain personal property that he alleged was lost while under the care of the Respondent. At the hearing, the Claimant testified that on September 19, 2019, he was placed in segregation. Upon his release from segregation and return to the general prison population, he discovered that some of his personal property was missing. He placed a value of \$513.09 on his missing property. The Claimant exhausted his administrative remedies before filing this claim.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Claims Commission determined that a bailment situation existed and that the Respondent was responsible for the Claimant's property and that an award was due to the Claimant.

AMOUNT CLAIMED: \$513.09

AMOUNT AWARDED: \$513.09

CC-20-0463 ANTHONY CARTAGENA v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of certain personal property that he alleged was lost while under the care of the Respondent. At the hearing, the Claimant, an inmate at Mount Olive Correctional Complex, testified that on May 19, 2020, approximately thirty (30) of his CD's were wrongfully confiscated by the Respondent's employees. He placed a value of \$774.58 on his confiscated property. The Claimant exhausted his administrative remedies before filing this claim.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Claims Commission determined that a bailment situation existed and that the Respondent was responsible for the Claimant's property and that an award was due to the Claimant.

AMOUNT CLAIMED: \$774.58

AMOUNT AWARDED: \$774.58

CC-19-1483 BILLY EVANS v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated to the following: On September 14, 2019, the Claimant was incarcerated at Eastern Regional Jail and placed in segregation. When he was released from segregation, his personal property could not be located. The Claimant placed a value of \$204.95 on his missing property.

The Legislative Claims Commission found that the Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. Accordingly, a bailment situation

was created and the Respondent was responsible for the lost property of the Claimant. The sum of \$204.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$204.95

AMOUNT AWARDED: \$204.95

CC-20-0205 BRANDON GRAHAM v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated as follows: On August 14, 2019, the Claimant was incarcerated at Northern Correctional Complex. The Claimant was placed in segregation. Before the Respondent's employees were able to inventory and pack up the Claimant's personal property, the Claimant's cellmate stole his property. The cellmate was later charged and found guilty of theft. The Claimant placed a valued of \$240.05 on his stolen property. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Claims Commission determined that a bailment situation existed and that the Respondent was responsible for the Claimant's property and that an award was due to the Claimant.

AMOUNT CLAIMED: \$240.05

AMOUNT AWARDED: \$240.05

CC-20-0270 THOMAS GRAVELY, JR. v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated as follows: On January 29, 2020, the Claimant was incarcerated at Northern Correctional Complex. During a facility wide shakedown and cell search, the Claimant's cell was searched with a K-9 crew. During the search, the Claimant's television was damaged. The Claimant placed a valued of \$212.00 on his damaged property. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Claims Commission determined that a bailment situation existed and that the Respondent was responsible for the Claimant's property and that an award was due to the Claimant.

AMOUNT CLAIMED: \$212.00

AMOUNT AWARDED: \$212.00

CC-20-0109 TAYRON JEROME GRIFFIN v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of certain personal property that he alleged was lost while under the care of the Respondent. At the hearing, the Claimant testified that on November 15, 2018, he was transferred from a juvenile detention center to Western Regional Jail. His personal property was inventoried upon his arrival at that facility. He remained incarcerated at Western until December 27, 2019, when he was transferred to Potomac Highlands Regional Jail. After his arrival, he discovered that this personal property had been lost either at Western Regional Jail or during the transport from Western to Potomac Highlands. The Claimant testified that he did not receive any paperwork or other documentation regarding his personal property when he was leaving Western Regional Jail. He further testified that his lost property included a gold charm, designer jeans, clothing, and a pair of Nike sneakers. He placed a value of \$1,020.00 on his missing property but did not have any receipts to support his valuation.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that a bailment existed between the Claimant and the Respondent. The Respondent had a duty to exercise reasonable and ordinary care with the respect to the Claimant's personal property and failed to do so on the date of the incident. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$1,020.00

AMOUNT AWARDED: \$500.00

CC-19-1467 MARK HARRIS v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of certain personal property that he alleged was lost while under the care of the Respondent. At the hearing, the Claimant testified that on July 3, 2019, he was placed in segregation. Upon his release from segregation, he discovered that some of his personal property was missing. He placed a value of \$783.20 on his missing property. The Claimant exhausted his administrative remedies before filing this claim.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Claims Commission determined that a bailment situation existed and that the Respondent was responsible for the Claimant's property and that an award was due to the Claimant.

AMOUNT CLAIMED: \$783.20

AMOUNT AWARDED: \$783.20

CC-19-0826 WILLARD HUTCHINSON v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated as follows: On December 5, 2018, the Claimant was incarcerated at Mount Olive Correctional Complex. He was placed in segregation and his personal property was inventoried and stored until he returned to the general population. Several of his books were confiscated as contraband because the Claimant had exceeded the permitted number of books. The Claimant placed a value of \$160.95 on his lost property but agreed to accept the sum of \$18.00 for the three confiscated books. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Claims Commission determined that a bailment situation existed and that the Respondent was responsible for the Claimant's property and that an award was due to the Claimant.

AMOUNT CLAIMED: \$160.95

AMOUNT AWARDED: \$18.00

CC-19-1463 JOHN MAUDLIN v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the monies that he alleged were wrongfully debited from his inmate account while under the care of the Respondent. At the hearing, the Claimant testified that he had been incarcerated at Huttonsville Correction Center and released in October, 2017. When he returned to Huttonsville, his inmate account was debited in the amount

of \$35.81, which represented the cost of certain state issued items that he allegedly failed to return upon his release. The Claimant testified that he was charged for locks, clothing, a towel, and a washcloth. The Claimant exhausted his administrative remedies.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the Claimant had signed the appropriate property inventory forms upon his release from Huttonsville in October, 2017. The Respondent further asserted that it was following its policy directives which require inmates to pay for the replacement of state issued property that is lost, missing, stolen or damaged. The Respondent offered to stipulate to an award of \$9.00 representing the value of the towel and washcloth as they were recovered within the facility after the Claimants was released. The Claimant declined this offer.

The Legislative Claims Commission found that the Claimant did not satisfy his burden of proof to demonstrate that he had returned the state-issued locks and clothing. The Claims Commission further found that the Respondent complied with its policy directives concerning lost or missing property when it assessed the debt against the Claimant. The Claims Commission recommended an award of \$9.00 representing the cost of the towel and washcloth, since those items were recovered.

AMOUNT CLAIMED: \$35.81

AMOUNT AWARDED: \$9.00

CC-19-1283 BRIAN MORGAN v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated to the following: The Claimant was incarcerated at Mount Olive Correctional Complex on April 13, 2019. When he left his cell for dinner, he secured the cell door behind him. When he returned approximately an hour later, he discovered that his fan was missing. The Claimant alleged that his cell door was improperly opened while he was gone allowing other inmates access to his cell and personal property. The Claimant placed a value of \$23.59 on his missing property. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Claims Commission determined that a bailment situation existed and that the Respondent was responsible for the Claimant's property and that an award was due to the Claimant.

AMOUNT CLAIMED: \$23.59

AMOUNT AWARDED: \$23.59

CC-19-1117 CHAD ROBINSON v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of certain personal property that he alleged was lost while under the care of the Respondent. At the hearing, the Claimant testified that he was incarcerated at the South Central Regional Jail for approximately two months. When he was released on May 4, 2019, his personal property, including his clothing, shoes, and jewelry, could not be located. He testified that he had to leave the facility wearing clothes that did not belong to him. The Claimant testified that the missing gold chain was a gift from his late grandmother and he did not have a receipt. He submitted an estimate from a local pawn shop in the amount of \$2,499.00. The record before the Claims Commission did not establish whether the Claimant exhausted his administrative remedies as required.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that a bailment existed between the Claimant and the Respondent. The Respondent had a duty to exercise reasonable and ordinary care with the respect to the Claimant's personal property and failed to do on the on the date of the incident. The Claims Commission recommended an award in the amount of \$1,000.00.

AMOUNT CLAIMED: \$2,499.00

AMOUNT AWARDED: \$1,000.00

CC-19-1369 JOSHUA STITLEY v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of certain personal property that he alleged was lost while under the care of the Respondent. At the hearing, the Claimant testified that on August 14, 2019, he was incarcerated at Mount Olive Correctional Complex and was transferred to the segregation wing. He was unable to finish packing his personal property up before he was moved; his counselor completed the packing. When the Claimant received his allowable personal property in segregation, he realized that a pair of Reebok tennis shoes were missing. He testified that he believed that someone would have noticed his shoes sitting out in his former cell and bring them to him. After several days, the Claimant reported his shoes as missing and filed a grievance. His grievance was ultimately denied and the shoes were never located. The Claimant placed a value of \$64.61 on his lost shoes.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that a bailment existed between the Claimant and the Respondent. The Respondent had a duty to exercise reasonable and ordinary care with the respect to the Claimant's personal property and failed to do on the on the date of the incident. The Claims Commission recommended an award in the amount of \$64.61.

AMOUNT CLAIMED: \$64.61

AMOUNT AWARDED: \$64.61

CC-18-1701 WEST VIRGINIA REGIONAL JAIL AUTHORITY v. WEST VIRGINIA DIVISION OF CORRECTIONS

The parties stipulated as follows: Prior to July 1, 2018, the Claimant and the Respondent were two separate agencies. On July 1, 2018, the Respondent absorbed the former Division of Juvenile Services and the former Regional Jail Authority; the parties then became known as the Division of Corrections and Rehabilitation. On this same date, the Division of Corrections and Rehabilitation Division of Administrative Services was created to handle functions such as human resources, payroll, recruiting, contracts, procurements and vehicle and property management.

At all pertinent times, funding for the regional jails is in a separate fund than that for state prisons. The regional jails budget is considered Special Revenue while the prison are funded by General Revenue. Moreover, at all pertinent times, the ten regional jails provided housing, medical care, and food services for state sentenced or convicted inmates in the Respondent's custody when the state prison facilities were experiencing shortages of bed space. Pursuant to West Virginia Code §31-20-1 et seq., the Claimant charged the Respondent a fee set by statute for housing convicted felons, sentenced felons and parole offenders that were detained at the regional jails. Because there was no budget appropriation to the Claimant to cover the cost of housing the Respondent's inmates, the Claimant submitted a monthly invoice to the Respondent

for these costs. Revenue generated by housing the Respondent's inmates accounts for almost fifty percent (50%) of the Claimant's revenue and are necessary for it properly operate. While the Claimant had billed the Respondent for per-diem costs of inmates during fiscal years, 2014, 2015, 2016, 2017 and 2018, not all of the invoices had been paid by the Respondent. The Respondent asserted that it did not have sufficient appropriated funds available to pay the outstanding invoices in the fiscal years in which they were incurred. The Claimant filed this claim seeking the payment of the outstanding invoices in the amount of \$6,228,423.61

As a result of the restructuring on July 1, 2018, an internal audit was undertaken to review all of the invoices and supporting documentation which was the basis for this claim. Following the audit, the parties agreed that the correct amount due to the Claimant, the former Regional Jail Authority, was \$4,248,238.76.

The Claims Commission found that the Claimant is due the monies owed to it by the former Division of Corrections consistent with prior claims and decisions of the former Court of Claims and the Claims Commission. The Claims Commission recommended an award of \$4,248,238.76.

AMOUNT CLAIMED: \$6,228,423.61

AMOUNT AWARDED: \$4,248,238.76

CLAIMS AGAINST THE DIVISION OF HIGHWAYS

CC-20-0169 FRANK ADAMS AND NANCY ADAMS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 28, 2020, the Claimant was driving his 2012 Subaru Legacy on West Virginia Route 20 in Hinton, Summers County when his vehicle was struck by a large rock falling from the hillside adjacent to the roadway. The Claimants' vehicle sustained damages in the amount of \$1,079.24; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 20 and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,079.24

AMOUNT AWARDED: \$1,000.00

CC-19-1510 BRENDA ADKINS AND CHRIS ADKINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2013 Chevrolet Camaro SS on 8th Avenue and 4th Street in Huntington, Cabell County on November 14, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$186.15; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of 8th Avenue and 4th Street on the date of the incident and failed to do so properly. The sum of \$186.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$186.15

AMOUNT AWARDED: \$186.15

CC-20-0350 KELLI ADKINS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2019 Jeep Cherokee on MacCorkle Avenue in Charleston, Kanawha County on June 1, 2020 when her vehicle struck a large pothole in the roadway. The vehicle traveling in front of the Claimant also struck the pothole, causing a loose piece of asphalt to become airborne. The airborne asphalt struck the windshield of the Claimant's vehicle causing it to shatter. The Claimant submitted invoices in the amount of \$367.81; her collision insurance required a deductible of \$600.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of MacCorkle Avenue on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$367.81.

AMOUNT CLAIMED: \$367.81

AMOUNT AWARDED: \$367.81

CC-20-0257 SHAWN M. ADKINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 13, 2020, the Claimant was driving his 2019 Mercedes A220 on Interstate 70 West in Wheeling, Ohio County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$227.63; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 West and failed to do so properly on the date of the incident. The sum of \$227.63 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$227.63

AMOUNT AWARDED: \$227.63

CC-20-0219 LORI G. AKERS BARTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 1996 Subaru Impreza on US Route 19 near Bluefield, Mercer County on March 16, 2020 when her vehicle struck a large patch of crumbled and broken asphalt in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$663.53; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$663.53

AMOUNT AWARDED: \$500.00

CC-20-0305 CHRIS ALLENDER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 5, 2020, the Claimant was driving his 2019 Volkswagen Arteon on US Route 250 in Cameron, Marshall County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of

\$232.35; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 250 and failed to do so properly on the date of the incident. The sum of \$232.35 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$232.35

AMOUNT AWARDED: \$232.35

CC-19-1309 KENNETH M. ALLISON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 2, 2019, the Claimant was driving his 2019 Ram 1500 on Route 21 near Kenna, Jackson County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,380.28; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Route 21 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,380.28

AMOUNT AWARDED: \$250.00

CC-19-0851 DREAMA ANDREWS AND LESLIE ANDREWS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 10, 2019, the Claimant was driving her 2017 Ford Fusion on West Virginia Route 3 in Seth, Boone County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$205.72; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 3 and failed to do so properly on the date of the incident. The sum of \$205.72 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$205.72

AMOUNT AWARDED: \$205.72

CC-20-0024 ROBERT R. ANTILL AND CYNTHIA M. ANTILL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2019 Volante 270BH on Genteel Road in Wellsburg, Brooke County on October 2, 2019 when his vehicle struck several overhanging tree limbs that extended into the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$409.70; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Genteel Road on the date of the incident and failed to do so properly. The sum of \$409.70 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$409.70

AMOUNT AWARDED: \$409.70

CC-20-0396 STEPHENSON ARBAUGH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 6, 2020, the Claimant was driving his 2011 Hyundai Santa Fe on West Virginia Route 29 in Whitmer, Randolph County when his vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$265.21; his collision insurance required a deductible of \$250.00. The Respondent

was responsible for the maintenance of West Virginia Route 29 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$265.21

AMOUNT AWARDED: \$250.00

CC-19-1029 S. RENEE ARRUDA v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Kia Sorrento on West Virginia Route 2 between Proctor and Moundsville, Marshall County on April 4, 2018 when her vehicle struck several large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$585.63; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$585.63

AMOUNT AWARDED: \$500.00

CC-19-1250 JAMIE AUSTIN v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that between April 1, 2019 and May 12, 2019, she drove her 2017 Mitsubishi Outlander Sport on West Virginia Route 20 near Lerona, Mercer County when her vehicle struck numerous potholes in the roadway. Her tires began to slowly deflate and the Claimant learned from her mechanic that the tires were damaged and needed to be replaced. The Claimant submitted invoices in the amount of \$286.18; her collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 20 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$286.18.

AMOUNT CLAIMED: \$286.18

AMOUNT AWARDED: \$286.18

CC-20-0235 TABITHA D. AUSTIN AND RICHARD AUSTIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 10, 2020, the Claimant was driving her 2017 Nissan Pathfinder on West Virginia Route 10 in Rock, Mercer County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$6,994.51; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 10 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$6,994.51

AMOUNT AWARDED: \$250.00

CC-19-1011 BRYAN BACKUS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 19, 2019, the Claimant was driving his 2010 Toyota Prius on Old Route 50 in Pennsboro, Ritchie County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$74.33; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Old Route 50 and failed to do so properly on the date of the incident. The sum of \$74.33 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$74.33

AMOUNT AWARDED: \$74.33

CC-19-1012 BRYAN BACKUS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2010 Toyota Prius on US Route 50 near Cairo, Ritchie County on December 28, 2018 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$69.50; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of US Route 50 on the date of the incident and failed to do so properly. The sum of \$69.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$69.50

AMOUNT AWARDED: \$69.50

CC-20-0085 JARED WADE BAILEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 30, 2020, the Claimant was driving his 2017 GMX Sierra 1500 on West Virginia Route 62 near Cross Lanes, Kanawha County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$405.11; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The sum of \$405.11 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$405.11

AMOUNT AWARDED: \$405.11

CC-20-0009 ERIC WAYNE BAKER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 13, 2019, the Claimant was driving his 2001 Volkswagen Jetta on Interstate 68 East near Sabraton, Monongalia County when his vehicle struck a large portion of the roadway that was covered with various sizes of rock, stone, and gravel. The Claimant's vehicle sustained damages in the amount of \$808.22; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Interstate 68 East and failed to do so properly on the date of the incident. The sum of \$808.22 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$808.22

AMOUNT AWARDED: \$808.22

CC-19-1505 LISA A. BAKER AND TYLER JARR v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Cadillac ATS at the intersection of the ramp of Exit 10 for Interstate 68 and West Virginia Route 43 in Cheat Lake, Monongalia County on October 13, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$176.19; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 68 and West Virginia Route 43 on the date of the incident and failed to do so properly. The sum of \$176.19 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$176.19

AMOUNT AWARDED: \$176.19

CC-19-1558 CLYDE B. BALL AND MARGARET A. BALL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Kia Forte LX on Rocky Step Road in Scott Depot, Putnam County on November 10, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$257.56; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Rocky Step Road on the date of the incident and failed to do so properly. The sum of \$257.56 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$257.56

AMOUNT AWARDED: \$257.56

CC-19-0642 CURTIS L. BALL, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 9, 2019, the Claimant was driving his 2013 Chevrolet Impala on County Route 7, Hewett Creek Road, in Hewett, Boone County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$945.07; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 7, Hewett Creek Road, and failed to do so properly on the date of the incident. The sum of \$945.07 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$945.07

AMOUNT AWARDED: \$945.07

CC-19-1198 KARON A. BARNARD v DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Kia Optima on West Virginia Route 218, Idamay Hill, in Farmington, Marion County on July 26, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,385.40; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 218, Idamay Hill,

on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,385.40

AMOUNT AWARDED: \$500.00

CC-20-0016 CHARLES BARNETT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 21, 2019, the Claimant was driving his 2008 Jaguar X-Type on County Route 19/3, North Sandbranch Road, in Bradley, Raleigh County when his vehicle was struck by a tree falling into the roadway. The Claimant's vehicle sustained damages in the amount of \$3,000.00; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of County Route 19/3, North Sandbranch Road, and failed to do so properly on the date of the incident. The sum of \$3,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,000.00

AMOUNT AWARDED: \$3,000.00

CC-19-1342 JANE ANN BARTSCH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: On July 8, 2018, the Claimant was walking across the 6th Street Bridge in McMechen, Marshall County and fell on a loose metal connection plate, sustaining personal injuries. She alleged that her injuries were cause by the defective condition of the 6th Street Bridge and that the Respondent was negligent in failing to properly maintain the 6th Street Bridge. The Respondent denied any negligence but did acknowledge that the Claimant did sustain personal injuries while crossing the bridge. The parties agreed that it was mutually beneficial to settle the claim and agreed to the sum of \$17,500.00 to settle the claim.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$17,500.00

CC-20-0150 AMBER D. BELLER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2013 Ford Escape on Allens Fork Road in Sissonville, Kanawha County on February 6, 2020 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$148.73; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Allens Fork Road on the date of the incident and failed to do so properly. The sum of \$148.73 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$148.73

AMOUNT AWARDED: \$148.73

CC-19-1465 LEO BENNETT v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2019 Honda Passport on County Route 60/18, Loops Road, in Danese, Fayette County on October 28, 2019

when his vehicle struck a large pothole in the roadway. The Claimant submitted invoices in the amount of \$876.19; his collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of County Route 60/18, Loops Road, on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$876.19.

AMOUNT CLAIMED: \$876.19

AMOUNT AWARDED: \$876.19

CC-19-0677 CASSANDRA BENTLEY v. DIVISION OF HIGHWAYS

The Claimant sought to recover for damages to her vehicle which she alleged were caused by the Respondent's negligence. At the hearing, the Claimant testified that on April 15, 2019, she was driving her 2008 Dodge Charger on West Virginia Route 3 in Chapmanville, Logan County when her vehicle struck a large cutout hole in the roadway. She testified that the hole was quite deep and extended over both lanes of the road; there were no warning signs posted. The Claimant submitted invoices in the amount of \$540.00; she did not carry collision insurance on her vehicle.

The Respondent disputed the allegations of the Claimant in its pleadings and at the hearing.

The Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 3 on the date of the Claimant's incident, that the negligence of the Respondent was the proximate cause of the Claimant's damages and recommended an award in the amount of \$540.00.

AMOUNT CLAIMED: \$540.00

AMOUNT AWARDED: \$540.00

CC-19-0901 DORTHEA BERISFORD v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle and sought to recover. At the hearing, the Claimant testified that on March 7, 2019, she was driving her 2006 Dodge Caravan on West Virginia Route 2 in Moundsville, Marshall County, where there was an ongoing construction project. As she drove through the construction zone, she testified that her vehicle struck a series of large potholes, damaging her vehicle. She submitted invoices in the amount of \$1,233.26; her collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing, arguing that its contractor was ultimately responsible for the Claimant's damages pursuant to the provisions of their contract. The Respondent demanded that the contractor indemnify and defend it against this claim. The contractor provided a defense for the Respondent in this matter.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 2 on the date of the Claimants' incident and that the

Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$1,233.26

AMOUNT AWARDED: \$500.00

CC-20-0077 KENDRA E. BERKHOUSE AND STEPHEN BERKHOUSE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Toyota Sienna XLE on US Route 119 in South Charleston, Kanawha County on January 4, 2020 when her vehicle struck a section of broken and shifting pavement in the traveling lane of the roadway. The Claimants' vehicle sustained damages in the amount of \$901.40; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 119 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$901.40

AMOUNT AWARDED: \$500.00

CC-20-0225 JULIE E. BLAKE AND AARON L. BLAKE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 11, 2020, the Claimant was driving her 2014 Lincoln MKT on Chauncey Hollow Road in Omar, Logan County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$960.37; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Chauncey Hollow Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$960.37

AMOUNT AWARDED: \$500.00

CC-20-0237 KATHLEEN BLAND v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Subaru Impreza on West Virginia Route 2 in Glen Dale, Marshall County on February 25, 2020 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,135.61; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,135.61

AMOUNT AWARDED: \$500.00

CC-20-0458 DENISE BLANKENSHIP v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 29, 2020, the Claimant was driving her 2017 Hyundai Santa Fe on Hanson Hollow Road in Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount

of \$171.29; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Hanson Hollow Road and failed to do so properly on the date of the incident. The sum of \$171.29 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$171.29

AMOUNT AWARDED: \$171.29

CC-20-0063 THOMAS BLASINGIM, JR. AND STEPHANIE BLASINGIM v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on October 12, 2019, he was driving his 2019 Toyota 4Runner on Interstate 77 North near Sissonville, Kanawha County. He approached a construction zone that had only one lane of travel open. As he was driving in the open lane, his vehicle struck a metal object situated in the traveling lane of the roadway. The Claimant testified that the metal object appeared to be part of a metal construction sign. The Claimants submitted invoices in the amount of \$1,485.07; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that the Respondent's contractor was in charge of the construction zone. He further testified that the Respondent had no notice that there was a metal object in the lane of travel until after the Claimants' incident.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 77 North on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$500.00.

AMOUNT CLAIMED: \$1,485.07

AMOUNT AWARDED: \$500.00

CC-20-0135 JOANNE BONAR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 14, 2020, the Claimant was driving her 2019 Kia Optima LX on West Virginia Route 2 North in Wheeling, Ohio County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$183.91; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 2 North and failed to do so properly on the date of the incident. The sum of \$183.91 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 183.91

AMOUNT AWARDED: \$183.91

CC-20-0117 JENNA BORN AND DEREK BORN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Chevrolet Malibu on Kingwood Pike in Morgantown, Monongalia County on February 12, 2020 when her vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$331.78; their collision insurance required a

deductible of \$500.00. The Respondent was responsible for the maintenance of Kingwood Pike on the date of the incident and failed to do so properly. The sum of \$331.78 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$331.78

AMOUNT AWARDED: \$331.78

CC-19-1345 JAMES M. BOSTON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 20, 2019, the Claimant was driving his 2007 Ford Focus on West Virginia Route 62 near West Columbia, Mason County when his vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$340.62; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The sum of \$340.62 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$340.62

AMOUNT AWARDED: \$340.62

CC-19-0540 MICHAEL BOWMAN AND CONNIE BOWMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 31, 2019, the Claimant was driving his 2016 Ford Escape on West Virginia Route 891 in Cameron, Marshall County when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$243.80; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 891 and failed to do so properly on the date of the incident. The sum of \$243.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$243.80

AMOUNT AWARDED: \$243.80

CC-20-0479 DOUGLAS BRANHAM v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 6, 2020, the Claimant was driving his 2015 Hyundai Veloster on US Route 22 in Weirton, Hancock County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$426.82; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of US Route 22 and failed to do so properly on the date of the incident. The sum of \$426.82 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$426.82

AMOUNT AWARDED: \$426.82

CC-19-1279 AUSTIN BRISLIN AND LAURA BRISLIN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Ford Explorer on Dairy Road in Poca, Putnam County on August 9, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$475.21; their collision insurance required a deductible of \$500.00. The Respondent was

responsible for the maintenance of Dairy Road on the date of the incident and failed to do so properly. The sum of \$475.21 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$475.21

AMOUNT AWARDED: \$475.21

CC-20-0182 LUCIANA A. BRITTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Suzuki SX4 on US Route 119, Pennsylvania Avenue, in Charleston, Kanawha County on March 2, 2020 when her vehicle was struck by two large boulders that had rolled from the adjacent hillside into the traveling lane of the roadway. The Claimant's vehicle sustained damages in the amount of \$4,863.47; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 11, Pennsylvania Avenue, on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$4,863.47

AMOUNT AWARDED: \$500.00

CC-19-1136 JOANN BROOKS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant's daughter was driving the Claimant's 2011 Toyota Rav4 on West Virginia Route 2 North in Moundsville, Marshall County on September 9, 2018 when the vehicle struck a large amount of water that had pooled on the traveling portion of the roadway, which propelled the vehicle into the adjacent concrete barrier. The Claimant's vehicle sustained damages in the amount of \$4,770.55; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 North on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$4,770.55

AMOUNT AWARDED: \$500.00

CC-20-0189 ELVA MARIE BROWN AND CHRIS BROWN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 16, 2019, the Claimant was driving her 2015 Nissan Altima on County Route 817/2 in Winfield, Putnam County when her vehicle struck several large rocks in the traveling lane of the roadway. The Claimants' vehicle sustained damages in the amount of \$1,800.00; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 817/2 and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,800.00

AMOUNT AWARDED: \$1,000.00

CC-19-0949 JOEL BROWN, JOHN BROWN, AND LINDA BROWN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2012 Honda Crosstour on West Virginia Route 7 in Morgantown, Monongalia County on February 14, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$309.50; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the date of the incident and failed to do so properly. The sum of \$309.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$309.50

AMOUNT AWARDED: \$309.50

CC-19-1503 PATRICIA A. BROWNFIELD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 22, 2019, the Claimant was driving her 2009 Lexus IS250 on Interstate 79 North near Weston, Lewis County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,088.26; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 79 North and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,088.26

AMOUNT AWARDED: \$1,000.00

CC-19-1067 ROBERT S. BROWNING v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Honda CRV on US Route 119 in Danville, Boone County on July 7, 2019 when his vehicle struck a large chunk of rock that had become dislodged from a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$467.43; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 119 on the date of the incident and failed to do so properly. The sum of \$467.43 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$467.43

AMOUNT AWARDED: \$467.43

CC-20-0275 NANCY A. BROYLES AND DAVID BROYLES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 18, 2020, the Claimant was driving her 2010 Mercedes GLK350 on Jefferson Road in South Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$980.08; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Jefferson Road and failed to do so properly on the date of the incident. The parties agreed that the sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 980.08

AMOUNT AWARDED: \$500.00

CC-19-1449 FLOYD J. BURDINE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on October 16, 2019, he was driving his 2015 Toyota Camry on Interstate 64 West near South Charleston, Kanawha County when his vehicle struck a large pothole in the roadway. The Claimant submitted invoices in the amount of \$613.85; his collision insurance required a deductible of \$250.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing, arguing that its contractor was ultimately responsible for the Claimant's damages pursuant to the provisions of their contract. The Respondent demanded that the contractor indemnify and defend it against this claim.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 West on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$250.00.

AMOUNT CLAIMED: \$613.85

AMOUNT AWARDED: \$250.00

CC-20-0423 DONALD J. BURNS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Mercedes-Benz E350 on Ashton Upland Road in Milton, Mason County on March 14, 2020 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$847.52; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Ashton Upland Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$847.52

AMOUNT AWARDED: \$500.00

CC-19-1411 ALLEN H. BUTLER, JR. AND E & J AUTO SALES v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that he was driving his 2001 Pontiac Grand Am on Brandonville Pike in Terra Alta, Preston County on September 9, 2019 when his vehicle struck a large rock in the traveling portion of the roadway. The Claimant further testified that there was a construction zone sign posted in the area; the pavement had been milled down and he had passed a work crew prior to his vehicle striking the rock. The Claimants submitted invoices in the amount of \$1,956.53; the Claimants did not carry collision insurance on their vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that its contractor was responsible for the construction zone pursuant to the provisions of their contract and therefore, the contractor was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Brandonville Pike on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$1,956.53.

AMOUNT CLAIMED: \$1,956.53

AMOUNT AWARDED: \$1,956.53

CC-20-0173 GINA BUTTS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Chevrolet Cruze on Jacobs Road in Martinsburg, Berkeley County on March 9, 2020 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$392.14; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Jacobs Road on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$392.14

AMOUNT AWARDED: \$250.00

CC-20-0379 LEIGH ANN CAMPBELL VANKIRK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 20, 2020, the Claimant was driving her 2020 GMC Traverse on Frame Road in Elkview, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$240.24; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Frame Road and failed to do so properly on the date of the incident. The sum of \$240.24 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$240.24

AMOUNT AWARDED: \$240.24

CC-20-0043 MOLLY C. CANCINO MURPHY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 22, 2019, the Claimant was driving her 2016 Mazda 6 on Rocky Step Road in Scott Depot, Putnam County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$586.36; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Rocky Step Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$586.36

AMOUNT AWARDED: \$500.00

CC-20-0302 CYNTHIA R. CARPENTER AND JOHN CARPENTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 28, 2019, the Claimant was driving her 2013 Ford Explorer on West Virginia Route 34 South in Hurricane, Putnam County when her vehicle struck a large tree that had fallen on the roadway in a blind curve, blocking both lanes of

travel. The Claimants' vehicle sustained damages in the amount of \$14,959.24; their comprehensive insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 34 South and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$14,959.24

AMOUNT AWARDED: \$500.00

CC-18-1513 VIRGINIA CARPENTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 30, 2018, the Claimant was driving her 2014 Honda Accord Sport near Pine Street in Cottageville, Jackson County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$477.00; her collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of Pine Street and failed to do so properly on the date of the incident. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 477.00

AMOUNT AWARDED: \$100.00

CC-20-0360 JOHN EDWARD CARTER AND DEBORAH JANE CARTER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on May 26, 2020, she was driving her 2017 Toyota Rav4 on West Virginia Route 76 in Bridgeport, Harrison County when her vehicle struck a large pothole in the traveling portion of the roadway. The impact of striking the pothole damaged one tire; the Claimants opted to replace all four tires. The Claimants submitted invoices in the amount of \$461.92; their collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent was willing to stipulate to liability and an award in the amount of \$118.50, which represented the cost of replacing the one damaged tire. The Claimants rejected this offer.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 76 on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$130.91.

AMOUNT CLAIMED: \$461.92

AMOUNT AWARDED: \$130.91

CC-19-1224 MARY CARTER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Nissan Maxima on Interstate 70 in Wheeling, Ohio County on August 20, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$222.60; her collision insurance required a deductible of \$500.00. The Respondent was

responsible for the maintenance of Interstate 70 on the date of the incident and failed to do so properly. The sum of \$222.60 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$222.60

AMOUNT AWARDED: \$222.60

CC-19-1551 HEATH CASTO v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on July 2, 2019, he was driving his 2018 RAM 2500 on Lincoln Drive and Smith Creek Road near Tornado, Kanawha County. When he arrived at his destination, he noticed that there was yellow paint on his vehicle, the side mirror, and this tires. He testified that there was new paint on the double lines of the roadway but there were no posted signs warning of wet paint or painting in progress; he also saw the paint truck in the oncoming traffic lane as he was driving. He attempted to remove the paint from his vehicle but was unsuccessful. The Claimant submitted invoices in the amount of \$2,548.20; his collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that its contractor was responsible for the construction zone pursuant to the provisions of their contract and therefore, the contractor was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Lincoln Drive and Smith Creek Road on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$1,000.00.

AMOUNT CLAIMED: \$2,548.20

AMOUNT AWARDED: \$1,000.00

CC-19-0344 ANNA WENTZ CHANDLER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Hyundai Elantra on West Virginia Route 34, Teays Valley Road, in Scott Depot, Putnam County on February 28, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$235.19; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 23, Teays Valley Road, on the date of the incident and failed to do so properly. The sum of \$235.19 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$235.19

AMOUNT AWARDED: \$235.19

CC-19-1397 JACOB L. CHAPMAN, III AND HOLLY GUMBERT v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on August 1, 2019, she was driving her 2019 Mercedes A220 on West Virginia Route 61, MacCorkle Avenue, in Charleston, Kanawha County, when her vehicle struck a large pothole in the traveling portion of the roadway.

The Claimants submitted invoices in the amount of \$257.67; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 61, MacCorkle Avenue, on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$257.67.

AMOUNT CLAIMED: \$257.67

AMOUNT AWARDED: \$257.67

CC-20-0174 JODY CHAPMAN AND LEAH CHAPMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 21, 2020, the Claimant was driving his 2019 Dodge Durango on West Virginia Route 2 in Ashton, Mason County when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$510.39; their collision insurance required a deductible of \$750.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$510.39 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$510.39

AMOUNT AWARDED: \$510.39

CC-20-0337 ROGER CHILDERS AND MARY CHILDERS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Toyota Camry on West Virginia Route 20 South near Rainelle, Greenbrier County on May 24, 2020 when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$118.19; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 20 South and failed to do so properly on the date of the incident. The sum of \$118.19 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$118.19

AMOUNT AWARDED: \$118.19

CC-19-1237 CITY OF MCMECHEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 24, 2019, the Claimant's employee was driving the Claimant's 2016 Ford Taurus on Baltimore Street in McMechen, Marshall County when the Claimant's vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,555.57; its collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Baltimore Street and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,555.57

AMOUNT AWARDED: \$1,000.00

CC-20-0402 DAVID L. CLARK AND MARGARET P. CLARK v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on June 9, 2020, he was driving his 2018 Honda Fit Sport on US Routes 33 and 119 near Spencer, Roane County when his vehicle struck a large patch of the roadway that had slipped. He testified that there was some patching on the roadway from a previous slip but the road appeared to slip again after that. As the Claimant traveled over this area, his vehicle struck a sharp edge of the pavement that was exposed because of the slip. He was unable to avoid driving over this area because of oncoming traffic and one tire on his vehicle was damaged. The Claimants submitted invoices in the amount of \$428.00 for the cost of replacing four tires; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Routes 33 and 119 on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$107.00, the cost of replacing the one damaged tire.

AMOUNT CLAIMED: \$428.00

AMOUNT AWARDED: \$107.00

CC-19-1540 PHYLLIS SUE CLAY AND MILTON CLAY, JR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2013 Nissan Altima on Roach Road near Salt Rock, Cabell County on November 11, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$916.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Roach Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$916.00

AMOUNT AWARDED: \$500.00

CC-20-0401 JEREMY COBB AND MEGAN COBB v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2019 Toyota Tacoma on Kanawha Terrace in St. Albans, Kanawha County on May 6, 2020 when his vehicle struck a drainage grate that was located in the roadway. The cover to the drainage grate collapsed into the hole below and the Claimants' vehicle struck the open hole. The Claimants' vehicle sustained damages in the amount of \$425.51; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Kanawha Terrace and failed to do so properly on the date of the incident. The sum of \$425.51 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$425.51

AMOUNT AWARDED: \$425.51

CC-20-0369 CYNTHIA COLEMAN AND ALEXANDRIA MUSILLI v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Volvo S60 on West Virginia Route 62 between Millwood and Ripley, Jackson County on February 3, 2020 when her vehicle struck a series of large potholes in the roadway. The Claimants' vehicle sustained damages in the amount of \$1,088.00; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,088.00

AMOUNT AWARDED: \$1,000.00

CC-19-1326 JEFFREY S. CONAWAY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 18, 2019, the Claimant was driving his 2012 Hyundai Elantra on Scratchers Run Road in Fairmont, Marion County when his vehicle struck a series large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$296.60; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Scratchers Run Road and failed to do so properly on the date of the incident. The sum of \$296.60 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$296.60

AMOUNT AWARDED: \$296.60

CC-19-0884 ANTHONY CONNER AND DONALD CONNER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 18, 2019, the Claimant was driving his 2013 Hyundai Sonata on Mileground Road in Morgantown, Monongalia County when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$991.79; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Mileground Road and failed to do so properly on the date of the incident. The sum of \$991.79 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$991.79

AMOUNT AWARDED: \$991.79

CC-20-0071 MORGAN CONNER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 23, 2019, the Claimant was driving her 2015 Toyota Rav4 XLE on Bingamon Road in Enterprise, Marion County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$439.47; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Bingamon Road and failed to do so properly on the date of the incident. The sum of \$439.47 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 439.47

AMOUNT AWARDED: \$439.47

CC-19-0910 FREDERICK DEAN CONNORS, SR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 17, 2019, the Claimant was driving his 2010 Ford Escape on Interstate 70 in Wheeling, Ohio County when his vehicle struck several large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$783.24; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 783.24

AMOUNT AWARDED: \$500.00

CC-19-1575 CAROL SUE COOK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 22, 2019, the Claimant was driving her 2011 Toyota Corolla on US Route 19, Teel Road, in Beckley, Raleigh County when her vehicle struck several cutout areas in the traveling lane of the roadway. The Claimant's vehicle sustained damages in the amount of \$334.26; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 19, Teel Road, and failed to do so properly on the date of the incident. The sum of \$334.26 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$334.26

AMOUNT AWARDED: \$334.26

CC-19-1242 TERESA COPLEY AND TEDDY COPLEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2019 Toyota Avalon on Mill Creek Road in Mitchell Heights, Logan County on August 21, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$343.12; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Mill Creek Road on the date of the incident and failed to do so properly. The sum of \$343.12 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$343.12

AMOUNT AWARDED: \$343.12

CC-17-0061 JOHN CORBETT, ADMINISTRATOR OF THE ESTATE OF LISA CORBETT, DECEASED v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 1, 2016, the Claimant's decedent was driving on US Route 219 North near Marlinton, Pocahontas County. Her vehicle was involved in a head-on collision when another driver, traveling in the opposite direction, attempted to pass a tractor trailer, crossed the center line and struck her vehicle. The Claimant's decedent later succumbed to the injuries she received from the collision. The accident was alleged to have occurred in a no passing zone on US Route 219. However, at the time of the accident, this stretch of roadway was the site of a repaving project and the stripes delineating the lines of travel, passing zones and no passing zones had not yet been painted on the newly paved

roadway. The Respondent alleged that its contractor had a contractual duty to defend and indemnify the Respondent for the claim asserted by the Claimant. Both the Respondent and its contractor denied any negligence but did acknowledge that the Claimant's decedent suffered fatal injuries as a result of the accident. All parties agreed that it was mutually advantageous to resolve the matter for a total sum of \$125,000.00, with the Respondent contributing the amount of \$75,000.00 to the final settlement.

AMOUNT CLAIMED: \$125,000.00

AMOUNT AWARDED: \$75,000.00

CC-19-0523 KOREY COULTER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2011 BMW 328i on Three Springs Drive in Weirton, Hancock County on February 13, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$460.74; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Three Springs Drive on the date of the incident and failed to do so properly. The sum of \$460.74 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$460.74

AMOUNT AWARDED: \$460.74

CC-19-1343 SANDRA N. COUNTS AND JESSE COUNTS-NENNI v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on July 28, 2019, he was driving his 2018 Kia Soul Plus on Interstate 64 East over the Donald M. Legg Memorial Bridge in Nitro, Kanawha County, when his vehicle struck what appeared to be a defective expansion joint in the roadway across the bridge. He testified that the impact damaged his tire, almost shredding it. The Claimants submitted invoices in the amount of \$211.85; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$211.85.

AMOUNT CLAIMED: \$211.85

AMOUNT AWARDED: \$211.85

CC-19-1576 KENNEDY COWAN-DAVIS AND PAMELA COWAN v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on November 3, 2019, she was driving her 2014 Ford Fusion on Interstate 64 near Huntington, Cabell County. She testified that this was an active construction zone and she merged into the left lane in accordance with the

posted traffic control devices. As she switched lanes, her vehicle struck an unknown substance that was situated on the roadway. The Claimant testified that she immediately noticed a strange odor that smelled like tar. She exited the Interstate a few miles later and at that time, she discovered that the right side of her vehicle was covered with tar. By the time she was able to have her vehicle repaired, the tar had hardened on to the surface of the vehicle. The Claimants submitted invoices in the amount of \$1,909.61; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that its contractor was responsible for the construction zone pursuant to the provisions of their contract and therefore, the contractor was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$500.00.

AMOUNT CLAIMED: \$1,909.61

AMOUNT AWARDED: \$500.00

CC-19-0967 ROBERT H. COX v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle and sought to recover. At the hearing, the Claimant testified that on June 1, 2019, he was driving his 2001 BMW 23 on Interstate 64 East near Hurricane, Putnam County when his vehicle struck a large pothole in the roadway. The impact of striking the pothole was significant enough that his tire burst and the airbags inside the vehicle deployed. There was ongoing construction on Interstate 64 East but there were no signs posted warning of large potholes or other road hazards. The Claimant submitted invoices in the amount of \$2,198.63; he did not carry collision insurance on his vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing, arguing that its contractor was ultimately responsible for the Claimant's damages pursuant to the provisions of their contract. The Respondent demanded that the contractor indemnify and defend it against this claim. The contractor provided a defense for the Respondent in this matter.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$2,198.63.

AMOUNT CLAIMED: \$2,198.63

AMOUNT AWARDED: \$2,198.63

CC-19-0167 EVA G. CRAGO v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Honda Fit LX on West Virginia Route 62 in Red House, Putnam County on December 30, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained

damages in the amount of \$310.29; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 62 on the date of the incident and failed to do so properly. The sum of \$310.29 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$310.29

AMOUNT AWARDED: \$310.29

CC-20-0269 JUANITA E. CREMEANS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 20, 2020, the Claimant was driving her 2000 Chevrolet S-10 on West Virginia Route 62 in Point Pleasant, Mason County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$266.62; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The sum of \$266.62 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$266.62

AMOUNT AWARDED: \$266.62

CC-20-0287 TROY CRITES AND DONNA MYERS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 1, 2020, the Claimant was driving his 2015 Kia Soul on Jacobs Road in Martinsburg, Berkeley County when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$270.30; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Jacobs Road and failed to do so properly on the date of the incident. The sum of \$270.30 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$270.30

AMOUNT AWARDED: \$270.30

CC-19-0994 RICHARD CROSS AND LINDA CROSS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Lincoln MKZ on West Virginia Route 218 near Farmington, Marion County on June 13, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$1,267.78; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 218 on the date of the incident and failed to do so properly. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,267.78

AMOUNT AWARDED: \$1,000.00

CC-20-0154 JESSE A. CROUCH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Honda Accord on First Avenue in Nitro, Kanawha County when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$170.66; his

collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of First Avenue on the date of the incident and failed to do so properly. The sum of \$170.66 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$170.66

AMOUNT AWARDED: \$170.66

CC-20-0283 ELIZABETH C. CRUIKSHANK AND JAMES ARBOGAST v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 5, 2020, the Claimant was driving her 2015 BMW X1 on Apple Valley Road and Rock Union Road near Fairmont, Marion County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$170.13; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Apple Valley Road and Rock Union Road and failed to do so properly on the date of the incident. The sum of \$170.13 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$170.13

AMOUNT AWARDED: \$170.13

CC-20-0351 JAMES M. CUMBERLEDGE AND MARCIE A. CUMBERLEDGE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2020 Kia Telluride on West Virginia Route 23, Water Street, in Salem, Harrison County, on May 21, 2020 when her vehicle struck a series of large potholes in the roadway. The Claimants' vehicle sustained damages in the amount of \$271.18; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 23, Water Street, and failed to do so properly on the date of the incident. The sum of \$271.18 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$271.18

AMOUNT AWARDED: \$271.18

CC-19-1025 MONA CUMBERLEDGE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant's daughter was driving the Claimant's 2017 Toyota Corolla on West Virginia Route 2 near Bens Run, Tyler County on June 18, 2019 when the vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$240.51; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$240.51 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$240.51

AMOUNT AWARDED: \$240.51

CC-19-1160 DONNA D'AMICO AND JAMES D'AMICO v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Honda HRV on West Earl Core Road in Morgantown, Monongalia County on July 10, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$113.21; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Earl Core Road on the date of the incident and failed to do so properly. The sum of \$113.21 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$113.21

AMOUNT AWARDED: \$113.21

CC-20-0362 MICHAEL R. DAVIES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 27, 2020, the Claimant was driving his 2011 BMW 328xi on Interstate 68 East in Morgantown, Monongalia County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$213.86; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 68 East and failed to do so properly on the date of the incident. The sum of \$213.86 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$213.86

AMOUNT AWARDED: \$213.86

CC-19-0294 JEFFREY G. DAVIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 23, 2018, the Claimant was driving his 2010 Chevrolet Tahoe on O'Brien Creek Road near Clay, Clay County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,370.44; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of O'Brien Creek Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,370.44

AMOUNT AWARDED: \$250.00

CC-20-0289 CHARLES DAY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2013 Hyundai Sonata on West Virginia Route 2 near Sistersville, Tyler County on April 15, 2020. He encountered a number of rocks in the roadway on his way to work in the early morning. He was unable to avoid striking the rocks due to oncoming traffic and also because a vehicle was traveling behind him. The Claimant testified that he served as a volunteer firefighter in the area and had observed rocks in the roadway at this location; he had also been called to respond to numerous calls to clear the roadway of rocks. Additionally, this was an area known for rockslides and there were no warning signs posted in the area. The Claimant submitted invoices in the amount of \$2,701.36; he did not carry collision insurance on his vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 2 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$2,701.36.

AMOUNT CLAIMED: \$2,701.36

AMOUNT AWARDED: \$2,701.36

CC-19-1330 HENRY G. DEAN AND BARBARA T. DEAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Honda FIT on West Virginia Route 4 in Clendenin, Kanawha County on August 18, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$159.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 4 on the date of the incident and failed to do so properly. The sum of \$159.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$159.00

AMOUNT AWARDED: \$159.00

CC-19-1565 NICOLE DEBOLT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 3, 2019, the Claimant was driving her 2006 Subaru Legacy on Henderson Hollow Road in Core, Monongalia County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$277.72; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Henderson Hollow Road and failed to do so properly on the date of the incident. The sum of \$277.72 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$277.72

AMOUNT AWARDED: \$277.72

CC-19-1038 GORDON DEGENHARDT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Lexus IS300 on Three Springs Drive in Weirton, Hancock County on April 26, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$451.47; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Three Springs Drive on the date of the incident and failed to do so properly. The sum of \$451.47 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$451.47

AMOUNT AWARDED: \$451.47

CC-20-0333 SHANNON E. DELISI v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 6, 2020, the Claimant was driving her 2015 Nissan Juke on Interstate 64 East in South Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$531.77; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 531.77

AMOUNT AWARDED: \$250.00

CC-20-0492 SHERRY DENNISON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 27, 2020, the Claimant was driving her 2013 Ford Taurus on Old Turnpike Road in Little Birch, Braxton County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$341.66; her collision insurance required a deductible of \$50.00. The Respondent was responsible for the maintenance of Old Turnpike Road and failed to do so properly on the date of the incident. The sum of \$50.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$341.66

AMOUNT AWARDED: \$50.00

CC-20-0123 CATHY S. DENT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 23, 2019, the Claimant was driving her 2019 Honda Accord on West Virginia Route 25 in Nitro, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$440.28; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 and failed to do so properly on the date of the incident. The sum of \$440.28 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$440.28

AMOUNT AWARDED: \$440.28

CC-19-0468 DONNA A. DESKINS GREENE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 27, 2019, the Claimant was driving her 2007 Ford 500 on US Route 219 North in Salt Sulphur Springs, Monroe County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$227.90; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of US Route 219 North and failed to do so properly on the date of the incident. The sum of \$227.90 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$227.90

AMOUNT AWARDED: \$227.90

CC-20-0317 MAGGIE DEWEIRD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: In the Fall of 2019, the Claimant was driving her 2016 Kia Sportage on West Virginia Route 72, River Road, in Rowlesburg, Preston County when her vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,403.29; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 72, River Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,403.29

AMOUNT AWARDED: \$500.00

CC-20-0053 JANE DINARDI AND DAVID DINARDI v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2011 Mercedes BC300 on County Route 857, Greenbag Road, in Morgantown, Monongalia County on December 10, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$201.35; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 857, Greenbag Road, on the date of the incident and failed to do so properly. The sum of \$201.35 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$201.35

AMOUNT AWARDED: \$201.35

CC-19-1281 CODY DOLIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 18, 2019, the Claimant was driving his 2004 GMC Truck and pulling his 2003 Thor Citation recreational vehicle on West Virginia Route 3 near Sweet Springs, Monroe County when his vehicle and recreational vehicle struck a large pothole in the roadway. The Claimant's recreational vehicle sustained damages in the amount of \$961.37; he did not carry collision insurance on his recreational vehicle. The Respondent was responsible for the maintenance of West Virginia Route 3 and failed to do so properly on the date of the incident. The sum of \$961.37 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$961.37

AMOUNT AWARDED: \$961.37

CC-20-0416 JAMES D. DOLIN AND SHEILA DOLIN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2019 Toyota Camry on West Virginia Route 25 in Nitro, Putnam County on May 27, 2020 when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$292.15; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 and failed to do so properly on the date of the incident. The sum of \$292.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$292.15

AMOUNT AWARDED: \$292.15

CC-20-0481 KIMBERLY S. DONNALLY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 20, 2020, the Claimant was driving her 2018 Toyota Camry on Estate Drive in Huntington, Cabell County when her vehicle struck a deep depression in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,943.51; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Estate Drive and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,943.51

AMOUNT AWARDED: \$1,000.00

CC-19-0760 COURTNEY M. DOVE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 17, 2019, the Claimant was driving her 2012 Volkswagen Tiguan on Independence Road in Morgantown, Monongalia County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$252.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Independence Road and failed to do so properly on the date of the incident. The sum of \$252.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$252.00

AMOUNT AWARDED: \$252.00

CC-20-0240 ALLEN G. EASTMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 28, 2020, the Claimant was driving his 2013 Volkswagen Passat on West Virginia Route 34 near Hurricane, Putnam County when his vehicle struck a large depression in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$160.94; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$160.94 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$160.94

AMOUNT AWARDED: \$160.94

CC-19-1381 TEENA M. EDMONDS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 22, 2019, the Claimant was driving her 2010 Ford Focus on the West 17th Street exit near Huntington, Cabell County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$60.42; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of the West 17th Street exit and failed to do so properly on the date of the incident. The sum of \$60.42 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$60.42

AMOUNT AWARDED: \$60.42

CC-20-0254 ALI K. EL-AMIN AND YULIYA A. EL-AMIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 4, 2020, the Claimant was driving his 2015 Mercedes C300 on Interstate 68 East when his vehicle struck a series of large potholes in the roadway. The Claimants' vehicle sustained damages in the amount of \$703.79; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 68 East and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$703.79

AMOUNT AWARDED: \$500.00

CC-19-1372 TIMOTHY ELISCHER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 18, 2019, the Claimant was driving his 2018 Chevrolet Tahoe on West Virginia Route 7 in Sabraton, Monongalia County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$430.00; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 7 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$430.00

AMOUNT AWARDED: \$250.00

CC-19-0885 MELISSA A. ELLIS AND CHRISTOPHER QUEEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 21, 2019, the Claimant was driving her 2018 Cadillac Escalade on Interstate 79 South near White Hall, Marion County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$599.29; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 South and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$599.29

AMOUNT AWARDED: \$500.00

CC-20-0161 WILLIAM R. ELLIS, JR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Nissan Altima on West Virginia Route 75 in Lavalette, Wayne County on February 14, 2020 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$199.79; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 75 on the date of the incident and failed to do so properly. The sum of \$199.79 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$199.79

AMOUNT AWARDED: \$199.79

CC-20-0538 LARRY EMERSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 11, 2020, the Claimant was driving his 2014 Kia Soul on US Route 60 in West Moreland, Wayne County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$98.58; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60 and failed to do so properly on the date of the incident. The sum of \$98.58 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$98.58

AMOUNT AWARDED: \$98.58

CC-19-0989 ANDREW CORIN ENOCH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2021 Toyota Yaris on County Route 67, Stewartstown Road, in Morgantown, Monongalia County on May 17, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$787.28; his collision insurance required a deductible of \$750.00. The Respondent was responsible for the maintenance of County Route 67, Stewartstown Road, on the date of the incident and failed to do so properly. The sum of \$750.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$787.28

AMOUNT AWARDED: \$750.00

CC-20-0387 REGINA EVANS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 16, 2020, the Claimant was driving her 2012 Ford Focus on Interstate 64 in South Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$180.29; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 64 and failed to do so properly on the date of the incident. The sum of \$180.29 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$180.29

AMOUNT AWARDED: \$180.29

CC-20-0371 JUSTIN D. FIELDS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 19, 2020, the Claimant was driving his 2008 Chevrolet Cobalt on Jerrys Run Road in Apple Grove, Mason County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$270.85; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Jerrys Run Road and failed to do so properly on the date of the incident. The sum of \$270.85 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$270.85

AMOUNT AWARDED: \$270.85

CC-20-0137 BRYCE FINK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 7, 2020, the Claimant was driving his 2017 Ford Focus on Duke Road in Martinsburg, Berkeley County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,403.40; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Duke Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,403.40

AMOUNT AWARDED: \$500.00

CC-19-1351 BRIAN L. FINLEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 6, 2019, the Claimant was driving his 2009 Chrysler Town & Country on West Virginia Route 88 between Bethany and Wellsburg, Brooke County when his vehicle struck several large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,532.92; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 88 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,532.92

AMOUNT AWARDED: \$500.00

CC-20-0419 JENNIFER A. FINNICUM v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 4, 2020, the Claimant was driving her 2019 Chevrolet Malibu on West Virginia Route 62 North near West Columbia, Mason County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$233.20; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 62 North and failed to do so properly on the date of the incident. The sum of \$233.20 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$233.20

AMOUNT AWARDED: \$233.20

CC-19-1157 DEEANNA FLESHMAN AND WILLAIM FLESHMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2011 Toyota Rav4 on West Virginia Route 41 in Prince, Fayette County on June 27, 2019 when her vehicle struck a large boulder in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$230.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 41 on the date of the incident and failed to do so properly. The sum of \$230.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$230.00

AMOUNT AWARDED: \$230.00

CC-19-1458 MATTHEW PATRICK FORESTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 13, 2019, the Claimant was driving his 2013 Hyundai Elantra on Cabela Drive in Triadelphia, Ohio County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$273.32; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Cabela Drive and failed to do so properly on the date of the incident. The sum of \$273.32 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$273.32

AMOUNT AWARDED: \$273.32

CC-19-1238 STEPHEN J. FORTUNATO AND DONA J. FORTUNATO v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2019 Audi Q5 on Interstate 70 East in Wheeling, Ohio County on July 31, 2019 when her vehicle struck a piece of exposed rebar within a large pothole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$1,000.05; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 East on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,000.05

AMOUNT AWARDED: \$500.00

CC-20-0290 JANET L. FRAME AND ROGER FRAME v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 31, 2020, the Claimant was driving her 2014 Ford Fusion on Hanging Rock Highway near Man, Logan County when her vehicle struck a portion of the traveling lane that had slipped away. The Claimants' vehicle sustained damages in the amount of \$716.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Hanging Rock Highway and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$716.00

AMOUNT AWARDED: \$500.00

CC-20-0192 LINDA FRANCIS AND WILLIAM CLAYTON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 4, 2019, the Claimant was driving her 2009 Chevrolet Impala on Interstate 70 West in Wheeling, Ohio County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$168.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 West and failed to do so properly on the date of the incident. The sum of \$ is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$168.00

AMOUNT AWARDED: \$168.00

CC-19-1231 BRYAN FURROW v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2019 Chevrolet Colorado on Holden Road in Cora, Logan County on May 28, 2019 when his vehicle struck a series of large cutouts in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$56.17; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Holden Road on the date of the incident and failed to do so properly. The sum of \$56.17 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$56.17

AMOUNT AWARDED: \$56.17

CC-19-1104 VINCENT A. GALA, JR. v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his property. At the hearing, the Claimant testified that he owns farmland in New Cumberland, Hancock County adjacent to Wyle Ridge Road, Chapman Road and Hunter Road. Following a heavy rainstorm on June 19 and June 20, 2019, his property was severely flooded and sustained significant damage. He testified that a driveway situated at the bottom of the hill sustained the most damage. He further testified that the culverts on these roads are clogged with debris causing them to overflow during rainstorms. At times, the Claimant has cleaned out the culverts and ditches on his own to prevent damage to his property. The Claimant has called the Respondent's local office on numerous occasions regarding the poorly maintained ditches and culverts. He testified that he was advised that the Respondent's local office was short staffed and did not have sufficient time or manpower to address the culvert and ditch issues he raised. The Claimant submitted invoices in the amount of \$756.45.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of the culverts and ditches adjacent to Wylie Ridge Road, Chapman Road and Hunter Road on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$756.45.

AMOUNT CLAIMED: \$756.45

AMOUNT AWARDED: \$756.45

CC-19-1230 PATRICIA GARCIA-TORRES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2001 Ford Windstar on Arch Street in Martinsburg, Berkeley County on July 4, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$200.00; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Arch Street on the date of the incident and failed to do so properly. The sum of \$200.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$200.00

AMOUNT AWARDED: \$200.00

CC-19-1079 AMY RENEE GAY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2019 Nissan Sentra on Lumberport Road in Clarksburg, Harrison County on May 10, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$447.68; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Lumberport Road on the date of the incident and failed to do so properly. The sum of \$447.68 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$447.68

AMOUNT AWARDED: \$447.68

CC-20-0530 EMILY GAY AND AARON GAY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2020 Kia Telluride on Herring Road in Reedsville, Preston County on August 1, 2020 when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$327.31; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Herring Road and failed to do so properly on the date of the incident. The sum of \$327.31 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$327.31

AMOUNT AWARDED: \$327.31

CC-19-1264 BRENT ALLEN GEARHART v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 12, 2019, the Claimant was driving his 2019 Subaru Legacy on US Route 60, Kanawha Boulevard, near Charleston, Kanawha County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$417.62; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60, Kanawha Boulevard, and failed to do so properly on the date of the incident. The sum of \$417.62 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$417.62

AMOUNT AWARDED: \$417.62

CC-19-0866 RYAN M. GEISEL AND MICHAEL GEISEL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 12, 2018, the Claimant was driving his 2014 Hyundai Sonata on Riverside Road in Granville, Monongalia County when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$750.00; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Riverside Road and failed to do so properly on the date of the incident. The sum of \$750.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$750.00

AMOUNT AWARDED: \$750.00

CC-20-0406 JOHNNY GEORGE, JR. AND JOHNNY GEORGE, SR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2003 Chevrolet Silverado on Pisgah-Church Road Low Gap Road in Princeton, Mercer County on March 10, 2020 when his vehicle was struck by a large tree limb extending from the Respondent's right of way over the traveling lane of the roadway. The Claimants' vehicle sustained damages in the amount of \$2,024.60; they did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of Pisgah-Church Road Low Gap Road and failed to do so properly on the date of the incident. The sum of \$2,024.60 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,024.60

AMOUNT AWARDED: \$2,024.60

CC-20-0334 SAMUEL T. GESO v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant's daughter testified that she was driving the Claimant's 2015 Mitsubishi Outlander Sport on West Virginia Route 27, Ingleside Road, in Princeton, Mercer County on May 14, 2020 when the Claimant's vehicle struck a large pothole in the roadway. She was traveling in a construction zone and the roadway had been milled in preparation for resurfacing. The Claimant submitted invoices in the amount of \$874.77; his collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that its contractor was responsible for the construction zone pursuant to the provisions of their contract and therefore, the contractor was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 27, Ingleside Road, on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$500.00.

AMOUNT CLAIMED: \$874.77

AMOUNT AWARDED: \$500.00

CC-19-1331 KASSEE GIBSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 4, 2019, the Claimant was driving her 2001 Toyota Sequoia on US Route 52 North in Kimball, McDowell County when her vehicle was struck by a falling tree that was situated in the Respondent's right of way adjacent to the traveling lane of the roadway. The Claimant's vehicle sustained damages in the amount of \$2,341.67; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of US Route 52 North and failed to do so properly on the date of the incident. The sum of \$2,341.67 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,341.67

AMOUNT AWARDED: \$2,341.67

CC-19-1041 MERCEDES GLASPELL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Subaru WRX on Interstate 79 North near Fairmont, Marion County on June 26, 2019 when her vehicle struck an orange construction cone situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$551.07; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Interstate 79 North on the date of the incident and failed to do so properly. The sum of \$551.07 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$551.07

AMOUNT AWARDED: \$551.07

CC-19-1512 JAMES E. GOODMAN v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2006 Pontiac G6 on West Virginia Route 2 in Moundsville, Marshall County on November 13, 2019 when his vehicle struck a portion of the roadway in rough and poor condition. The Claimant submitted invoices in the amount of \$1,319.49; his collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 2 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$500.00.

AMOUNT CLAIMED: \$1,319.49

AMOUNT AWARDED: \$500.00

CC-19-1268 C. SAM GREEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 18, 2019, the Claimant was driving his 2010 Audi TTS Quattro on County Route 7/22, Montana Road, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,721.01; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 7/22, Montana Road, and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,721.01

AMOUNT AWARDED: \$1,000.00

CC-19-1423 JULIE A. GROSS AND DAVID GROSS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 14, 2019, the Claimant was driving her 2015 GMC Yukon on West Virginia Route 16 between Ivydale and Big Otter, Clay County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$235.36; their collision insurance required a deductible of \$250.00. The Respondent

was responsible for the maintenance of West Virginia Route 16 and failed to do so properly on the date of the incident. The sum of \$235.36 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$235.36

AMOUNT AWARDED: \$235.36

CC-19-1427 JULIE A. GROSS AND DAVID GROSS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 GMC Yukon on West Virginia Route 16 between Big Otter and Ivydale, Clay County on September 19, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$235.36; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 16 on the date of the incident and failed to do so properly. The sum of \$235.36 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$235.36

AMOUNT AWARDED: \$235.36

CC-18-0966 STEPHANIE GUNNELLS AND STEPHANIE GUNNELLS, AS THE ADMINISTRATRIX OF THE ESTATE OF EUGENE BROGAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving the 2007 Ford Mustang GT owned by the Claimant's decedent on June 7, 2018, on West Virginia Route 20 in Athens, Mercer County when the vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$3,570.18; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 20 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,570.18

AMOUNT AWARDED: \$500.00

CC-20-1098 THOMAS P. GUNNOE AND LINDA A. GUNNOE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 12, 2020, the Claimant was driving his 2017 Ford Explorer XLT on Pennsylvania Avenue in St. Albans, Kanawha County when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$559.61; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Pennsylvania Avenue and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$559.61

AMOUNT AWARDED: \$500.00

CC-20-0142 EVA S. GUTHRIE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2011 BMW 328i on Interstate 79 North near Morgantown, Monongalia County on February 20, 2020 when her vehicle struck a large rock in the traveling portion of the roadway. The Claimant's vehicle sustained

damages in the amount of \$1,082.63; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 North on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,082.63

AMOUNT AWARDED: \$500.00

CC-19-1576 JACQUELINE GUTHRIE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2019 Mitsubishi Mirage on Interstate 64 East near Huntington, Cabell County on November 23, 2019 when she encountered a construction zone. Traffic was directed to shift lanes. As the Claimant was following the traffic control devices to shift lanes, a tractor trailer in the next lane veered close to her vehicle. She edged closer to the fog line to avoid a collision and her vehicle struck a large pothole in the roadway. The Claimant submitted invoices in the amount of \$315.52; her collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that its contractor was responsible for the construction zone pursuant to the provisions of their contract and therefore, the contractor was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$315.52.

AMOUNT CLAIMED: \$315.52

AMOUNT AWARDED: \$315.52

CC-20-0340 DONNA HAGER AND PAUL HAGER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that he was a passenger in his 2015 Lincoln MKC while his wife was driving. They were traveling on West Virginia Route 10 at the intersection of Regency Road and Venus Trail in Mineral City, Logan County on May 12, 2020. Their vehicle struck an exposed pipe that was in the traveling portion of the roadway. They were unable to see the pipe because there was a large amount of water in the intersection that hid the pipe from view. The Claimant believed that heavy rains had washed away the gravel that was around the pipe that would normally keep the pipe flush with the roadway; with the gravel washed away, the pipe became exposed. The Claimants submitted invoices in the amount of \$431.64; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 10, Regency Road and Venus Trail on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants'

damages. The Claims Commission recommended an award to the Claimants in the sum of \$431.64.

AMOUNT CLAIMED: \$431.64

AMOUNT AWARDED: \$431.64

CC-19-0818 JASON HAMILTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Subaru Legacy on Jordan Street in Dunbar, Kanawha County on March 3, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$893.66; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Jordan Street on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$893.66

AMOUNT AWARDED: \$500.00

CC-20-0521 KATHRYN HANIFAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 17, 2020, the Claimant was driving her 2008 Hyundai Elantra on County Route 76/7, Marquess Road, near Fellowsville, Preston County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$839.14; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 76/6, Marquess Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$839.14

AMOUNT AWARDED: \$500.00

CC-19-0981 LINDA HAPNEY AND JOHN L. HAPNEY, SR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Hyundai Tucson on West Virginia Route 3 in Seth, Boone County on June 5, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$478.82; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 3 on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$478.82

AMOUNT AWARDED: \$250.00

CC-20-0036 JOHNATHAN HARRAH v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2002 Honda Accord on West Virginia Route 3 near Hinton, Summers County on November 28, 2019 when his vehicle struck a large boulder situated in the traveling portion of the roadway. The Claimant

testified that he had observed rocks and trees in the roadway on prior occasions; a large mountain is adjacent to the roadway. There were no warning signs posted even though this was in an area known for rockfalls. The Claimant's vehicle sustained significant damage and was deemed a total loss by his insurance company. The Claimant submitted documentation as to the fair market value of his vehicle in the amount of \$4,627.00; his collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 3 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$500.00.

AMOUNT CLAIMED: \$4,627.00

AMOUNT AWARDED: \$500.00

CC-19-0555 ANN E. HARRIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 10, 2019, the Claimant was driving her 2009 Hyundai Elantra SW on Interstate 70 East in Wheeling, Ohio County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$175.89; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Interstate 70 East and failed to do so properly on the date of the incident. The sum of \$175.89 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 175.89

AMOUNT AWARDED: \$175.89

CC-20-0425 HARLEY HART v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 25, 2020, the Claimant was driving his 2015 BMW X5 on Emmett Drive in Morgantown, Monongalia County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,170.48; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Emmett Drive and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,170.48

AMOUNT AWARDED: \$500.00

CC-19-0573 BEVERLY A. HAUGHT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 20, 2019, the Claimant was driving her 2010 Lincoln MKT on West Virginia Route 2 and Rines Ridge in Proctor and Moundsville, Marshall County when her vehicle struck several large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$487.88; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and

Rines Ridge and failed to do so properly on the date of the incident. The sum of \$487.88 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$487.88

AMOUNT AWARDED: \$487.88

CC-20-0001 STEVEN R. HAUGHT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2010 Harley Davidson FXDB on Morgan Ridge Road in Rivesville, Marion County on October 5, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$790.02; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Morgan Ridge Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$790.02

AMOUNT AWARDED: \$500.00

CC-20-0042 MARY J. HAWKINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 3, 2020, the Claimant was driving her 2018 Toyota Camry on US Route 22 in Weirton, Brooke County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$320.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 22 and failed to do so properly on the date of the incident. The sum of \$320.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$320.00

AMOUNT AWARDED: \$320.00

CC-15-0825 ROGER A. HAWKINS AND FONDA RENEE HAWKINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 11, 2015, the Claimant was driving his 1994 Toyota Tacoma on Mason Dixon Highway in Blacksville, Monongalia County when his vehicle struck a large patch of rough road which caused his vehicle to roll over. The Claimant was ejected from his vehicle; he sustained personal injuries and incurred medical bills. The Claimants alleged that the Respondent failed to properly maintain the roadway. The Respondent denied any negligence but acknowledged that the Claimants sustained some injuries and damage to his vehicle and that it may have some culpability for the damages sustained by the Claimant. The parties agreed to settle the claim for the sum of \$25,000.00, which is a fair and reasonable amount.

AMOUNT CLAIMED: \$250,000.00

AMOUNT AWARDED: \$25,000.00

CC-20-0393 MICHAEL R. HEFNER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 18, 2020, the Claimant was driving his 2008 Chevrolet Trailblazer on West Virginia Route 311 in Sweet Springs, Monroe County when his vehicle struck a large rock situated in the traveling portion of the roadway following a rockslide on to the roadway. The Claimant's vehicle sustained damages in the amount of \$113.17; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 311 and failed to do so properly on the date of the incident. The sum of \$113.17 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$113.17

AMOUNT AWARDED: \$113.17

CC-20-0003 STEVE M. HENDERSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 GMZ Terrain on Interstate 64 East near Ceredo, Wayne County on December 13, 2019 when his vehicle struck a large piece of concrete that had become dislodged from the pavement of the roadway. The Claimant's vehicle sustained damages in the amount of \$656.53; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$656.53

AMOUNT AWARDED: \$500.00

CC-18-1616 ALICE HERN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 27, 2018, the Claimant was driving her 2002 Subaru Legacy on US Route 250 in White Hall, Marion County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$82.00; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of US Route 250 and failed to do so properly on the date of the incident. The sum of \$82.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$82.00

AMOUNT AWARDED: \$82.00

CC-19-1568 LOIS HILL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 30, 2019, the Claimant was driving her 2014 Nissan Sentra on Rocky Step Road in Scott Depot, Putnam County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$573.51; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Rocky Step Road and failed to do so properly on the date of the incident. The sum of \$573.51 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$573.51

AMOUNT AWARDED: \$573.51

CC-19-0856 STEPHANIE HITCHMAN AND ROBERT HITCHMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 15, 2019, the Claimant was driving her 2013 BMW 328i on US Route 40 in Elm Grove, Ohio County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$334.04; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 40 and failed to do so properly on the date of the incident. The sum of \$334.04 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$334.04

AMOUNT AWARDED: \$334.04

CC-19-1439 DAVID A. HOBBS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 2, 2019, the Claimant was driving his 2000 Pontiac Firebird WS6 on Leon Baden Road in Leon, Mason County when his vehicle struck a large patch of broken pavements with potholes and the sharp edges of the potholes exposed. The Claimant's vehicle sustained damages in the amount of \$1,222.60; the Claimant did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Leon Baden Road and failed to do so properly on the date of the incident. The sum of \$1,222.60 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,222.60

AMOUNT AWARDED: \$1,222.60

CC-19-0073 ANDREW HOLT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2008 Chrysler Pacifica on Poplar Street in Parkersburg, Wood County on January 2, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$188.66; his collision insurance required a deductible of \$.250.00. The Respondent was responsible for the maintenance of Poplar Street on the date of the incident and failed to do so properly. The sum of \$188.66 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$188.66

AMOUNT AWARDED: \$188.66

CC-19-1563 JARIN HONGPAISAN AND PHENPHONE SUANSE v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimants' son testified that on September 6, 2019, he was driving the Claimants' 2006 Jeep Liberty on US Route 119, North Wiley Street, in Morgantown, Monongalia County when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimants submitted invoices in the amount of \$682.01; their collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 119, North Wiley Street, on the date of the Claimants' incident and that

such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$682.01.

AMOUNT CLAIMED: \$682.01

AMOUNT AWARDED: \$682.01

CC-19-0697 CHARLES HOPSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 23, 2019, the Claimant was driving his 2005 Toyota Scion on West Virginia Route 16, Buffalo Creek Road, in Kistler, Logan County when his vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$91.16; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 16, Buffalo Creek Road, and failed to do so properly on the date of the incident. The sum of \$91.16 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$91.16

AMOUNT AWARDED: \$91.16

CC-20-0391 SHIRLEY JUNE HUBBARD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 25, 2020, the Claimant was driving her 2010 Mercedes GLK350 on West Virginia Route 2 in New Martinsville, Wetzel County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$370.60; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$370.60 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$370.60

AMOUNT AWARDED: \$370.60

CC-20-0022 BRANDY HUDSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 11, 2019, the Claimant was driving her 2013 Ford Fusion on Kanawha State Forest Drive near Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. On November 26, 2019, the Claimant was again driving her 2013 Ford Fusion on Interstate 64 East near Dunbar, Kanawha County when her vehicle struck a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$321.00 as a result of these incidents; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Kanawha State Forest Drive and Interstate 64 East and failed to do so properly on the dates of the Claimant's incidents. The sum of \$321.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$321.00

AMOUNT AWARDED: \$321.00

CC-20-0531 THOMAS HUTCHINSON AND JOANNA HUTCHINSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2020 Nissan Murano on Little Sandy Creek Road in Elkview, Kanawha County on June 9, 2020 when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$788.01; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Little Sandy Creek Road and failed to do so properly on the date of the incident. The sum of \$788.01 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$788.01

AMOUNT AWARDED: \$788.01

CC-19-1262 MICHELLE JACK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 19, 2019, the Claimant was driving her 2013 Audi A4 on Phillips Dairy Road in Buckhannon, Upshur County when her vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,162.77; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Phillips Dairy Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,162.77

AMOUNT AWARDED: \$500.00

CC-19-1143 CAROLYN FAYE JARRELL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Kia Optima on Interstate 77 North at the Greenbrier Street exit in Charleston, Kanawha County on July 25, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,303.95; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 77 North at the Greenbrier Street exit on the date of the incident and failed to do so properly. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,303.95

AMOUNT AWARDED: \$1,000.00

CC-19-0653 AMOS CHRISTOPHER JARRETT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 1, 2019, the Claimant was driving his 2016 Ford Fusion on West Virginia Route 16 in Bintree, Nicholas County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$309.55; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 16 and failed to do so properly on the date of the incident. The sum of \$309.55 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$309.55

AMOUNT AWARDED: \$309.55

CC-19-1074 HALEY JELINEK v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on June 28, 2019, she was driving her 2011 Honda CRV on Interstate 79 North through a construction zone at Exit 99 near Weston, Lewis County. There were orange construction barrels set up on the roadway forcing traffic to merge from two lanes to one lane only. Several of the barrels had become dislodged from their bases and were situated in the one lane of moving traffic. The Claimant testified that she tried to dodge the barrels while driving; however, one barrel struck the passenger side of her vehicle causing significant damage to the front of her vehicle. The Claimant submitted invoices in the amount of \$726.00; her collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that its contractor was responsible for the construction zone pursuant to the provisions of their contract and therefore, the contractor was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 79 North on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$500.00.

AMOUNT CLAIMED: \$726.00

AMOUNT AWARDED: \$500.00

CC-20-0187 BRISEIS L. JENKINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Lexus CT200h on County Route 87/16, Schoolhouse Drive, in Evans, Jackson County on March 5, 2020 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$349.63; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 87/16, Schoolhouse Drive, on the date of the incident and failed to do so properly. The sum of \$349.63 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$349.63

AMOUNT AWARDED: \$349.63

CC-19-1187 FAIRLEY E. JEWELL AND MELISSA J. JEWELL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 21, 2019, the Claimant was driving his 2018 Honda Civic EX on West Virginia Route 10 near Oceana, Wyoming County when his vehicle struck a series of large potholes in the roadway. The Claimants' vehicle sustained damages in the amount of \$915.57; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 10 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$915.57

AMOUNT AWARDED: \$500.00

CC-19-1370 STEVEN JOE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 13, 2019, the Claimant was driving his 2011 Victory Vision on County Route 43, Long Branch Road, in Barboursville, Cabell County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,146.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 43, Long Branch Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,146.00

AMOUNT AWARDED: \$500.00

CC-19-1596 JAMES RAY JOHNSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Mercedes Benz E350 on River Road in Granville, Monongalia County on October 27, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$325.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of River Road on the date of the incident and failed to do so properly. The sum of \$325.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$325.00

AMOUNT AWARDED: \$325.00

CC-20-0542 JERRY B. JOHNSON AND BARBARA J. JOHNSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was towing his 2017 Keystone Cougar 326ADS recreational vehicle on County Route 29, Fudge Creek Road, in Ona, Cabell County on July 11, 2020 when his recreational vehicle struck a large tree branch that extended into the traveling lane of the roadway. The Claimants' vehicle sustained damages in the amount of \$19,730.47; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 29, Fudge Creek Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$19,730.47

AMOUNT AWARDED: \$500.00

CC-20-0346 DAVID JONES AND KATHRYN JONES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2019 Ford EcoSport on White Oak Court in Star City, Monongalia County on May 24, 2020 when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$578.80; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of White Oak Court and failed to do so properly on the date of the incident. The sum of \$578.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$578.80

AMOUNT AWARDED: \$578.80

CC-19-1537 DONNA JONES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 14, 2019, the Claimant was driving her 2017 Mazda Miata on US Route 60 between Hart Run and White Sulphur Springs, Greenbrier County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$494.48; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60 and failed to do so properly on the date of the incident. The sum of \$494.48 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$494.48

AMOUNT AWARDED: \$494.48

CC-20-0094 KATHY JONES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 27, 2019, the Claimant was driving her 2009 Chevrolet HHR on Fish Creek Road in Moundsville, Marshall County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$603.53; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Fish Creek Road and failed to do so properly on the date of the incident. The sum of \$603.53 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$603.53

AMOUNT AWARDED: \$603.53

CC-19-1335 MELODY R. JORDAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 8, 2019, the Claimant was driving her 2012 Volvo S60 on MacCorkle Avenue in Charleston, Kanawha County when her vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$526.02; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of MacCorkle Avenue and failed to do so properly on the date of the incident. The sum of \$526.02 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$526.02

AMOUNT AWARDED: \$526.02

CC-19-1560 MICHELLE JOSEPH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 21, 2019, the Claimant was driving her 2019 Nissan Maxima on West Run Road in Morgantown, Monongalia County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$2,184.75; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Run Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,184.75

AMOUNT AWARDED: \$500.00

CC-20-0388 GARY J. JUSTICE, SR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 24, 2020, the Claimant was driving his 2014 Mercedes E-350 on West Virginia Route 34 in Teays Valley, Putnam County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$513.00; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$513.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$513.00

AMOUNT AWARDED: \$513.00

CC-19-1509 AARON KALAR v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2016 Toyota Prius on Cherry Fork Road in Montrose, Randolph County in September 2018 when his vehicle struck a series of holes in the roadway. Again, in August, 2019, the Claimant was driving his 2004 Ford Ranger on Cherry Fork Road in Montrose, Randolph County when his vehicle struck a number of large rocks situated in the roadway. The Claimant testified that this road is an access route to the ongoing Corridor H construction project; a large number of trucks and other construction vehicles use the road on a daily basis, causing damage to the roadway. The Claimant has notified both the contractor and the Respondent as to his concerns regarding the road condition. The Claimant submitted invoices for the repairs to his 2016 Toyota Prius in the amount of \$2,846.92; his collision insurance required a deductible of \$200.00. The Claimant submitted invoices for the repairs to his 2004 Ford Ranger in the amount of \$805.32; he did not carry collision insurance on his vehicle.

The Claimant's witness, a commissioner on the Randolph County Commission, testified that Cherry Fork Road is in poor condition. He has worked with the Claimant for quite some time to improve the road conditions but the amount of construction vehicles using the road on a regular basis are contributing to its decline.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Cherry Fork Road on the dates of the Claimant's incidents and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$1,005.32.

AMOUNT CLAIMED: \$3,652.23

AMOUNT AWARDED: \$1,005.32

CC-19-1442 DESIREE JANE KIMBALL v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that September 30, 2019, she was driving her 2019 Subaru Crosstrek on West Virginia Route 7 in Morgantown, Monongalia County when a large branch from a dead tree fell on her vehicle. Trees line the roadway along West Virginia Route 7 and they are very close to the lane of travel. The Claimant testified that the dead

branch caused damage to the windshield, hood, and passenger side of her vehicle. The Claimant submitted invoices in the amount of \$4,445.18; her collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 7 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$1,000.00.

AMOUNT CLAIMED: \$4,445.18

AMOUNT AWARDED: \$1,000.00

CC-19-0588 JARED KING v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 6, 2018, the Claimant was driving his 2011 Ford Fusion on West Virginia Route 2 North in Weirton, Hancock County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$244.44; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 2 North and failed to do so properly on the date of the incident. The sum of \$244.44 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$244.44

AMOUNT AWARDED: \$244.44

CC-20-0307 CHRISTOPHER S. KNAPP v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 5, 2020, the Claimant was driving his 2017 Chevrolet Malibu on Steven Hole Road in Marlinton, Pocahontas County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$134.30; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Steven Hole Road and failed to do so properly on the date of the incident. The sum of \$134.30 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$134.30

AMOUNT AWARDED: \$134.30

CC-19-1444 MARK W. KNOTTS AND CATHY JO HIGGINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Chevrolet Malibu on Coal River Road in St. Albans, Kanawha County on May 14, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$267.50; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Coal River Road on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$267.50

AMOUNT AWARDED: \$250.00

CC-20-0068 ROSALIE KOVALYK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 25, 2019, the Claimant was driving her 2015 Jeep Cherokee on West Virginia Route 2 North in Wheeling, Ohio County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$601.92; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 2 North and failed to do so properly on the date of the incident. The sum of \$601.92 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$601.92

AMOUNT AWARDED: \$601.92

CC-19-1373 GLENN W. KRAYNIE, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 14, 2019, the Claimant was driving his 2011 Ford Mustang on County Route 60/2, Harbour Lane, in Hurricane, Putnam County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,170.60; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 60/2, Harbour Lane, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,170.60

AMOUNT AWARDED: \$500.00

CC-19-1450 VALERIE LEGGETT AND JARREL LEGGETT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2019 Ram 2500 on County Route 21 in Ona, Cabell County on October 17, 2019 when her vehicle struck a large roadside warning sign that extended into the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$626.22; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 21 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$626.22

AMOUNT AWARDED: \$500.00

CC-19-0663 WILLIAM M. LEMON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 7, 2019, the Claimant was driving his 2018 Toyota Rav4 on Gladesville Road in Kingwood, Preston County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$243.26; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Gladesville Road and failed to do so properly on the date of the incident. The sum of \$243.26 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$243.26

AMOUNT AWARDED: \$243.26

CC-20-0324 RYAN SCOTT LIEVING v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 28, 2020, the Claimant was driving his 2003 Volkswagen Passat on Margaret Road in Wyatt, Harrison County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$95.23; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Margaret Road and failed to do so properly on the date of the incident. The sum of \$95.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$95.23

AMOUNT AWARDED: \$95.23

CC-18-1522 EDWARD R. LINK AND ELIZABETH LINK v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimants, owners of property in Ohio County, discovered in January 2018 that the roadway in front of their property began to slip causing damage to their fields that were used for raising livestock. They were unable to use the fields and incurred significant expenses related to the slip and resulting property damage. The Claimants alleged that their damages were related to the Respondent's failure to properly maintain the roadway. The Respondent denied that it was negligent in its maintenance but the parties believed it to be mutually advantageous to resolve the claim. The parties agreed to settle the claim for the sum of \$50,000.00, which is a fair and reasonable amount.

AMOUNT CLAIMED: \$50,000.00

AMOUNT AWARDED: \$50,000.00

CC-20-0074 CHASE LONG v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 26, 2020, the Claimant was driving his 2013 Nissan Sentra on Cheat Road in Morgantown, Monongalia County when his vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$228.94; his collision insurance required a deductible of \$1,500.00. The Respondent was responsible for the maintenance of Cheat Road and failed to do so properly on the date of the incident. The sum of \$228.94 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$228.94

AMOUNT AWARDED: \$228.94

CC-20-0121 VALERIE LONG v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 11, 2020, the Claimant was driving her 2012 Chevrolet Tahoe on Wallace Pike in Wallace, Harrison County when her vehicle was struck by a large falling tree that had been adjacent to the roadway. The Claimant's vehicle sustained damages in the amount of \$8,357.07; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Wallace Pike and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$8,357.07

AMOUNT AWARDED: \$500.00

CC-20-0203 DEBORAH LONZER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle; she also sought to recover her medical expenses for personal injuries. At the hearing, the Claimant testified that she was driving a 2018 Dodge Journey on Interstate 77 North near Ripley, Jackson County on February 10, 2019 when her vehicle struck a large patch of black ice. Her vehicle spun around causing her to strike the front end of a tractor trailer in the adjacent lane. Her vehicle then shot across the travel lanes and came to rest against a guardrail. The Claimant testified that she had observed the electronic warning signs and slowed down because of the winter weather advisory. There were several other accidents in the same area on the same night; the Claimant alleged that the Respondent did not respond to the weather conditions in an appropriate manner. The Claimant was transported by ambulance to a local hospital where she was diagnosed with a concussion. The vehicle was deemed to be a total loss. The Claimant submitted medical bills in in the amount of \$3,750.72.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent's witness testified that the Respondent responded to the weather conditions that evening pursuant to established snow removal and ice control protocols. There were four snowplow crews out treating the roads with twenty tons of salt on the night of the Claimant's accident. The salt used on the roadways may take up to two hours to melt and break up any snow or ice on the roadway; the roads may appear to be untreated even though there is salt on the roadways. He testified that the snowplow crews were following all protocols to make the roads as safe as possible.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 77 North near Ripley, Jackson County on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission further found that the Claimant was traveling too fast on an unfamiliar roadway, which was consistent with the findings included in the report filed by the investigating law enforcement officer. The Claims Commission recommended an award to the Claimant in the sum of \$1,875.50.

AMOUNT CLAIMED: \$3,750.72

AMOUNT AWARDED: \$1,875.50

CC-20-0410 KELLY LOUGHRY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: In May, 2020, the Claimant was driving her 2012 Nissan Titan on Coal Lick Road in Albright, Preston County when her vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$300.00; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Coal Lick Road and failed to do so properly on the date of the incident. The sum of \$300.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$300.00

AMOUNT AWARDED: \$300.00

CC-20-0067 RIKKI MCCORMICK LOWE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 26, 2018, the Claimant was driving her 2017 Dodge Journey on US Route 60 in Hurricane, Putnam County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$223.63; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 60 and failed to do so properly on the date of the incident. The sum of \$223.63 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$223.63

AMOUNT AWARDED: \$223.63

CC-19-0923 LUTHER LUMLEY v. DIVISION OF HIGHWAYS

The Claimant sought to recover damages alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant's girlfriend testified that on April 20, 2019, she was driving the Claimant's 2015 Subaru WRX on Interstate 470 in Wheeling, Ohio County. She was driving in a construction zone where traffic had been condensed to one open lane of travel when the vehicle struck a large pothole in the roadway. Because there was only one lane open, she was unable to avoid striking the pothole. The Claimant submitted invoices in the amount of \$891.07; his collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent further asserted that the contractor was liable to the Claimant pursuant to the provisions of the contract between the Respondent and the contractor.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 470 on the date of the Claimant's incident and that such negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$891.07.

AMOUNT CLAIMED: \$891.07

AMOUNT AWARDED: \$891.07

CC-19-1582 MICHAEL LYKINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2009 Chevrolet HHR on Interstate 64 East near Huntington, Cabell County on December 6, 2019 when his vehicle struck a large object later identified as concrete situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$3,026.68; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Interstate 64 East on the date of the incident and failed to do so properly. The parties agreed that the sum of \$2,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,026.68

AMOUNT AWARDED: \$2,000.00

CC-20-0466 PAULETTE MABRY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 4, 2019, the Claimant was driving her 2017 Audi A4 on Madison Avenue in Huntington, Cabell County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$278.20; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Madison Avenue and failed to do so properly on the date of the incident. The sum of \$278.20 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$278.20

AMOUNT AWARDED: \$278.20

CC-18-1621 NICHOLAS MALTESE AND STACY MALTESE v. DIVISION OF HIGHWAYS

The Claimants sought to recover damages after their property in Reedsville, Preston County was flooded. They alleged that the negligence of the Respondent was the cause of their damages due to the Respondent's failure to properly maintain the culverts near their property. At the hearing, the Claimants testified that prior to the flooding incident, they observed that there was a large swampy area on both sides of the road, under which the culvert is situated. Evidence of beaver activity was also present, particularly on the inlet side of the culvert which was also on the same side as the Claimants' property. The Claimants notified the Respondent's work crew as to the beaver activity and the presence of debris piles at the mouth of the culvert pipe, which appeared to impede the flow of water through the culvert. After the flooding incident, the Respondent replaced the culvert under the roadway. The old culvert had collapsed in the middle under the road and water had been prevented from flowing through the culvert as intended. The collapsed culvert in combination with the presence of the beavers actively blocking the culvert created a serious problem for flooding. The Claimants submitted invoices in the amount of \$8,002.00 in support of their claim.

The Respondent denied that it had been negligent in its maintenance of the culvert. The Respondent asserted that the damage to the Claimants' property was a result of a failure of the municipal sewer system and that it should not be held liable for the negligence of the public service district operating that sewer system as there was no privity between the two entities. The Respondent's employee testified that its work crews had removed beaver related debris from the mouth of the culvert on other occasions and that this beaver activity had caused the water to back up on the roadside instead of flowing through the culvert as intended.

The Claims Commission found that based on the evidence presented at the hearing, the Respondent had notice of the beaver activity in the area, particularly at the inlet side of the culvert and that this activity impeded the proper flow of water through the culvert. The Respondent had a duty to properly maintain the culvert and protect the Claimants' property from damage. The Claims Commission further found that the Respondent had sufficient time to correct the situation and should have been monitoring this area because of the known beaver activity on prior occasions. Furthermore, the evidence submitted in the claim did not support a finding that the public service district was responsible for the flooding damage sustained by the Claimants.

AMOUNT CLAIMED: \$8,002.00

AMOUNT AWARDED: \$8,002.00

CC-19-0604 DOUGLAS MARKLEY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on March 3, 2019, he was driving his 2004 Ford F-150 on Cumbo Road in Martinsburg, Berkeley County when his vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damage and required the replacement of the lower ball joints and struts as well as an alignment. He submitted invoices in the amount of \$1,308.39; he did not carry collision insurance on his vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent asserted that it should not be held liable for the damaged ball joints inasmuch as the Claimant's invoice indicated that the ball joint damage was due to normal wear and tear on an older vehicle.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Cumbo Road on the date of the Claimant's incident and that the Respondent's negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$890.43.

AMOUNT CLAIMED: \$1,308.39

AMOUNT AWARDED: \$890.43

CC-18-0770 BARBARA MARPLE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 1996 Toyota Rav4 at the intersection of Toms Run and Barcutt Road in Spencer, Roane County on May 3, 2018, when her vehicle struck the bottom piece of an abandoned metal street sign situated at the edge of the roadway. The Claimant's vehicle sustained damages in the amount of \$223.89; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of the intersection of Toms Run and Barcutt Road, on the date of the incident and failed to do so properly. The sum of \$223.89 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$223.89

AMOUNT AWARDED: \$223.89

CC-20-0279 CAREY MARRA v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 21, 2020, the Claimant was driving her 2018 BMW X1Sport on West Virginia Route 62 near Buffalo, Putnam County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$216.97; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The sum of \$216.97 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$216.97

AMOUNT AWARDED: \$216.97

CC-19-0757 GREG MARTIN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Acura TSX on Interstate 70 East in Wheeling, Ohio County on April 30, 2019 when his vehicle struck a large piece of concrete located in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$450.45; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 East on the date of the incident and failed to do so properly. The sum of \$450.45 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$450.45

AMOUNT AWARDED: \$450.45

CC-19-0941 MARY ANN MATHENY v. DIVISION OF HIGHWAYS

The Claimant brought this action alleging that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that over several months in 2019, her 2017 Hyundai Elantra struck various potholes on Interstate 79 and County Route 857 in Morgantown, Monongalia County and also on West Virginia Route 26 in Bruceton Mills, Preston County. As a result of striking these numerous potholes, she had to replace the tires on her vehicle several times within that time frame. The Claimant submitted invoices in the amount of \$574.53; her collision insurance required a deductible of \$2,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 79, County Route 857, and West Virginia Route 16 and that such negligence was the proximate cause of damages to the Claimant's vehicle. The Claims Commission recommended an award in the amount of \$574.53.

AMOUNT CLAIMED: \$ 574.53

AMOUNT AWARDED: \$574.53

CC-20-0313 CHRISTOPHER MATTOX v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 29, 2020, the Claimant was driving his 2014 Cadillac SRX4 on West Virginia Route 62 near Letart, Mason County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$164.30; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The sum of \$164.30 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$164.30

AMOUNT AWARDED: \$164.30

CC-19-1502 JAMES A. MCCORD AND CAB EAST LLC v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2019 Ford Escape on Scott Run Road in Granville, Monongalia County on November 4, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages

in the amount of \$279.87; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Scott Run Road on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$279.87

AMOUNT AWARDED: \$250.00

CC-20-0010 DAKOTA A. MCCORMICK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 25, 2019, the Claimant was driving his 2015 Dodge Dart on West Virginia Route 25 in Nitro, Putnam County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$380.00; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 25 and failed to do so properly on the date of the incident. The sum of \$380.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$380.00

AMOUNT AWARDED: \$380.00

CC-20-0253 ELIZABETH MCDONALD AND STEPHEN MCDONALD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 2, 2020, the Claimant was driving her 2013 Dodge Ram 1500 on West Virginia Route 14 in Reedy, Roane County when her vehicle struck a large slip in the roadway. The Claimants' vehicle sustained damages in the amount of \$616.80; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 14 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$616.80

AMOUNT AWARDED: \$500.00

CC-20-0261 NIKIA MCGHEE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 1, 2019, the Claimant was driving her 2008 Mercedes C350 on West Virginia Route 25 in Dunbar, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$250.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$250.00

CC-19-0026 CATHERINE T. MCKINNEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 9, 2018, the Claimant was driving her 2006 Audi A-4 wagon on Blue Sulphur Pike in Lewisburg, Greenbrier County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$239.48;

her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Blue Sulphur Pike and failed to do so properly on the date of the incident. The sum of \$239.48 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 239.48

AMOUNT AWARDED: \$239.48

CC-19-0027 CATHERINE T. MCKINNEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: On October 8, 2018, a large tree situated on the Respondent's right of way fell during a severe windstorm and heavy thunderstorm damaging the Claimant's residential property in Lewisburg, Greenbrier County. The Claimant's property sustained damages in the amount of \$1,774.30; her homeowners n insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of the right of ways along Hens Mill Road and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,774.30

AMOUNT AWARDED: \$1,000.00

CC-19-0744 MARY KAY MCQUAIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 23, 2019, the Claimant was driving her 2017 Subaru Legacy on Kingwood Pike in Morgantown, Monongalia County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$282.70; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Kingwood Pike and failed to do so properly on the date of the incident. The sum of \$282.70 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$282.70

AMOUNT AWARDED: \$282.70

CC-19-0791 JARED LEE MELTON v. DIVISION OF HIGHWAYS

The Claimant sought to recover for damages to his vehicle that he alleged were caused by the negligence of the Respondent. At the hearing, the Claimant testified that on April 26, 2019, he drove his 2008 Chevrolet Malibu to and from work on several roads in Putnam and Kanawha Counties and struck several potholes. He testified that the pothole that he struck on Interstate 64 East was the most significant of the potholes he struck; he further testified that the pothole had not been present when he traveled that portion of roadway before the date of his incident. The Claimant submitted invoices in the amount of \$238.75; his collision insurance required a deductible of \$2,000.00.

The Respondent disputed the validity of the claim in its pleading and at the hearing. The Respondent further asserted that it was not responsible for any potholes situated on Dickinson Street in Charleston as that street was owned and maintained by the City of Charleston and not the Respondent.

The Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimant's incident and that such negligence was the

proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$238.75.

AMOUNT CLAIMED: \$238.75

AMOUNT AWARDED: \$238.75

CC-19-1078 LINDA J. MENDETTA v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Kia Sportage on Interstate 79, US Route 19, and US Route 50 in and around Clarksburg, Harrison County on September 10, 2018 when her vehicle struck several large potholes in the traveling portion of the roadways. The Claimant's vehicle sustained damages in the amount of \$336.60; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Interstate 79, US Route 19, and US Route 50 on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$250.00

CC-19-0962 CLARA A. MICHAEL v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle and sought to recover damages. At the hearing, the Claimant testified that she drives her 2017 Subaru Forrester on Birchfield Run Road and Indian Creek Road in Morgantown, Monongalia County on a regular basis. She further testified that these roads are riddled with potholes and it is difficult to avoid striking a pothole, especially if there is oncoming traffic. In June, 2019, she took her vehicle in for regular service and learned that the front control arms needed to be replaced as a result of striking numerous potholes. The Claimant submitted invoices in the amount of \$768.31; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Birchfield Run Road and Indian Creek Road on the dates of the Claimant's incidents and that such negligence was a proximate cause of her damages. The Claims Commission recommended an award in the sum of \$500.00.

AMOUNT CLAIMED: \$768.31

AMOUNT AWARDED: \$500.00

CC-20-0019 JAN MILES AND MARK MILES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Lexus IS250 on US Route 60 East in Spring Hill, Kanawha County on December 17, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$671.86; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 60 East on the date of the

incident and failed to do so properly. The sum of \$671.86 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$671.86

AMOUNT AWARDED: \$671.86

CC-19-1338 BEN MILLARD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 4, 2019, the Claimant was driving his 2007 Chevrolet Corvette on Interstate 64 near Kenova, Wayne County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$453.86; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 and failed to do so properly on the date of the incident. The sum of \$453.86 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$453.86

AMOUNT AWARDED: \$453.86

CC-20-0436 MARTHA K. MILLER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 18, 2020, the Claimant was driving her 2016 Nissan Sentra SR on County Route 36/3, Hansford Fork Road, in Maysel, Clay County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$633.81; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 36/3, Hansford Fork Road, and failed to do so properly on the date of the incident. The sum of \$633.81 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$633.81

AMOUNT AWARDED: \$633.81

CC-19-0887 NICOLE MINOR AND DWIGHT MINOR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 29, 2019, the Claimant was driving his 2010 Kia Soul on West Virginia Route 2 in Follansbee, Brooke County when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$231.90; the Claimants did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$231.90 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$231.90

AMOUNT AWARDED: \$231.90

CC-20-0147 MJ TRUCKING AND TRAILER LEASING, LLC v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 6, 2020, the Claimant's employee was driving its 2010 Kenworth T660 on Interstate 64 East at the Nitro-St. Albans Bridge near St. Albans, Kanawha County when the Claimant's vehicle struck a large piece of exposed rebar situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,775.73; its collision insurance required a deductible of \$1,000.00. The Respondent

was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,775.73

AMOUNT AWARDED: \$1,000.00

CC-19-1356 MARY M. MOORE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 28, 2019, the Claimant was driving her 2014 Toyota Camry on Interstate 70 East in Wheeling, Ohio County when her vehicle struck a large rock that had been dislodged from a pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$569.80; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 East and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$569.80

AMOUNT AWARDED: \$500.00

CC-19-0618 PAMELA MAE MOORE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 22, 2019, the Claimant was driving her 2005 Dodge Magnum R/T on Grass Run Road near Salem, Harrison County when her vehicle struck a broken bolt situated in the roadway. The Claimant's vehicle sustained damages in the amount of \$133.89; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Grass Run Road and failed to do so properly on the date of the incident. The sum of \$133.89 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$133.89

AMOUNT AWARDED: \$133.89

CC-19-1112 ROBERT C. MOORE AND LOVETTA MOORE v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on July 4, 2019, he was driving his 2007 Saturn Vue on Meadowdale Bridge in Fairmont, Marion County when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimants submitted invoices in the amount of \$417.16; their collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of the Meadowdale Bridge on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$417.16.

AMOUNT CLAIMED: \$417.16

AMOUNT AWARDED: \$417.16

CC-18-0400 BARBARA S. MORRIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 27, 2018, the Claimant was driving her 2014 Jeep Cherokee in the intersection of Beechurst Avenue and 3rd Street in Morgantown, Monongalia County when her vehicle struck a section of patched pavement in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,251.34; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of the intersection of Beechurst Avenue and 3rd Street and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,251.34

AMOUNT AWARDED: \$500.00

CC-20-0065 TIMOTHY MORRIS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 1996 Chevrolet Tahoe on West Virginia Route 2 in Guyandotte, Cabell County on November 4, 2019, when he encountered a small hill in the roadway; he crested the hill and noticed what appeared to be a slip in the roadway, where the pavement appeared to have disappeared. He felt his vehicle drop as he drove over this section of the roadway. The Claimant testified that his vehicle bottomed out and the road struck his front fenders and the front end of his vehicle causing damage. He testified that the incident caused further damage to the transmission and the engine coolant system causing significant leakage throughout the engine. The Claimant's vehicle was a custom show vehicle that he displayed in car shows and he added many amenities to the vehicle for purposes of displaying his car. The Claimant submitted invoices in the amount of \$4,352.43; he did not carry collision insurance on his vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 2 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$3,000.00.

AMOUNT CLAIMED: \$3,000.00

AMOUNT AWARDED: \$3,000.00

CC-18-1453 JEFFREY LEE MORRISON v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on September 28, 2018, he was driving his 2016 Acura ILX on Interstate 64 East near Teays Valley, Putnam County when his vehicle struck a large pothole. This section of the Interstate was under construction and traffic had been funneled into one lane. The damage to his vehicle was severe enough that the Claimant had to have his vehicle towed to his dealership for repairs. The Claimant submitted invoices in the amount of \$298.48; his collision insurance required a deductible of \$250.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing, arguing that its contractor was ultimately responsible for the Claimant's damages pursuant to the

provisions of their contract. The Respondent demanded that the contractor indemnify and defend it against this claim. The contractor provided a defense for the Respondent in this matter.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$250.00.

AMOUNT CLAIMED: \$298.48

AMOUNT AWARDED: \$250.00

CC-19-1282 LINDA L. MORTON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 14, 2019, the Claimant was driving her 2018 Volkswagen Golf on Monongahela Boulevard in Morgantown, Monongalia County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$139.34; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Monongahela Boulevard and failed to do so properly on the date of the incident. The sum of \$139.34 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$139.34

AMOUNT AWARDED: \$139.34

CC-20-0303 JOSHUA MOSS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2017 Kia Soul on the Interstate 64 overpass near Charleston, Kanawha County on July 10, 2019 when a road construction sign fell off the overpass and struck a truck belonging to the Respondent which was traveling near the Claimant. The sign bounced from the Respondent's vehicle, struck a second vehicle, and bounced on to the Claimant's vehicle, damaging the hood of his vehicle and shattering the windshield. The Claimant submitted invoices in the amount of \$3,184.77; his collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that its contractor who was doing lighting work on the Interstate was responsible pursuant to the provisions of their contract and therefore, the contractor was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$.

AMOUNT CLAIMED: \$3,184.77

AMOUNT AWARDED: \$1,000.00

CC-20-0713 MOUNTAINEER CONTRACTORS, INC. v. DIVISION OF HIGHWAYS

The Claimant brought this claim to recover \$25,900.43 for professional paving services provided pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$25,900.43.

AMOUNT CLAIMED: \$25,900.43

AMOUNT AWARDED: \$25,900.43

CC-20-0395 CHARLES E. MULLINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 24, 2020, the Claimant was driving his 2016 Chevrolet Malibu on Bell Creek Road in Pond Gap, Kanawha County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$105.90; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Bell Creek Road and failed to do so properly on the date of the incident. The sum of \$105.90 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$105.90

AMOUNT AWARDED: \$105.90

CC-20-0138 JUSTIN G. MULLINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 15, 2020, the Claimant was driving his 2018 Dodge Challenger on West Virginia Route 10 in Chapmanville, Logan County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$250.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 10 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$250.00

CC-19-1380 JESSICA MUNCY, ERIC MILLS AND MILLS SERVICE, INC. v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on July 27, 2019, she was driving her 2019 Lincoln Navigator on Spanishburg Athens Road near Spanishburg, Mercer County when her vehicle struck a large pothole in the traveling portion of the roadway. She further testified that the pothole was large enough that part of it was also on the shoulder of the roadway; the white fog line cut through the pothole. Because of oncoming traffic, the Claimant was unable to avoid striking the pothole. The Claimants submitted invoices in the amount of \$737.14; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Spanishburg Athens Road on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$500.00.

AMOUNT CLAIMED: \$737.14

AMOUNT AWARDED: \$500.00

CC-20-0308 COREY MURPHY AND LAUREN MURPHY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 28, 2020, following a heavy rainstorm, the Claimants experienced flooding in the basement of their property situated on Elmwood Place in Wheeling, Ohio County. The Claimants alleged that the damages to their property was proximately caused by the Respondent's failure to properly install a handicap ramp in the crosswalk bordering their property. The Respondent was responsible for the maintenance of Elmwood Place. The Respondent denied any negligence but acknowledged that the Claimants' property sustained damage. The parties agreed that the settlement of this claim was mutually advantageous to both parties and agreed that the sum of \$24,200.00 was a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$25,177.36

AMOUNT AWARDED: \$24,200.00

CC-20-0400 NORMA JEAN MURPHY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 28, 2020, an unknown driver was driving his vehicle on US Route 250 in Pleasant Valley, Marshall County when the vehicle struck a pothole which contained loose rocks and asphalt chunks. When the driver struck the pothole, the loose rocks became airborne and struck the front window of the Claimant's residence, shattering the window. The Claimant's residence sustained damages in the amount of \$340.83; her homeowners insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 250 and failed to do so properly on the date of the incident. The sum of \$340.83 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$340.83

AMOUNT AWARDED: \$340.83

CC-19-1566 JAMES MURRAY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Jaguar XF on County Route 25/6, Duck Creek Road, in Lost Creek, Harrison County on October 29, 2019 when his vehicle struck a patch of crumbled and collapsed pavement in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$306.68; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 25/6, Duck Creek Road, on the date of the incident and failed to do so properly. The sum of \$306.68 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$306.68

AMOUNT AWARDED: \$306.68

CC-19-1561 REBECCA NAGY AND JOHN NAGY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 BMW 1325 on West Virginia Route 44, Jerry West Highway, in Switzer, Logan County on November 19, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$542.93; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 44, Jerry West Highway, on the date of the incident and failed to do so properly. The sum of \$542.93 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$542.93

AMOUNT AWARDED: \$542.93

CC-20-0309 MELANIE K. NATERNICOLA v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 15, 2020, the Claimant was driving her 2014 Mazda 3 on Rock Union Road near Fairmont, Marion County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$168.99; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Rock Union Road and failed to do so properly on the date of the incident. The sum of \$168.99 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$168.99

AMOUNT AWARDED: \$168.99

CC-20-0111 BRAD D. NELSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 10, 2020, the Claimant was driving his 2014 Chevrolet Cruze on West Virginia Route 4 in Frametown, Braxton County when a portion of the hillside adjacent to the Claimant's lane of travel failed, causing mud, rocks, and other debris to slide into the Claimant's vehicle. The Claimant's vehicle sustained damages in the amount of \$2,745.42; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 4 and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,745.42

AMOUNT AWARDED: \$1,000.00

CC-19-1479 O. R. COLAN ASSOCIATES, LLC v. DIVISION OF HIGHWAYS

The Claimant brought this claim to recover \$80,033.83 for providing professional services to the Respondent in the preparation of a "Right of Way Manual". The Respondent asserted that the manual and the accompanying obligations were not fully completed but did acknowledge that some work on the manual was completed and that invoices were left unpaid. The parties agreed that it was mutually beneficial to resolve the matter for the sum of \$44,017.00. The Claims Commission recommended an award in the amount of \$44,017.00.

AMOUNT CLAIMED: \$80,033.83

AMOUNT AWARDED: \$44,017.00

CC-20-0375 VALERIE L. OLDAKER AND JEFFREY S. OLDAKER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2009 Toyota Rav4 on County Route 23, Leon Baden Road, in Leon, Mason County on May 21, 2020 when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$491.84; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 23, Leon Baden Road, and failed to do so properly on the date of the incident. The sum of \$491.84 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$491.84

AMOUNT AWARDED: \$491.84

CC-20-0229 REGGIE OURS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 18, 2020, the Claimant was driving his 2005 Toyota Tundra on US Route 119 in Morgantown, Monongalia County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$622.95; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 119 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$622.95

AMOUNT AWARDED: \$500.00

CC-19-1529 JOYCE C. OVERBAY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on November 6, 2019, her husband was driving her 2013 Toyota Sienna on US Route 19, Ritter Drive, in Beaver, Raleigh County when her vehicle struck a patch of broken and crumbling pavement which included a large pothole at the inside edge the roadway. The Claimant submitted invoices in the amount of \$392.58; her collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 19, Ritter Drive, on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$392.58.

AMOUNT CLAIMED: \$392.58

AMOUNT AWARDED: \$392.58

CC-19-1530 JOYCE C. OVERBAY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2011 Subaru Impreza on US Route 19, Ritter Drive, in Beaver, Raleigh County on November 6, 2019 when her

vehicle struck a large pothole in the roadway. The Claimant submitted invoices in the amount of \$683.68; her collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 19, Ritter Drive, on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$500.00.

AMOUNT CLAIMED: \$683.68

AMOUNT AWARDED: \$500.00

CC-20-0159 DAVID PALMER AND BRENDA PALMER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 30, 2019, the Claimant was driving his 2014 Honda Odyssey on US Route 340 near Charles Town, Jefferson County when his vehicle struck several large chunks of concrete that had come loose from the adjacent curb that were situated in the traveling lane of the roadway. The Claimants' vehicle sustained damages in the amount of \$2,468.49; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 340 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,468.49

AMOUNT AWARDED: \$500.00

CC-20-0559 WILLIAM PANTILI AND BILCO, INC. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2019 Genesis G70 on Ambrose Lane in Princeton, Mercer County on July 13, 2020 when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$3,124.55; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Ambrose Lane and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,124.55

AMOUNT AWARDED: \$1,000.00

CC-19-1571 RANDY A. PARKS AND MELINDA PARKS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Mazda CX5 Tyrone Avery Road in Morgantown, Monongalia County on April 15, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$431.02; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Tyrone Avery Road on the date of the incident and failed to do so properly. The sum of \$431.02 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$431.02

AMOUNT AWARDED: \$431.02

CC-20-0512 SHERI L. PARSONS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 30, 2020, the Claimant was driving her 2019 Hyundai Elantra on West Virginia Route 25 in Nitro, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$531.81; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$531.81

AMOUNT AWARDED: \$500.00

CC-20-0195 EMMITT C. PATTERSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2012 Cadillac Escalade on West Virginia Route 61 in Oak Hill, Fayette County on February 26, 2020 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$306.34; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 61 on the date of the incident and failed to do so properly. The sum of \$306.34 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$306.34

AMOUNT AWARDED: \$306.34

CC-20-0232 CECIL E. PECK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 29, 2020, the Claimant was driving his 2019 Ford Mustang on Brushy Fork Road in Buckhannon, Upshur County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,241.72; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Brushy Fork Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,241.72

AMOUNT AWARDED: \$500.00

CC-19-1344 ROBERT PECK AND DIANA PECK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 14, 2019, the Claimant was driving his 2012 Suzuki Kizashi on Interstate 64 East in Beckley, Raleigh County when his vehicle struck a large chunk of concrete pavement that had become dislodged from a pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$1,346.82; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,346.82

AMOUNT AWARDED: \$500.00

CC-19-0622 CAROL L. PHILLIPS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 24, 2019, the Claimant was driving her 2004 Volkswagen Beetle on US Route 19 North near Rivesville, Marion County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$130.91; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 19 North and failed to do so properly on the date of the incident. The sum of \$130.91 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$130.91

AMOUNT AWARDED: \$130.91

CC-19-0622 CAROL L. PHILLIPS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2004 Volkswagen Beetle on US Route 19 South in Rivesville, Marion County on February 19, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$517.16; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 19 South on the date of the incident and failed to do so properly. The sum of \$517.16 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$517.16

AMOUNT AWARDED: \$517.16

CC-19-1424 DAVID E. PIERCE AND DAVE'S AUTO REPAIR OF RITCHIE COUNTY v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that beginning in June, 2018 through the present time, his 2018 Chevrolet Silverado 3500 sustained damage as a result of driving on Pleasant Hollow Road in West Union, Ritchie County. He further testified that the overgrowth of trees and other brush extends into the traveling lanes of the roadway on both sides of the road. He testified that his vehicle has sustained scratches, chipped paint, and other damage on the sides of the vehicle from the tree branches and other brush scraping against the vehicle. He has notified that Respondent's local garage on numerous occasions over the past two years but only once did a work crew ever respond and only with minimal trimming. The Claimants submitted invoices in the amount of \$5,813.47; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that the work crew responded to the Claimant's concerns and trimmed the trees and brush away from the road surface in October, 2019. The investigator further testified that the Respondent's core maintenance plan for Pleasant Hollow Road calls for tree trimming and brush cleanup every two years.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Pleasant Hollow Road on the date of the Claimants' incident and that such

negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$500.00.

AMOUNT CLAIMED: \$5,813.47

AMOUNT AWARDED: \$500.00

CC-20-0314 KELLIE S. POORE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 28, 2020, the Claimant was driving her 2018 Jeep Compass on Ashton Upland Road in Ashton, Mason County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$330.63; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Ashton Upland Road and failed to do so properly on the date of the incident. The sum of \$330.63 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$330.63

AMOUNT AWARDED: \$330.63

CC-19-1209 A. ROBERT POTESTA AND CAROLYN POTESTA v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2018 Toyota Sienna on Adamsville Road in Shinnston, Harrison County on June 29, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$197.99; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Adamsville Road on the date of the incident and failed to do so properly. The sum of \$197.99 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$197.99

AMOUNT AWARDED: \$197.99

CC-19-0767 PHYLLIS ANN PROPST AND DAVID PROPST v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damages sustained to their residential property. At the hearing, the Claimant testified that there are two culverts on the upper side of County Route 40, Erbacon Road, in Sutton, Braxton County which are continually clogged with dirt, twigs, branches, leaves and other debris. The neglected condition of the culverts caused them to malfunction in heavy rainstorms and caused water to overflow the culverts and flow onto the roadway. The water flows from the roadway and into her front yard, flooding her driveway and yard. The Claimant testified that she had contacted the Respondent's local garage regarding the clogged culverts with minimal success. Family members have helped to remove debris and gravel from her property after it has been washed out of the culverts, across the roadway and onto her property. These same family members have also cleaned out the Respondent's culverts in an effort to properly maintain the Claimants' property and keep it from further damage. While the lack of maintenance to the culverts and the flooding of her property has been an ongoing problem, the damage was severe enough following a heavy rainstorm on May 4, 2019, that she filed this claim. The Claimants submitted an estimate in the sum of \$6,150.00 for repairs to their driveway.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the presence of a natural spring near the culverts results in the natural flow of water down the hillside into the culverts and ditch lines along County Route 40. The Claimants property is situated in a natural drainage course where the water naturally flows downward. The Respondent's pictures submitted as evidence demonstrated the location of the natural spring. These same photographs also depicted the ditch lines of which the Claimants complain with a significant amount of debris, such as leaves, twigs and brush evident in the ditches.

The Claims Commission found that the Respondent was negligent in its maintenance of the ditch lines on the upper side of County Route 40, Erbacon Road, and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award of \$5,000.00.

AMOUNT CLAIMED: \$6,150.00

AMOUNT AWARDED: \$5,000.00

CC-20-0382 RANDY PULLEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 12, 2020, the Claimant was driving his 1988 GMC pickup truck on West Virginia Route 62 near Black Betsy, Putnam County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,845.46; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The parties agreed that the sum of \$842.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,845.46

AMOUNT AWARDED: \$842.00

CC-20-0066 ROBERT E. QUEEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 4, 2020, the Claimant was driving his 2017 Jeep Grand Cherokee on West Virginia Route 44 in Switzer, Logan County when his vehicle struck an abandoned road sign situated in the traveling lane of the roadway. The Claimant's vehicle sustained damages in the amount of \$2,683.60; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 44 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,683.60

AMOUNT AWARDED: \$500.00

CC-19-1359 STANLEY W. RATLIFF v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 9, 2019, the Claimant was driving his 2015 Chrysler 200C on Pennsylvania Avenue in St. Albans, Kanawha County when his vehicle struck a section of broken and disintegrated pavement at the inside edge of the roadway. The Claimant's vehicle sustained damages in the amount of \$822.21; his collision insurance required

a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Pennsylvania Avenue and failed to do so properly on the date of the incident. The sum of \$822.21 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$822.21

AMOUNT AWARDED: \$822.21

CC-20-0207 JERRY L. RAY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 1, 2020, the Claimant was driving his 2013 Buick Verano on West Virginia Route 25 between Rock Branch and Nitro, Putnam County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$234.20; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 25 and failed to do so properly on the date of the incident. The sum of \$234.20 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$234.20

AMOUNT AWARDED: \$234.20

CC-20-0336 CHRISTOPHER WAYNE REEVES v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 1969 Ford F100 truck on US Route 219 between Peterstown and Lindside, Monroe County on April 9, 2020 when his vehicle struck a large pothole in the roadway. The Claimant submitted invoices in the amount of \$645.29; he did not carry collision insurance on his vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 219 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$645.29.

AMOUNT CLAIMED: \$645.29

AMOUNT AWARDED: \$645.29

CC-18-1618 JOHN W. REISENWEBER AND ERIN K. REISENWEBER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 21, 2018, the Claimants' property in Martinsburg, Berkeley County sustained significant flood damage allegedly due to a clogged and poorly maintained culvert. The Claimants incurred expenses related to the flooding damage to their property, which was allegedly caused by the Respondent's failure to properly maintain the culverts adjacent to their property. The Respondent denied any negligence but both parties agreed that it was mutually advantageous to resolve the claim. The parties agreed that the sum of \$16,000.00 was a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$18,465.46

AMOUNT AWARDED: \$16,000.00

CC-20-0315 DENEANE R. RENEAU v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 11, 2020, the Claimant was driving her 2014 Lexus IS250 on West Virginia Route 131, Benedum Drive, near Bridgeport, Harrison County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$251.59; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 131, Benedum Drive, and failed to do so properly on the date of the incident. The sum of \$251.59 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$251.59

AMOUNT AWARDED: \$251.59

CC-20-0013 MUSTAFA RFAT AND NAZLI KHAZIROVA v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Honda Civic on West Run Road in Morgantown, Monongalia County on December 30, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$289.33; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Run Road on the date of the incident and failed to do so properly. The sum of \$289.33 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$289.33

AMOUNT AWARDED: \$289.33

CC-19-1225 ROBERT RICKARD v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2009 Dodge Avenger SXT on West Virginia Route 62 in West Columbia, Mason County on July 24, 2019 when his vehicle struck several large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$95.40; his collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of West Virginia Route 62 on the date of the incident and failed to do so properly. The sum of \$95.40 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$95.40

AMOUNT AWARDED: \$95.40

CC-20-0452 ANGELA LORRAINE ROGERS AND JAMES ANDREW ROGERS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Ford Fusion on US Route 19 near Granville, Monongalia County on May 16, 2020 when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$95.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 and failed to do so properly on the date of the incident. The sum of \$95.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$95.00

AMOUNT AWARDED: \$95.00

CC-18-1553 VIOLA A. ROGERS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: In October, 2018, the Claimant alleged that the Respondent's failure to properly maintain the culverts adjacent to her property in Fairmont, Marion County diverted and redirected the water flow away from a nearby culvert and onto her property. This created repeated flooding and damage to her property, especially after storms and heavy rainfalls. The Respondent denied that its negligent was the cause of the Claimant's damages but did acknowledge some culpability for the situation. The parties agreed to settle the claim for the amount of \$2,655.00, which is a fair and reasonable amount.

AMOUNT CLAIMED: \$5,500.00

AMOUNT AWARDED: \$2,655.00

CC-20-0204 IRENE RENEE ROLLINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2019 Honda Civic Sport on West Virginia Route 25 in Rock Branch, Putnam County on February 9, 2020 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$183.83; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 on the date of the incident and failed to do so properly. The sum of \$183.83 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$183.83

AMOUNT AWARDED: \$183.83

CC-19-1310 CHANDLER ROSE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Honda Civic on West Virginia Route 62, Washington Street, in Cross Lanes, Kanawha County on September 9, 2019 when his vehicle struck a large area of broken and crumbling pavement at the inside edge of the roadway. The Claimant's vehicle sustained damages in the amount of \$425.69; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 62, Washington Street, on the date of the incident and failed to do so properly. The sum of \$425.69 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$425.69

AMOUNT AWARDED: \$425.69

CC-19-0992 BETH ROSS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2009 Chevrolet Malibu on McGraws Run Road in Triadelphia, Ohio County on February 3, 2019 when her vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$154.95; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of McGraws Run Road on the

date of the incident and failed to do so properly. The sum of \$154.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$154.95

AMOUNT AWARDED: \$154.95

CC-19-0829 HOLLY ROWAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2013 Honda Accord on West Virginia Route 26 in Kingwood, Preston County on February 15, 2019 when her vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$567.63; the Claimant did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of West Virginia Route 26 on the date of the incident and failed to do so properly. The sum of \$567.63 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$567.63

AMOUNT AWARDED: \$567.63

CC-20-0348 JAMES J. ROWE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 15, 2020, the Claimant was driving his 2016 Mercedes E-400 on Seneca Trail in Fairlea, Greenbrier County when his vehicle struck a metal pipe protruding from a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$242.74; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Seneca Trail and failed to do so properly on the date of the incident. The sum of \$242.74 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$242.74

AMOUNT AWARDED: \$242.74

CC-19-0832 MICHAEL ROWE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 1, 2019, the Claimant was driving his 2012 Mazda MX5 Miata on MacCorkle Avenue in Charleston, Kanawha County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$594.92; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of MacCorkle Avenue and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$594.92

AMOUNT AWARDED: \$500.00

CC-20-0485 ROGER A. RUMBAUGH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 17, 2020, the Claimant was driving his 2015 Mercedes-Benz S550 on West Virginia Route 62 in Rock Branch, Putnam County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$277.00; his collision insurance required a deductible of \$1,000.00. The Respondent

was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The sum of \$277.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$277.00

AMOUNT AWARDED: \$277.00

CC-19-0723 ANDREW THOMAS RYAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 12, 2019, the Claimant was driving his 2005 Pontiac Grand Prix on West Virginia Route 2, River Road, in Wheeling, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$304.18; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 2, River Road, and failed to do so properly on the date of the incident. The sum of \$304.18 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$304.18

AMOUNT AWARDED: \$304.18

CC-20-0397 GEORGE SAMSELL AND PATTY SAMSELL v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that she was driving her 2019 Honda CRV on County Route 70/3, Summers School Road, in Morgantown, Monongalia County on December 29, 2019. As she was driving, a dead tree fell from the adjacent bank and crashed onto the front of her brand new vehicle. She testified that her sister-in-law had emailed the Respondent's local office notifying them of the dangerous condition of the trees along this roadway. The Claimants submitted various emails, photographs, and invoices in the amount of \$650.00; their collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of County Route 70/3, Summers School Road, on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$650.00.

AMOUNT CLAIMED: \$650.00

AMOUNT AWARDED: \$650.00

CC-20-0249 JEFF SANDY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 5, 2020, the Claimant was driving his 2018 Mercedes S540 on West Virginia Route 62 in Poca, Putnam County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$638.80; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 62 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$638.80

AMOUNT AWARDED: \$500.00

CC-20-0090 MOHAMAD SARRAJ AND GHADDY ALSATY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Honda Accord on West Virginia Route 705 in Morgantown, Monongalia County on February 4, 2020 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$559.77; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 705 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$559.77

AMOUNT AWARDED: \$500.00

CC-20-0455 SHAWN SCARBERRY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 27, 2020, the Claimant was driving his 2016 Chrysler 200S on West Virginia Route 2 in Glenwood, Mason County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,544.40; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,544.40

AMOUNT AWARDED: \$500.00

CC-19-1590 ERIK D. SCHAFER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant's daughter was driving the Claimant's 2013 Ford Focus on Interstate 79 near Morgantown, Monongalia County on November 22, 2019 when the vehicle struck a mangled and abandoned road sign that was situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,300.00; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Interstate 79 on the date of the incident and failed to do so properly. The sum of \$1,300.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,300.00

AMOUNT AWARDED: \$1,300.00

CC-19-1477 DELANE SCHOOLCRAFT AND JENNIFER SCHOOLCRAFT v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on September 26, 2019, he was driving his 2016 Toyota 4Runner on Frame Road in Elkview, Kanawha County when he encountered a school bus coming from the opposite direction. He edged over to the far edge of the traveling lane and stopped to allow the bus to pass. As the Claimant released the brake to resume driving, his vehicle slipped off the road and into the adjacent ditch because there was no shoulder on the roadway. The Claimant testified that the shoulder had washed away after a

severe flooding event which also deepened the ditch. The Claimant testified that no repairs were made to the roadway between the time of the flooding incident and the Claimant's incident. He had notified the Respondent's local garage of the problems associated with this stretch of Frame Road to no avail. The Claimants submitted invoices in the amount of \$2,237.95; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Frame Road on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$500.00.

AMOUNT CLAIMED: \$2,237.95

AMOUNT AWARDED: \$500.00

CC-19-1316 MARISSA SCHREBE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 16, 2019, the Claimant was driving her 2020 Kia Telluride on West Alexander Road in Valley Grove, Ohio County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,288.86; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Alexander Road and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,288.86

AMOUNT AWARDED: \$1,000.00

CC-20-0088 LANCE E. SCHULTZ v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2002 Mercedes Benz SL500 on Interstate 64 East near Huntington, Cabell County on January 10, 2020 when his vehicle struck a large pothole in the roadway. He further testified that he was unable to avoid striking the pothole because the pothole could not be seen in time to switch lanes or otherwise avoid it. The Claimant submitted invoices in the amount of \$785.26; his collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that he inspected the scene of the incident as part of his investigation and observed an area where there had been recent patching for a small road defect. The Respondent's Interstate Supervisor also testified that the Claimant called him and notified him of the pothole. He went to inspect the roadway and observed sealant on the roadway to seal several cracks but did not observe any road defects that required immediate repair or any defects in the road that would cause damage to a vehicle.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimant's incident and that such negligence

was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$392.63.

AMOUNT CLAIMED: \$785.26

AMOUNT AWARDED: \$392.63

CC-20-0157 KRISTIN N. SCULLEN AND MICHAEL A. SCULLEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 23, 2020, the Claimant was driving her 2019 Nissan Altima on West Virginia Route 45 in Shepherdstown, Jefferson County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$223.72; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 45 and failed to do so properly on the date of the incident. The sum of \$223.72 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$223.72

AMOUNT AWARDED: \$223.72

CC-20-0072 SHARON SEARS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 3, 2019, the Claimant was driving her 2019 Dodge Challenger on US Route 19 in Beaver, Raleigh County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$924.37; she did not carry collision insurance on this vehicle. The Respondent was responsible for the maintenance of US Route 19 and failed to do so properly on the date of the incident. The sum of \$924.37 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$924.37

AMOUNT AWARDED: \$924.37

CC-20-0444 TIMOTHY SEE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 20, 2020, the Claimant was driving his 2008 Honda Accord on Jack Run Road in Clarksburg, Harrison County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$154.58; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Jack Run Road and failed to do so properly on the date of the incident. The sum of \$154.58 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$154.58

AMOUNT AWARDED: \$154.58

CC-19-1034 STEPHANIE SERIG v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that in early May, 2019, she was driving her 2019 GMC Acadia through a construction zone on National Road in Elm Grove, Ohio County. While traveling, she had to stop while under the I-70/I-470 bridge. The Claimant testified that all of a sudden, she heard a loud noise and a crashing sound. She discovered that the back window of her vehicle had suddenly shattered when an unknown object struck her vehicle. She

notified a nearby law enforcement officer who prepared an incident report. The Claimant testified that she discovered that a large chunk of concrete which had fallen from the underside of the I-70/I-470 bridge was the object that struck her vehicle. The Claimant submitted photographs of the crumbling underside of the bridge that demonstrated other areas where concrete pieces had become dislodged and were missing from the undergirding of the bridge. The Claimant submitted invoices in the amount of \$440.00; her collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of the I-70/I-470 Bridge on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$440.00.

AMOUNT CLAIMED: \$440.00

AMOUNT AWARDED: \$440.00

CC-19-1257 MARTHA H. SETTERSTROM v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that June 9, 2019, she was driving her 2012 Volkswagen Passat on MacCorkle Avenue in Spring Hill, Kanawha County when her vehicle struck a large cutout square in the roadway. There were no cones or warning signs in the area; the Claimant testified that there was no large metal plate or other covering over the cutout. The Claimant submitted invoices in the amount of \$140.17; her collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of MacCorkle Avenue on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$140.17.

AMOUNT CLAIMED: \$140.17

AMOUNT AWARDED: \$140.17

CC-19-0837 ELLEN L. SHAFER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 25, 2019, the Claimant was driving her 2003 Honda CRV on West Virginia Route 705 in Morgantown, Monongalia County when her vehicle struck a large pothole with exposed rebar in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,126.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 705 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,126.00

AMOUNT AWARDED: \$500.00

CC-20-0355 SHAVONNA E. SHAFER AND JEFFREY P. SHAFER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Honda Accord on Interstate 64 East in Charleston, Kanawha County on April 12, 2020 when her vehicle struck a series of large potholes and a protruding road reflector in the roadway. The Claimants' vehicle sustained damages in the amount of \$266.71; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$266.71 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$266.71

AMOUNT AWARDED: \$266.71

CC-19-1464 WESLEY SHANHOLTZER AND KAREN SHANHOLTZER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2018 Toyota Camry on Interstate 79 North near Clarksburg, Harrison County on February 7, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$318.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 North on the date of the incident and failed to do so properly. The sum of \$318.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$318.00

AMOUNT AWARDED: \$318.00

CC-20-0172 CLINTON E. SHEETS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on January 28, 2020, he was driving his 2004 Dodge SLT 2500 on West Virginia Route 47 in Burnt House, Ritchie County when his vehicle struck a large tree branch that extended into the traveling lane of the roadway. He was unable to avoid the branch because of oncoming traffic. The Claimant's son, a school bus driver, testified that he drove West Virginia Route 47 on a daily basis for his bus route and he had observed the branch extending into the roadway. He heard another driver report the branch to the transportation supervisor and also warn other bus drivers. When he noticed the tree branch still extending into the roadway after several days following the warning, he again reported the tree branch. The Claimant submitted invoices in the amount of \$1,414.44; his collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 47 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$500.00.

AMOUNT CLAIMED: \$1,414.44

AMOUNT AWARDED: \$500.00

CC-19-1319 PAMELA SHIFLETT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 8, 2019, the Claimant was driving her 2015 Chrysler 200S on US Route 19 South in Morgantown, Monongalia County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$639.48; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$639.48

AMOUNT AWARDED: \$500.00

CC-20-0197 REBECCA SHILOT AND MICHAEL SHILOT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 13, 2020, the Claimant was driving her 2017 Toyota 4Runner on Teays Valley Road in Scott Depot, Putnam County when her vehicle struck a large fallen street sign situated in the traveling lane of the roadway. The Claimants' vehicle sustained damages in the amount of \$3,999.93; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Teays Valley Road and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,999.93

AMOUNT AWARDED: \$1,000.00

CC-20-0345 RANDY S. SHORT AND ANGEL D. SHORT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2018 Honda Accord on West Virginia Route 34 in Winfield, Putnam County on May 10, 2020 when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$702.76; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$702.76

AMOUNT AWARDED: \$500.00

CC-20-0486 STEVE SHORT, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 24, 2020, the Claimant was driving his 2015 Cadillac Escalade on Bell Creek Road in Dixie, Kanawha County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,277.13; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Bell Creek Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,277.13

AMOUNT AWARDED: \$500.00

CC-20-0487 MICHAEL G. SIMON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 6 2020, the Claimant was driving his 2018 Mercedes-Benz CLS550 on Three Springs Drive in Weirton, Brooke County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$293.00; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Three Springs Drive and failed to do so properly on the date of the incident. The sum of \$293.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$293.00

AMOUNT AWARDED: \$293.00

CC-19-0378 DEBORAH J. SIMPKINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2013 Dodge Avenger SXT on County Route 23/3, Cooks Run Road, in Greenville, Monroe County on December 3, 2018 when her vehicle struck a large pothole and depression at the edge of the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$734.74; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 23/3, Cooks Run Road, on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$734.74

AMOUNT AWARDED: \$500.00

CC-19-1353 BEVERLY SISSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 26, 2019, the Claimant was driving her 2017 Chevrolet Malibu on White Oak Road in Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$254.87; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of White Oak Road and failed to do so properly on the date of the incident. The sum of \$254.87 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$254.87

AMOUNT AWARDED: \$254.87

CC-19-1125 DAVID SITES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Ford 150 on Hartman Road in Morgantown, Monongalia County on July 25, 2019 when his vehicle struck a large tree that had fallen on the guardrail and extended into the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,897.15; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Hartman Road on the date of the incident and failed to do so properly. The sum of \$1,897.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,897.15

AMOUNT AWARDED: \$1,897.15

CC-19-0868 JOANN SLIE AND RUSTY SLIE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 24, 2019, the Claimant was driving her 2014 Ford Escape on Stone Church Road in Elm Grove, Ohio County when her vehicle struck a large pothole in the roadway. On April 6, 2019, the Claimant was again driving her 2014 Ford Escape on Interstate 70 and National Road in Wheeling, Ohio County when her vehicle struck several large potholes in the traveling portion of the roadways. The Claimants' vehicle sustained damages in the amount of \$838.40; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Stone Church Road, Interstate 70 and National Road and failed to do so properly on the dates of the Claimants' incidents. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 838.40

AMOUNT AWARDED: \$500.00

CC-20-0020 DANNY R. SMITH, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 27, 2019, the Claimant was driving his 2001 GMC Sierra on Poca River Road in Poca, Putnam County when his vehicle struck a large section of pavement in the traveling lane that had crumbled and broken away. The Claimant's vehicle sustained damages in the amount of \$2,375.00; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Poca River Road and failed to do so properly on the date of the incident. The sum of \$2,375.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,375.00

AMOUNT AWARDED: \$2,375.00

CC-19-0002 DEWEY T. SMITH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Subaru CrossTrek on US Route 52 in Kimball, McDowell County on November 23, 2018, when his vehicle struck a large depression associated with a drain hole that was located in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$745.13; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of US Route 52 on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$745.13

AMOUNT AWARDED: \$250.00

CC-19-1593 DONALD K. SMITH, II v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Harley Davidson Street Glide on US Route 60 West in South Charleston, Kanawha County on April 13, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$743.12; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60 West on the

date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$743.12

AMOUNT AWARDED: \$500.00

CC-20-0069 FORREST SMITH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 18, 2020, the Claimant was driving his 2009 Toyota Matrix on West Virginia Route 95 in Parkersburg, Wood County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$82.39; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 95 and failed to do so properly on the date of the incident. The sum of \$82.39 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$82.39

AMOUNT AWARDED: \$82.39

CC-20-0246 JANICE SMITH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 5, 2020, the Claimant was driving her 2019 Nissan Maxima on West Virginia Route 131, Benedum Drive, in Bridgeport, Harrison County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$520.25; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 131, Benedum Drive, and failed to do so properly on the date of the incident. The parties agreed that the sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$250.00

CC-19-1239 SHARLA SMITH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Subaru Impreza on Phillips Dairy Road in Buckhannon, Upshur County on August 24, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$219.64; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Phillips Dairy Road on the date of the incident and failed to do so properly. The sum of \$219.64 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$219.64

AMOUNT AWARDED: \$219.64

CC-20-0213 MARK E. SNAPP v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on October 3, 2019, he was driving his 2008 Mercedes Benz E550 on US Route 35 near Fraziers Bottom, Putnam County

when his vehicle struck a large depression in the roadway. The Claimant submitted invoices in the amount of \$3,410.94; his collision insurance required a deductible of \$250.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 35 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$250.00.

AMOUNT CLAIMED: \$3,410.94

AMOUNT AWARDED: \$250.00

CC-19-1523 KENNETH D. SNARE AND RENNY S. SNARE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2011 Honda Odyssey on 8th Avenue in Huntington, Cabell County on October 18, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$284.21; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of 8th Avenue on the date of the incident and failed to do so properly. The sum of \$284.21 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$284.21

AMOUNT AWARDED: \$284.21

CC-19-0215 JAMES E. SNEAD AND HOPE R. SNEAD v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Honda Ridgeline on Ashford Nellis Road in Ashford, Boone County on December 27, 2018 on when his vehicle struck a large portion of broken and washed away pavement that was situated in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$5,804.56; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Ashford Nellis Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$5,804.56

AMOUNT AWARDED: \$500.00

CC-19-0444 DENNIS SNIDER AND DONNA SNIDER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 12, 2019, the Claimant was driving his 2011 Porsche Panamera 4 on Lens Creek Road in Racine, Boone County when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$280.00; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Lens Creek Road and failed to do so properly on the date of the incident. The sum of \$280.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$280.00

AMOUNT AWARDED: \$280.00

CC-20-0453 SHARON SPLANE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 5, 2020, the Claimant was driving her 2016 Ford Fusion on US Route 250 in Moundsville, Marshall County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$111.25; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 250 and failed to do so properly on the date of the incident. The sum of \$111.25 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$111.25

AMOUNT AWARDED: \$111.25

CC-19-1462 KELLY STAATS AND DANIEL STAATS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Ford Explorer on Grand Central Avenue in Vienna, Wood County on October 10, 2019 when her vehicle struck an exposed and broken drain cover located in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$935.91; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Grand Central Avenue on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$935.91

AMOUNT AWARDED: \$500.00

CC-20-0376 JOSHUA D. STEAR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 18, 2019, the Claimant was driving his 2018 Honda Accord on US Route 50 in Clarksburg, Harrison County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$406.58; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 50 and failed to do so properly on the date of the incident. The sum of \$406.58 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$406.58

AMOUNT AWARDED: \$406.58

CC-20-0151 CHANDA STEMPLE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Kia Soul on Cheat Road in Morgantown, Monongalia County on February 19, 2020 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$198.11; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Cheat Road on the date of the incident and failed to do so properly. The sum of \$198.11 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$198.11

AMOUNT AWARDED: \$198.11

CC-19-1056 VICKI L. STEMPLE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Mazda CX3 on West Virginia Route 26 in Bruceton Mills, Preston County on April 8, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$679.44; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 26 on the date of the incident and failed to do so properly. The sum of \$679.44 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$679.44

AMOUNT AWARDED: \$679.44

CC-20-0153 CARL STEPEK v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Subaru Forester on Kingwood Pike in Morgantown, Monongalia County on February 10, 2020 when his vehicle struck a series of potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$424.58; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Kingwood Pike on the date of the incident and failed to do so properly. The sum of \$424.58 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$424.58

AMOUNT AWARDED: \$424.58

CC-19-1539 JULIA STEPHENS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 5, 2019, the Claimant was driving her 2004 Volkswagen Jetta on Interstate 64 West in South Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$75.96; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$75.96 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$75.96

AMOUNT AWARDED: \$75.96

CC-19-1526 SHANNON A. STEPHENS AND ERIN M-K STEPHENS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Toyota Sienna on Howell's Mill Road in Ona, Cabell County on August 10, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$465.52; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Howell's Mill Road on the date of the incident and failed to do so properly. The sum of \$465.52 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$465.52

AMOUNT AWARDED: \$465.52

CC-20-0226 BEVERLY J. STICKEL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Ford Explorer on US Route 50 in Clarksburg, Harrison County on March 24, 2020 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$135.39; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 50 on the date of the incident and failed to do so properly. The sum of \$135.39 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$135.39

AMOUNT AWARDED: \$135.39

CC-20-0418 JAMI T. STOLLINGS AND JENNIFER STOLLINGS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Ford F-150 on West Virginia Route 10 between Logan and West Logan, Logan County on May 30, 2020 when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$249.10; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 10 and failed to do so properly on the date of the incident. The sum of \$249.10 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$249.10

AMOUNT AWARDED: \$249.10

CC-20-0461 TERRI STRICKLEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 27, 2020, the Claimant was driving her 2018 Hyundai Elantra on West Virginia Route 34 North in Winfield, Putnam County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$472.78; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 34 North and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$472.78

AMOUNT AWARDED: \$250.00

CC-19-0776 ALAN STURM v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Kia Niro on Old Martinsburg Road in Martinsburg, Berkeley Count in March, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$169.86; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Old Martinsburg Road on the date of the incident and failed to do so properly. The sum of \$169.86 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$169.86

AMOUNT AWARDED: \$169.86

CC-19-1320 GOLDIE SUTTLE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 27, 2019, the Claimant was driving her 2007 Nissan Frontier on Middle Run Road in Weston, Lewis County when her vehicle struck the sharp cut-off portion of the base of the pole for a fallen and damage roadway sign. The Claimant's vehicle sustained damages in the amount of \$200.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Middle Run Road and failed to do so properly on the date of the incident. The sum of \$200.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$200.00

AMOUNT AWARDED: \$200.00

CC-20-0095 GREGORY SWIGER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 11, 2020, the Claimant was driving his 2010 Chevrolet Silverado on US Route 19, Evergreen Valley Road, in Hepzibah, Harrison County when his vehicle was struck by a falling tree that had been situated adjacent to the roadway. The Claimant's vehicle sustained damages in the amount of \$530.00; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of US Route 19, Evergreen Valley Road, and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$530.00

AMOUNT AWARDED: \$250.00

CC-19-1587 CAYLEY TACKETT AND ROBIN TACKETT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Honda Fit on Little Sandy Road in Elkview, Kanawha County on December 9, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$570.01; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Little Sandy Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$570.01

AMOUNT AWARDED: \$500.00

CC-20-0103 RAYMOND R. TAYLOR AND FRANCES TAYLOR v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Toyota Corolla on Courthouse Road in Princeton, Mercer County on January 16, 2020 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$101.36; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Courthouse Road on the date of the incident and failed to do so properly. The sum of \$101.36 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$101.36

AMOUNT AWARDED: \$101.36

CC-20-0130 SAMANTHA TAYLOR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 17, 2019, the Claimant was driving her 2016 Ford Fiesta on West Virginia Route 2 in Glenwood, Mason County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$835.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$835.00

AMOUNT AWARDED: \$500.00

CC-20-0398 MARK W. TETER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on May 29, 2020, he was driving his 1995 Dodge 3500 truck on US Route 33 in Harman, Randolph County. He was hauling a load of sand when his vehicle struck a large dip in the roadway. He made a second trip over the same dip and struck a large pothole situated on the back side of the dip. He testified that his vehicle sustained substantial damage and his insurance company deemed to the vehicle to be a total loss. The Claimant submitted documentation that the actual cash value of his vehicle was \$6,649.00; his collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that that the dip was present in the roadway and due to a massive flooding event in that area. The flood occurred in 2018 and was significant enough to damage the road base of one lane; to date, no repairs had been made to the road. There were no reports of other vehicles sustaining damage in this area.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 33 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$500.00.

AMOUNT CLAIMED: \$6,649.00

AMOUNT AWARDED: \$500.00

CC-20-0070 RICHARD E. THOMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 13, 2020, the Claimant was driving his 1997 Cadillac Deville on US Route 52 in Huntington, Cabell County when his vehicle struck a large piece of steel that was situated in the traveling lane of the roadway. The Claimant's vehicle sustained damages in the amount of \$257.17; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 52 and failed to do so properly on the date of the incident. The sum of \$257.17 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$257.17

AMOUNT AWARDED: \$257.17

CC-19-1280 PENNY ELLEN THOMPSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 12, 2019, the Claimant was driving her 2007 Nissan Versa on County Route 18/6, State Ridge Road, in Middlebourne, Tyler County when her vehicle struck a patch of uneven rocks and gravel situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$639.33; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 18/6, State Ridge Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$639.33

AMOUNT AWARDED: \$500.00

CC-19-1459 SONDA TONEY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant's daughter testified that she was driving the Claimant's 2015 Chevrolet Sonic on US Route 19, Ritter Drive, near Glen Morgan, Raleigh County on October 4, 2019 when her vehicle struck a series of large potholes at the edge of the roadway. She was unable to avoid striking the potholes because of oncoming traffic and a section of broken away pavement in the same area. The Claimant submitted invoices in the amount of \$648.43; she did not carry collision insurance on her vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 19, Ritter Drive, on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$648.43.

AMOUNT CLAIMED: \$648.43

AMOUNT AWARDED: \$648.43

CC-20-0243 JENNIFER TUCKER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2007 Cadillac Escalade ESV on West Virginia Route 100 in Madsville, Monongalia County on February 22, 2020 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$2,052.16; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of West Virginia Route 100 on the date of the incident and failed to do so properly. The parties agreed that the sum of \$1,236.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,052.16

AMOUNT AWARDED: \$1,236.00

CC-20-0248 JENNIFER TUCKER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 15, 2020, the Claimant was driving her 2004 Chevrolet Aveo through the intersection of Willowdale Road and Medical Center Drive in

Morgantown, Monongalia County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$742.00; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Willowdale Road and Medical Center Drive and failed to do so properly on the date of the incident. The sum of \$742.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$742.00

AMOUNT AWARDED: \$742.00

CC-20-0027 STEPHANIE TUEL AND JEFFREY TUEL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 GMC Yukon on US Route 50 in Mt. Storm, Grant County on December 9, 2019 when her vehicle struck a large road reflector that had come loose in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$1,020.19; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 50 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,020.19

AMOUNT AWARDED: \$500.00

CC-19-0986 ROY H. TUNICK v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damages to his vehicle and sought to recover. At the hearing, the Claimant testified that he was driving his 2017 Lexus GS350 on Chaplin Hill Road in Morgantown, Monongalia County on March 15, 2019 when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages to both tires on the driver's side of the vehicle. The Claimant submitted invoices in the amount of \$1,267.90; his collision insurance required a deductible of \$250.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Chaplin Hill Road on the date of the Claimant's incident and that such negligence was the cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$250.00.

AMOUNT CLAIMED: \$1,267.90

AMOUNT AWARDED: \$250.00

CC-19-0769 ANGELA D. TURNER AND RICHARD TURNER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 27, 2019, the Claimant was driving her 2015 Mercedes 250CLA on Hampton Road in Fairmont, Marion County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$644.43; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for

the maintenance of Hampton Road and failed to do so properly on the date of the incident. The sum of \$644.43 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$644.43

AMOUNT AWARDED: \$644.43

CC-18-0681 IRA T. TURNER v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his tractor. At the initial hearing, he testified that on April 8, 2018, he purchased a used 1981 Ford 531 tractor from Payne's Towing. The tractor came with an extra spare tire which was placed in the tractor's bucket for traveling. The Claimant testified that while his brother was driving the tractor on Sims Branch Road, a gravel road, in Mount Hope, Fayette County, the tractor struck a large pothole in the roadway. The impact with the pothole caused the spare tire to bounce out of the bucket and roll under the moving tractor. This then caused additional damage to the engine, front end, oil pan and undercarriage of the tractor. The Claimant testified that he purchased the tractor for \$500.00 and he submitted an estimate for repairs in the amount of \$1,434.00. The Claimant purchased the tractor for use on his farm and did not have any collision insurance on it. At a subsequent hearing, the Claimant testified that he was unable to repair the tractor because some of the necessary parts were no longer available. He submitted estimates for a brand new tractor in the range of \$8,500.00 - \$12,000.00.

The Claimant's brother, Jack Turner, testified that Sims Branch Road was a gravel road riddled with many potholes; it was almost impossible to avoid a pothole while driving down this road. He further testified that the road was very narrow; because the tractor was almost as wide as the traveling portion of the roadway, it was difficult to avoid striking a pothole. Once the tractor struck the pothole, he testified that the tractor bounced up and back down. The extra spare tire in the tractor's bucket bounced out of the bucket, rolled under the tractor and became embedded in the oil pan, causing significant damage.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Sims Branch Road on the date of the Claimant's incident and that the negligence of the Respondent was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the amount of \$1,500.00.

AMOUNT CLAIMED: \$10,000.00

AMOUNT AWARDED: \$1,500.00

CC-19-0571 JUSTIN TYREE AND KAYLEE TYREE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Honda Accord on West Virgin Route 67 in Morgantown, Monongalia County on February 8, 2019 when his vehicle struck a large icy patch on the roadway. The Claimants' vehicle slid on the ice and struck a utility pole damaging their vehicle. The Claimants also alleged that the incident caused some personal injuries, which were a result of the Respondent's alleged negligence in failing to properly maintain the roadway. The Respondent denied any negligence but did acknowledge some

culpability for the incident. The parties agreed to settle the claim for the sum of \$3,600.00, which is a fair and reasonable amount.

AMOUNT CLAIMED: \$3,600.00

AMOUNT AWARDED: \$3,600.00

CC-18-0019 ELIJAH UNDERWOOD v. DIVISION OF HIGHWAYS

The Claimant filed a claim alleging that the negligence of the Respondent was the cause of personal injuries he sustained on January 28, 2016. At the hearing, the Claimant testified that he was driving his 2005 Honda Accord on West Virginia Route 152 in Huntington, Cabell County when a large boulder fell from the adjacent hillside and landed on the roadway. He was unable to avoid striking the boulder. Because of the impact with the boulder, the Claimant suffered injuries to his neck and back and sought medical treatment for at least three months. The Claimant sought to recover for his medical bills, work loss and pain and suffering.

The Respondent denied the validity of the claim.

The Claims Commission found that the Respondent was negligent in the maintenance of West Virginia Route 152 on the day of the Claimant's incident and that such negligence was a proximate cause of the Claimant's injuries. The Claims Commission recommended an award of \$4,774.97.

AMOUNT CLAIMED: \$100,000.00

AMOUNT AWARDED: \$4,774.97

CC-19-0951 MAGGIE E. UPHOLD v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2010 Ford UT Escape on West Virginia Route 26 between Tunnelton and Kingwood, Preston County on May 15, 2019 when her vehicle struck several large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$181.44; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 26 on the date of the incident and failed to do so properly. The sum of \$181.44 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$181.44

AMOUNT AWARDED: \$181.44

CC-19-1493 PHYLLIS VAN HORN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 4, 2019, the Claimant was driving her 2003 Jaguar X-Type on Interstate 64 East near Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$121.76; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$121.76 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 121.76

AMOUNT AWARDED: \$121.76

CC-20-0110 SUSAN VEALEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 14, 2020, the Claimant was driving her 2018 Kia Stinger on the Malden Underpass near Charleston, Kanawha County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$2,187.32; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of the Malden Underpass and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,187.32

AMOUNT AWARDED: \$500.00

CC-20-0327 HAZEL WALKER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 3, 2020, the Claimant was driving her 2012 Dodge Journey on Fairmont Pike in Moundsville, Marshall County when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$140.00; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Fairmont Pike and failed to do so properly on the date of the incident. The sum of \$140.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$140.00

AMOUNT AWARDED: \$140.00

CC-19-0421 JACKIE R. WALKER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Nissan Juke on West Virginia Route 7 in Welch, McDowell County on February 15, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$966.12; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the date of the incident and failed to do so properly. The sum of \$966.12 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$966.12

AMOUNT AWARDED: \$966.12

CC-19-1550 DERRICK G. WALLS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2011 Chevrolet Impala on Morgantown Industrial Park in Morgantown, Monongalia County on November 7, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$372.06; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Morgantown Industrial Park on the date of the incident and failed to do so properly. The sum of \$372.06 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$372.06

AMOUNT AWARDED: \$372.06

CC-19-1516 FLOYD L. WALTERS, JR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Volkswagen Passat on Crab Run Road in Mathias, Hardy County on November 12, 2019 when his vehicle struck a patch of broken and crumbling pavement in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$707.12; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Crab Run Road on the date of the incident and failed to do so properly. The sum of \$707.12 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$707.12

AMOUNT AWARDED: \$707.12

CC-19-1516 FLOYD L. WALTERS, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 20, 2019, the Claimant was driving his 2015 Volkswagen Passat on West Virginia Route 259 in Mathias, Hard County when his vehicle struck a large patch of damaged pavement. The Claimant's vehicle sustained damages in the amount of \$760.00; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 259 and failed to do so properly on the date of the incident. The sum of \$760.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$760.00

AMOUNT AWARDED: \$760.00

CC-19-1545 KATHY WAYMAN AND VINCENT WAYMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Subaru Outback on Sallys Backbone Ridge near Moundsville, Marshall County on November 6, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$319.66; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Sallys Backbone Ridge on the date of the incident and failed to do so properly. The sum of \$319.66 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$319.66

AMOUNT AWARDED: \$319.66

CC-20-0489 MICHAEL J. WEAVER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on July 23, 2020, he was driving his 2000 Chevrolet Impala on West Virginia Route 17 near Fairview, Marion County when his vehicle struck a large pothole in the roadway. He testified that his vehicle sustained significant damage, including a flat tire, two bent rims and damage to the tie rod ends. The Claimant submitted invoices in the amount of \$708.26; he did not carry collision insurance on his vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent had offered to stipulate to the cost of one tire and two bent rims in the amount of \$398.87; this offer was rejected by the Claimant. The Respondent asserted that the some of the

damage claimed by the Claimant was due to normal wear and tear, especially for a twenty year old vehicle with high mileage.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 17 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$581.83.

AMOUNT CLAIMED: \$708.26

AMOUNT AWARDED: \$581.83

CC-19-1256 DANIEL WEBB v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2010 Toyota Prius on the 35th Street Bridge in Charleston, Kanawha County on August 6, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$95.23; his collision insurance required a deductible of \$.500.00 The Respondent was responsible for the maintenance of the 35th Street Bridge on the date of the incident and failed to do so properly. The sum of \$95.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$95.23

AMOUNT AWARDED: \$95.23

CC-20-0389 DAVID A. WEEKLEY AND DIANA G. WEEKLEY v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that she was driving her 2005 Chevrolet Blazer on West Virginia Route 180 near Fork Road in Middlebourne, Tyler County on May 25, 2020 when her vehicle struck the metal stand for a road sign that had broken off from the stand that was situated just outside the white line. She testified that the top portion of the sign was situated on the side of the roadway. She was unable to see the broken metal stand due to the overgrowth of weeds and brush. The Claimants submitted invoices in the amount of \$252.02; their collision insurance required a deductible of \$250.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 180 on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$250.00.

AMOUNT CLAIMED: \$252.02

AMOUNT AWARDED: \$250.00

CC-19-0998 TRACY WESTERMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Indian Chieftain on Little Laurel Road in Fairview, Marion County on May 20, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the

amount of \$1,962.54; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Little Laurel Road on the date of the incident and failed to do so properly. The sum of \$1,962.54 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,962.54

AMOUNT AWARDED: \$1,962.54

CC-20-0282 ADRIAN HURL WHITE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 14, 2020, the Claimant was driving his 2013 Chevrolet Silverado 1500 on West Virginia Route 25 in Rock Branch, Putnam County when his vehicle struck a series large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$99.09; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 and failed to do so properly on the date of the incident. The sum of \$99.09 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$99.09

AMOUNT AWARDED: \$99.09

CC-19-1210 TONY WHITE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Mercedes CLA250 on Holden Road in Logan, Logan County on May 15, 2019 when his vehicle struck a series of large cutout holes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$3,602.02; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Holden Road on the date of the incident and failed to do so properly. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,602.02

AMOUNT AWARDED: \$1,000.00

CC-18-0988 JOHN RALPH WHITMORE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Honda Accord on the off ramp of Exit 10 on Interstate 68 East in Morgantown, Monongalia County on June 14, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$38.77; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Interstate 68 East on the date of the incident and failed to do so properly. The sum of \$38.77 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$38.77

AMOUNT AWARDED: \$38.77

CC-18-1518 JOHN RALPH WHITMORE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Honda Accord on County Route 75/4, Mayfield Road, near Morgantown, Monongalia County on October 6, 2018,

when his vehicle struck several large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$590.60; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Interstate 68 East on the date of the incident and failed to do so properly. The parties agreed that the sum of \$325.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$590.60

AMOUNT AWARDED: \$325.00

CC-19-1536 MYRA E. WICKLINE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on March 16, 2019, she was driving her 2017 Kia Soul on County Route 60/14, Hart Run Road, near White Sulphur Springs, Greenbrier County when her vehicle struck a large pothole in the roadway. The Claimant submitted invoices in the amount of \$448.10; her collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of County Route 60/14 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$448.10.

AMOUNT CLAIMED: \$448.10

AMOUNT AWARDED: \$448.10

CC-20-0524 BARBARA WILE AND JAMES BUTCHER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Chrysler 200 on Park Avenue in Jane Lew, Lewis County on July 25, 2020 when her vehicle was struck by a dead limb falling from a tree adjacent to their lane of travel. The Claimants' vehicle sustained damages in the amount of \$462.69; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Park Avenue and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$462.69

AMOUNT AWARDED: \$250.00

CC-20-0328 GARY W. WILLIAMS AND PAM WILLIAMS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Chevrolet Impala on Jefferson Road in South Charleston, Kanawha County on April 19, 2020 when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$146.59; their collision insurance required a deductible of \$500.00. The Respondent

was responsible for the maintenance of Jefferson Road and failed to do so properly on the date of the incident. The sum of \$146.59 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$146.59

AMOUNT AWARDED: \$146.59

CC-19-0198 PEGGY S. WILLIAMS AND ROGER WILLIAMS v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on February 2, 2019, she was driving her 2018 Ford Edge SEL on Interstate 64 West near Alta, Greenbrier County when her vehicle struck a large rock in the roadway. A large truck was traveling in front of her and she was unable to see the rock until it was too late to take any evasive action. The Claimant testified that she has observed rocks in the roadway on prior occasions and that this particular section of the Interstate was known for rockfalls. The Claimants submitted invoices in the amount of \$465.55; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 West on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$465.55.

AMOUNT CLAIMED: \$465.55

AMOUNT AWARDED: \$465.55

CC-19-1466 BRENDA K. WOLVERTON AND JOHNNY WOLVERTON v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of personal injuries. At the hearing, the Claimant, Mr. Wolverton, testified that on August 3, 2019, their family attended an event in Man, Logan County to watch fireworks. They parked their vehicle in the parking lot and walked up the bank to the seating and viewing area. As they were walking, the Claimants' son fell into an open hole at the edge of the parking lot. He pulled his son out of the hole; their son did not have any injuries and did not seek any medical attention. The Claimant, Mrs. Wolverton, also testified at the hearing and testified that she walked to the refreshment stand when they first arrived. As she was returning to her family with refreshments, she fell into another open and exposed hole. She sustained a severe ankle sprain and sought medical treatment. She was confined to her home and had to use a walker for approximately three weeks; she was unable to put any weight on her ankle. As a result of this injury, she testified that she was unable to complete her childcare and other household responsibilities and had to have constant help for almost a month. Both Claimants testified that after this incident, they learned that a contractor of the Respondent's had been installing new guardrails. The contractor had covered some of the holes that were created when the old guardrail posts were removed; however, seven holes were left uncovered and exposed without any type of warning signs, cones, ropes, or other devices warning of the hazardous condition. The Claimants submitted medical bills in the amount of \$3,106.80; their medical insurance paid a significant portion of their bills.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that its contractor was responsible for the construction area pursuant to the provisions of their contract and therefore, the contractor was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of the work area on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award to the Claimants in the sum of \$2,495.00.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$2,495.00

CC-16-0652 JACKIE K. WOODSON v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of significant water damage to her home. At the hearing, the Claimant testified that beginning in the Spring of 2016, her property was flooded after heavy rainstorms. She alleged that the flooding began after the Respondent had replaced a culvert under the highway where the outlet end of the culvert was pointed at her residence. She had lived on this property, her family home, for decades; the first issues with flooding arose after the culvert was replaced. The Claimant testified that her home sustained significant structural damage as well as damage to personal property items that had been stored in her basement and crawl space. Additionally, because of the extreme flooding of her yard, two small outbuildings and their contents were destroyed. She testified that the Respondent should have known that flooding would occur after installing the new culvert since the outlet was pointed directly at her house. The Claimant asserted that the Respondent owed her a duty to maintain its drainage system in such a manner as to protect her property and prevent damage to her property.

The Respondent disputed the validity of the claim and asserted that the new culvert pipe had been installed in the same location as the damaged culvert pipe that had been removed. Further, the Respondent argued that the Claimant's property was situated in a natural drainage course and because of that, water issued are inevitable.

The Claims Commission found that the Respondent had a duty to the Claimant to protect her property from damage and that the Respondent had breached that duty. The Respondent had a duty to properly maintain its drainage systems, including culverts and ditches alongside County Route 17, Minden Road, in Minden, Fayette County. The failure to maintain the ditches contributed to the erosion of the roadway and damage to the underlying culvert. The Claims Commission further found that it was foreseeable that the Claimant's property would sustain water damage where the outlet of the culvert pointed directly at her residence and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$117,050.00.

AMOUNT CLAIMED: \$127,550.00

AMOUNT AWARDED: \$117,050.00

CC-19-0939 LESLIE D. WYLIE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 5, 2019, the Claimant was driving his 2016 Toyota Corolla LE on West Virginia Route 7 in Morgantown, Monongalia County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$146.99; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 and failed to do so properly on the date of the incident. The sum of \$146.99 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$146.99

AMOUNT AWARDED: \$146.99

CC-20-0046 STEPHEN A. YACZOLA v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 17, 2019, the Claimant was driving his 2018 BMW 340i on West Virginia Route 310, Merchant Street, in Fairmont, Marion County when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,168.94; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 310, Merchant Street, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,168.94

AMOUNT AWARDED: \$500.00

CC-19-1003 JOHN L. YELCICH AND LARINDA YELCICH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2008 Mercury Milan on West Virginia Route 310 near Grafton, Taylor County on May 2, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$385.30; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 310 on the date of the incident and failed to do so properly. The sum of \$385.30 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$385.30

AMOUNT AWARDED: \$385.30

CC-20-0330 SANDRA D. YOCUM v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 2, 2020, the Claimant was driving her 2011 Buick Lacrosse on US Route 250 in Cameron, Marshall County when her vehicle struck several large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$224.01; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 250 and failed to do so properly on the date of the incident. The sum of \$224.01 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$224.01

AMOUNT AWARDED: \$224.01

CC-20-0217 AARON M. ZALTZMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 22, 2020, the Claimant was driving his 2016 Land Rover Range Rover on West Run Road in Morgantown, Monongalia County when his vehicle struck a portion of the roadway that had collapsed and crumbled, creating a large depression in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,775.12; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Run Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,775.12

AMOUNT AWARDED: \$500.00

CLAIMS AGAINST THE DIVISION OF MOTOR VEHICLES

CC-17-0210 PAUL WHITE CHEVROLET v. DIVISION OF MOTOR VEHICLES

The Claimant filed this claim to recover the payment for a title and license fee after the sale of the subject vehicle was rescinded by the customer. The Claimant submitted the appropriate fees and paperwork to the Respondent when the vehicle was first sold. Before the check for the fees was cashed and the paperwork was processed, the customer returned the vehicle to the Claimant to cancel the sale. The Claimant issued the customer a refund of the monies he had paid for the title and license fees. The Claimant's employee called the Respondent's office on numerous occasions in order to stop the processing of the title and license paperwork to no avail. The Respondent's employees provided the Claimant with the forms it would need to process the refund, which were submitted. The Claimant submitted the refund paperwork in a timely manner and did not receive any further notifications from the Respondent regarding the application for the refund. When the Claimant sold the same vehicle to another buyer several months later, it learned that the refund request had been denied and further that the Respondent's employees had given the Claimant's employee incorrect instructions with respect to the refund request. The Claimant filed a claim seeking the recovery of \$357.50.

The Respondent denied the validity of the claim asserting that a refund was inappropriate as the Claimant's application had not been refused or rejected.

The Claims Commission found that the Claimant was entitled to a refund of the title and license fees it paid to the Respondent upon the first sale of the vehicle once the sale had been rescinded by the customer. Furthermore, the Claims Commission found that the principles of detrimental reliance applied to the claim as the Claimant relied upon and depended upon the erroneous reassurances of the Respondent to its detriment and that further, the Respondent had a moral obligation to refund the monies to the Claimant.

AMOUNT CLAIMED: \$357.50

AMOUNT AWARDED: \$357.50

CLAIMS AGAINST THE EDUCATIONAL BROADCAST AUTHORITY

CC-20-0166 ELIZABETH ANNE MCCORMICK v. WEST VIRGINIA BROADCAST AUTHORITY

The Claimant brought this claim to recover \$8,229.00 for unpaid per diem fees associated with the production of certain of her employer's television programs during regular legislative sessions in Charleston, as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal years from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$8,229.00.

AMOUNT CLAIMED: \$8,229.00

AMOUNT AWARDED: \$8,229.00

CLAIMS AGAINST THE WEST VIRGINIA BOARD OF MEDICINE

CC-19-0470 ALBERTSON CONSULTING, INC. v. WEST VIRGINIA BOARD OF MEDICINE

The Claimant brought this claim to recover \$19,125.00 for providing professional services pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$19,125.00.

AMOUNT CLAIMED: \$19,125.00

AMOUNT AWARDED: \$19,125.00

CLAIMS AGAINST THE WEST VIRGINIA PUBLIC PORT AUTHORITY

CC-20-0212 PARSEC, INC. v. WEST VIRGINIA PUBLIC PORT AUTHORITY

The Claimant brought this claim to recover \$29,503.93 for providing professional services pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$29,503.93.

AMOUNT CLAIMED: \$29,503.93

AMOUNT AWARDED: \$29,503.93

CLAIMS AGAINST THE WEST VIRGINIA DEPARTMENT OF VETERANS AFFAIRS

CC-20-0093 JANET I. BENNETT v. WEST VIRGINIA VETERANS NURSING FACILITY

The Claimant brought this claim to recover \$3,920.00 for providing professional services pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$3,920.00.

AMOUNT CLAIMED: \$3,920.00

AMOUNT AWARDED: \$3,920.00

WEST VIRGINIA LEGISLATIVE CLAIMS COMMISSION
ABSTRACTS OF DISALLOWED CLAIMS

CLAIMS AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION

CC-19-0659 JASON RAY BLANKENSHIP v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this claim alleging that the Respondent violated his civil rights 42 U.S.C. §1983 and also violated his state and federal constitutional rights. The Respondent sought to dismiss the claim and asserted that jurisdiction before the Legislative Claims Commission was improper pursuant to West Virginia Code §14-2-14(5). Because the Claimant's allegations could be maintained in a state or federal court, the Claims Commission did not have the requisite jurisdiction to preside over the Claimant's claim. The Legislative Claims Commission found that West Virginia Code §14-2-14(5) barred it from hearing the Claimant's claim as the Claimant's claim could be maintained in either a state or federal court.

AMOUNT CLAIMED: \$50,000.00

AMOUNT AWARDED: \$0.00

CC-19-0567 ANTHONY CARTAGENA v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of personal property he alleged was lost while under the Respondent's care. At the hearing, the Claimant testified that he was incarcerated at Mount Olive Correctional Complex on August 15, 2018 when his cell was searched. He alleged that one of his CD's was damaged following the cell search but he was not in his cell at the time of the search and did not observe the Respondent's employees while the search was conducted. The Claimant further testified that he was unable to identify the Respondent's employees who conducted the search. The Claimant testified that the music on his CD contained explicit lyrics; he objected to the Respondent's evidence as to the replacement cost of the CD at a lower price since it had "clean" lyrics.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's witness testified that an investigation was conducted regarding the Claimant's allegations. His investigation determined that there were no incident reports, damage reports, seizure reports or property cards that supported the Claimant's allegations or that even established that the Claimant was properly in the possession of the CD in question. The Claimant's grievance was denied because the CD in question was considered contraband and in violation of the Respondent's policies.

The Legislative Claims Commission found that the Claimant did not satisfy his burden of proof in order to prevail on his claim and did not provide sufficient evidence to establish that he Respondent was liable to the Claimant.

AMOUNT CLAIMED: \$27.49

AMOUNT AWARDED: \$0.00

CC-19-0798 BRANDON E. CREMEANS v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant brought this claim alleging that the Respondent had failed to provide medical care, violated his civil rights under 42 U.S.C. §1983 and also violated his state and federal constitutional rights. The Respondent sought to dismiss the claim and asserted that jurisdiction before the Legislative Claims Commission was improper pursuant to West Virginia Code §14-2-14(5). Because the Claimant's allegations could be maintained in a state or federal court, the Claims Commission did not have the requisite jurisdiction to preside over the Claimant's claim. The Legislative Claims Commission found that West Virginia Code §14-2-14(5) barred it from hearing the Claimant's claim as the Claimant's claim could be maintained in either a state or federal court.

AMOUNT CLAIMED: \$100,000.00

AMOUNT AWARDED: \$0.00

CC-18-1492 HENRY TIMBERLAKE DUNCAN v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of personal property he alleged was lost while under the Respondent's care. The Claimant testified that on April 19, 2018, he was incarcerated at Huttonsville Correctional Center when his cell was searched by the Respondent's employees. A shank was found in his cell and confiscated; he was then taken to segregation. The Claimant testified that he asked the Respondent's employees escorting him to segregation to lock his property boxes, but according to the Claimant, they refused. He alleged that other inmates had the opportunity to steal his property. He testified that when he received his personal property in segregation, he discovered that various items, including commissary, personal hygiene items, magazines, and his legal papers, were missing. The Claimant filed numerous grievances, which were denied. He placed a value of \$625.00 on his missing property but did not submit any receipts or invoices to support that valuation.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the Claimant was under a federal protective order to destroy his legal papers related to two federal lawsuits but included those legal papers in his claim. The Respondent further asserted that the Claimant was found guilty of conspiring with another inmate to remove commissary from his cell yet included that same commissary in his Notice of Claim. The Respondent further asserted that its policy directives on the storage of commissary and other food products were followed by its employees.

The Legislative Claims Commission found that the Claimant did not make the necessary arrangements for the disposal of his perishable food items pursuant to the Respondent's policies as required and accordingly, these food items were properly confiscated and destroyed. The Claims Commission further found that no recovery could be permitted for the legal papers as the protective order entered by the federal district court controlled the final disposition and destruction of the legal papers. The Claims Commission also found that as to the remaining property, the Claimant did not establish that the Respondent was liable for any alleged damages and failed to meet the burden of proof to prevail on the claim.

AMOUNT CLAIMED: \$625.00

AMOUNT AWARDED: \$0.00

CC-19-0727 BRANDON FITZPATRICK v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of personal property he alleged was lost while under the Respondent's care. At the hearing, the Claimant testified that on September 27, 2018, he was incarcerated at Huttonsville Correctional Center when he was taken to segregation. His property was inventoried and stored by the Respondent. When he was released from segregation, he discovered that his watch, CD player and tennis shoes were missing from his personal property. He filed a grievance regarding the lost CD player but did not pursue it to a final appeal. He did not file any grievances for either the lost watch or tennis shoes. His watch was later located and returned to him.

The Respondent disputed the validity of the claim asserting that the Claimant failed to file any grievances regarding his lost CD player and tennis shoes and accordingly failed to exhaust his administrative remedies before filing his claim with the Legislative Claims Commission. The Respondent further asserted that the Claims Commission did not have the requisite jurisdiction to entertain the Claimant's claim because of his failure to exhaust his administrative remedies pursuant to the West Virginia Prisoner Litigation Reform Act.

The Legislative Claims Commission found that the West Virginia Prisoner Litigation Reform Act controlled the disposition of this claim. Under this Act, the Claimant is required to exhaust all administrative remedies set forth in the Act before any claim may be filed with the Claims Commission. As the Claimant failed to comply with the provisions of the Prisoner Litigation Reform Act, the Claims Commission is barred from exercising jurisdiction over the Claimant's claim.

AMOUNT CLAIMED: \$159.41

AMOUNT AWARDED: \$0.00

CC-20-0029 TROY GOODMAN v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant brought this claim against the Respondent alleging that the Respondent had violated his state and federal constitutional rights. The Respondent sought to dismiss the claim and asserted that jurisdiction before the Legislative Claims Commission was improper pursuant to West Virginia Code §14-2-14(5). Because the Claimant's allegations could be maintained in a state or federal court, the Claims Commission did not have the requisite jurisdiction to preside over the Claimant's claim. The Legislative Claims Commission found that West Virginia Code §14-2-14(5) barred it from hearing the Claimant's claim as the Claimant's claim could be maintained in either a state or federal court.

AMOUNT CLAIMED: \$15,000.00

AMOUNT AWARDED: \$0.00

CC-18-1524 JONATHAN HAGER v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of personal property he alleged was lost while under the Respondent's care. At the hearing, the Claimant testified that he was incarcerated at Mount Olive Correctional Complex on July 10, 2018 when he and his cell mate were taken to segregation. Upon his return to general population, he discovered that some of his personal property items were missing; a few items were damaged by spilled laundry detergent. The

Claimant also alleged that the Respondent's employees damaged his property during a cell search. The Claimant placed a value of \$1,076.52 on his missing and damaged property.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's witness testified that the Claimant's property had been mixed in with his cellmate's property and it was difficult to determine which specific items belonged to the Claimant. Many items did not have the Claimant's identification number marked on them and these items were classified as contraband. The Claimant was given a seizure report for the contraband items in accordance with the Respondent's policies. The Claimant was also over the number of allowable items and certain items had been altered in violation of the Respondent's policies. When the Claimant returned to general population, he received his personal property as well as an inventory report that he signed, which stated that his property was returned to him and accounted for accurately. The Respondent's witness further testified that the Claimant did not have laundry detergent listed on his property cards and the inventory report he received upon his release from segregation also did not include any mention of laundry detergent.

The Legislative Claims Commission found that the Claimant had failed to follow the Respondent's policy directives as to having his property labeled with his identification number and in accordance with those policy directives, his property was properly confiscated and destroyed. The Claims Commission also found that the Respondent followed its longstanding policies on property inventory and storage and that the Respondent reasonably and properly discharged its duty to the Claimant to provide a means of storage for his personal property while he was in segregation. The Claims Commission also found that the Claimant did not satisfy his burden of proof to establish that the Respondent was liable to him for the alleged damage to his property.

AMOUNT CLAIMED: \$1,076.52

AMOUNT AWARDED: \$0.00

CC-19-1006 MICHAEL HOOSIER v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of personal property he alleged was lost while under the Respondent's care. The Claimant was incarcerated at Mount Olive Correctional Complex. At the hearing, the Claimant testified that on February 4, 2019, he was transferred from general population to segregation. He requested his allowable property and discovered that he left his tennis shoes on the general population pod. He alleged that the shoes were either lost or stolen. The Claimant filed a grievance but did not pursue any appeals of the grievance after the first denial.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the Claimant's property cards did not have any tennis shoes listed in his inventory. The Respondent further asserted that the Claims Commission did not have the requisite jurisdiction to entertain the Claimant's claim because of his failure to exhaust his administrative remedies pursuant to the West Virginia Prisoner Litigation Reform Act.

The Legislative Claims Commission found that the West Virginia Prisoner Litigation Reform Act controlled the disposition of this claim. Under this Act, the Claimant is required to exhaust all administrative remedies set forth in the Act before any claim may be filed with the Claims Commission. As the Claimant failed to comply with the provisions of the Prisoner Litigation Reform Act, the Claims Commission is barred from exercising jurisdiction over the Claimant's claim. The Claims Commission also found that the Claimant did not establish that the shoes were

delivered to the Respondent so as to create a bailment situation between the Claimant and the Respondent.

AMOUNT CLAIMED: \$77.00

AMOUNT AWARDED: \$0.00

CC-19-0537 BILLY LLOYD v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of personal property he alleged was lost while under the Respondent's care. The Claimant was incarcerated at Mount Olive Correctional Complex. At the hearing, the Claimant testified that he was transferred to segregation on October 3, 2018 after becoming involved in an altercation on his pod. His property was inventoried, packed, and stored in the State Shop while he was in segregation. When he was released from segregation, he learned that all of his personal property was missing except for a broken television. The Claimant filed numerous grievances regarding the missing property and requested that security cameras be reviewed; all grievances were denied. The Claimant testified that he believed that the Respondent's employees allowed other inmates to enter his cell and steal his property. He testified that his missing property included the broken television, a CD player, numerous CD's, headphones, and tennis shoes. The television was donated to him by an inmate who had been transferred to another facility. The Claimant placed a value of \$899.90 on his missing property but did not submit any receipts or other supporting documentation.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's witness testified that their investigation into the Claimant's allegations revealed that he often "rented out" his personal property in exchange for commissary items. A cell search was undertaken on the Claimant's pod and none of his property was located. The Respondent's exhibits demonstrated that the Claimant had requested that some of his property be destroyed months before the altercation and subsequent transfer to segregation even occurred.

The Legislative Claims Commission found that the Claimant's CD was destroyed at the Claimant's request in accordance with the Respondent's longstanding policies on inmate personal property. The Claims Commission further found that the Respondent had properly and reasonably discharged its duty to the Claimant with respect to the storage of personal property while he was in segregation. The Claims Commission further found that the Claimant failed to provide sufficient evidence to establish that his personal property had been stolen and that the Respondent was liable for the alleged theft, and accordingly, the Claimant failed to satisfy his burden of proof.

AMOUNT CLAIMED: \$899.90

AMOUNT AWARDED: \$0.00

CC-18-1547 MARLIN MCCLAIN v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of personal property he alleged was lost while under the Respondent's care. At the hearing, the Claimant testified that he was incarcerated at Mount Olive Correctional Complex on September 20, 2018 when his cell was searched. He alleged that some of his personal property items were damaged during the search. He was not present at the time of the search as he was in the medical unit at the time it was conducted. When he returned to his cell, he discovered that he was missing food items, personal hygiene items, photos, personal papers, military papers, and his television had been damaged. He filed a

grievance which was ultimately denied. He placed a value of \$200.00 on his missing and damaged property.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the Claimant failed to properly grieve the damaged television and therefore, the West Virginia Prison Litigation Reform Act prevented the Claims Commission from presiding over that aspect of the Claimant's claim. The Respondent further asserted that it complied with its own policy directives concerning the storage of food items, and in particular, perishable food items. These policy directives mandate that no food items be stored longer than three days for safety and sanitary reasons; after three days, these items are confiscated and destroyed.

The Legislative Claims Commission found that the Claimant failed to make the necessary arrangements for the disposal of his food items as required and accordingly, his food items were properly confiscated and destroyed in accordance with the Respondent's established policies. The Claims Commission further found that the Claimant failed to properly exhaust his administrative remedies concerning his damaged television and therefore the Claimant was barred from proceeding with this aspect of his claim. As to the remainder of the claim, the Claims Commission found that the Claimant failed to establish a causal connection between the alleged loss of his property and a breach of the duty of care owed by the Respondent.

AMOUNT CLAIMED: \$200.00

AMOUNT AWARDED: \$0.00

CC-19-0015 MICHAEL SALISBURY v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this action to recover the value of personal property he alleged was lost while under the Respondent's care. At the hearing, the Claimant testified that he was incarcerated at Mount Olive Correctional Complex on September 7, 2018 when he was placed in segregation for a rules violation. When he returned to general population on November 1, 2018, he signed to the property inventory form to receive his personal property that had been in storage. He then discovered that his CD Boombox and beard trimmers were missing. He alleged that the Respondent failed to timely pack and store his property, which led to his property being lost or stolen. The Claimant exhausted his administrative remedies; his grievance was denied because the missing items were not listed on his property cards and inventory. The Claimant placed a value of \$125.00 on the CD Boombox and the beard trimmers, but did not submit any documentation in support of his valuation of the property.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the missing items were not in the Claimant's possession at the time his personal property was inventoried and packed and therefore, no bailment situation had been created.

The Legislative Claims Commission found that the Claimant did not establish that the CD Boombox and the beard trimmers had been delivered to the Respondent so as to create a bailment situation. The Claims Commission further found that the Claimant did not establish that

the Respondent had breached any duty owed to the Claimant and therefore, the Respondent was not liable to the Claimant.

AMOUNT CLAIMED: \$125.00

AMOUNT AWARDED: \$0.00

CC-18-1508 CHARLES M. WENTZ v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this claim to recover the value of personal property he alleged was lost or stolen while under the Respondent's care. At the hearing, the Claimant testified that on August 5, 2018, he was incarcerated at Stevens Correctional Center. His personal property was in the lockbox provided to him by the Respondent. The Claimant left the facility on August 5, 2018. He testified that he was transferred to Mount Olive Correctional Complex for a rules infraction and discovered then that his property was missing. His missing items included several CD's, headphones, a CD player, clothing items, video games, tennis shoes, books, and eyeglasses. The grievance that he filed was ultimately denied. The Claimant placed a value of \$713.35 on his missing property but did not file any invoices, receipts, or other documentation in support of his claim.

Upon cross-examination, the Claimant testified that he left Stevens Correctional Center on August 5, 2018 by escaping from the facility during his recreational time. He left his property at the facility; he did not take any of his personal property with him when he escaped. He was not at the facility when his personal property was inventoried by the Respondent's employees so he had no personal knowledge as to what happened to it. The Claimant testified that he was apprehended on August 10, 2018 in Lawrence County, Ohio and did not have any of his personal property with him at the time of his arrest.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that, by escaping from Stevens Correctional Center, the Claimant forfeited and abandoned his property. His escape from the facility demonstrated an intent to not only abandon the property but also an intent not to return for his property. The Claimant's intentions served to sever the bailment relationship between the Claimant and the Respondent and abrogated any duties the Respondent had for the care of the Claimant's personal property.

The Legislative Claims Commission found that, by escaping from the penal facility, the Claimant demonstrated an intent to leave the facility without thought to return and thereby abandoned his personal property at the Respondent's facility. The Claims Commission further found that the Claimant's escape severed the bailment relationship and negated any duties that the Respondent may have owed to the Claimant. The Claims Commission also found that the Claimant failed to establish that the Respondent was liable for the alleged loss of his property and failed to meet the burden of proof in his claim.

AMOUNT CLAIMED: \$713.35

AMOUNT AWARDED: \$0.00

CC-19-0197 RICHARD WINNING v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this claim to recover the value of personal property he alleged was lost or stolen while under the Respondent's care. He further sought relief from the Respondent's alleged improper garnishment of his prison trustee account for the payment of court costs and other related debts.

The Claimant testified at the hearing that he was incarcerated at Huttonsville Correctional Center. He returned to his cell after work at his prison job. He discovered that his personal property was missing; he believed his property had been stolen. The Claimant was charged \$264.00 for the replacement of his state-issued clothing. He further testified that he believed that the Respondent was improperly attempting to garnish the funds in his prison trustee account to pay court costs and other debts.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent sought to dismiss the portion of the Claimant's claim as to the allegations of improper garnishment. The Respondent asserted that those allegations could be maintained in a state or federal court and accordingly, jurisdiction with the Legislative Claims Commission was improper. The Respondent further asserted that the West Virginia Prisoner Litigation Reform Act barred the Claimant's remaining claims as he failed to exhaust his administrative remedies before filing his claim with the Claims Commission.

The Legislative Claims Commission found that West Virginia Code §14-2-14(5) barred it from hearing the Claimant's claim as to the allegations of improper garnishment since that portion of the Claimant's claim could be maintained in either a state or federal court. The Claims Commission further found that the West Virginia Prisoner Litigation Reform Act controlled the disposition of the remaining allegations. Under this Act, the Claimant is required to exhaust all administrative remedies set forth in the Act before any claim may be filed with the Claims Commission. As the Claimant failed to comply with the provisions of the Prisoner Litigation Reform Act, the Claims Commission is barred from exercising jurisdiction over the Claimant's claim.

AMOUNT CLAIMED: \$264.00

AMOUNT AWARDED: \$0.00

CLAIMS AGAINST THE DIVISION OF HIGHWAYS

CC-20-0415 FRANKIE BAILEY v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on June 9, 2020, he was driving his 1997 Nissan pickup truck on West Virginia Route 20 near Athens, Mercer County when he encountered a large boulder in the roadway. He was unable to avoid striking the boulder and his vehicle sustained damage. The Claimant testified that there were no warning signs posted; he did not believe this was an area known for rock falls. He did not know whether the Respondent was aware of the presence of the boulder in the roadway before his vehicle struck it. The Claimant submitted invoices in the amount of \$555.68; he did not carry collision insurance on his vehicle.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects, including rocks, in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual

or constructive notice of a large boulder situated in the traveling portion of the roadway on West Virginia Route 10 on the date of the Claimants' incident.

AMOUNT CLAIMED: \$555.68

AMOUNT AWARDED: \$0.00

CC-15-0861 TIMOTHY BOLEY, AS ADMINISTRATOR OF THE ESTATE OF TIMOTHY J. BOLEY, DECEASED v. DIVISION OF HIGHWAYS

The Claimant filed this action to recover for the wrongful death of his son, which he alleged was caused by the negligence of the Respondent. At the hearing, the testimony of witnesses and evidence presented demonstrated that the Claimant's decedent had met with several individuals regarding a business deal at the Lost Paddle Bar and Restaurant at ACE Resort, had consumed several alcoholic drinks and left once it became dark. The Claimant's decedent began walking along County Route 17, a one lane road that led to and from ACE Resort in Minden, Fayette County. Tragically, the Claimant slipped while walking and fell into the creek below County Route 17, where he drowned and died. His body was discovered the next day. The Claimant alleged that the Respondent's failure to maintain County Route 17 in a reasonably safe condition resulted in his son's death. The evidence produced at the trial of this claim established that the owners of ACE Resort had discussed their concerns over the width of County Route 17 with the Respondent's employees as to vehicular traffic and especially with regards to the resort's buses being able to safely pass each other on County Route 17. There were no discussions with the Respondent regarding pedestrian traffic; the resort's owners testified that there was minimal pedestrian traffic on the roadway and only during daytime hours. The Claimant's expert testified that County Route 17 was dangerous for all types of traffic at all times of the day. The Claimant had also filed a civil action in the Circuit Court of Raleigh County naming the resort and a local restaurant as defendants. The Claimant's decedent had started drinking at the restaurant before he arrived at ACE Resort. The restaurant was dismissed by summary judgment and the resort settled with the Claimant. Numerous documents and exhibits were submitted from the civil action in support of the Claimant's position.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the decedent's levels of intoxication and his failure to use due care were the proximate cause of his death. The Respondent further asserted that it was responsive to the concerns of the resort owners as to vehicular traffic, that County Route 17 was not intended for pedestrian traffic and that the roadway did not constitute an obviously dangerous situation. The Respondent's witness testified that County Route 17 is a low volume road and that the Respondent has undertaken multiple projects to improve the safety of this road. The Respondent's expert witness testified that the Respondent met the standard of care and that the behavior of the Claimant's decedent was the primary cause of his death.

The Legislative Claims Commission, upon review of the evidence and the parties' briefs, found that the concerns that the resort owners raised with the Respondent were as to vehicular traffic only on County Route 17. The evidence did not demonstrate that the Respondent received any complaints or concerns about pedestrian traffic on this roadway. Further, the Claims Commission found, based on the documentation submitted by the Claimant, that the Claimant's decedent's actions and voluntary intoxication to a level where he was unable to attend to his own

safety as stated by his own experts, were the proximate cause of the decedent's untimely and tragic death.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$0.00

CC-19-1265 SANDRA J. BURDETTE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2015 Toyota Prius on Interstate 64 West in Charleston, Kanawha County on August 27, 2019 when her vehicle struck a large chunk of loose blacktop in her lane of travel. She was unable to avoid striking it because of heavy traffic. She did not know how long the large piece of blacktop had been in the roadway and she did not know whether the Respondent had been notified of the presence of the loose blacktop in the road. The Claimant submitted invoices in the amount of \$396.92; her collision insurance required a deductible of \$250.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any loose chunks of blacktop or asphalt in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any chunks of loose blacktop situated in the traveling portion of the roadway on Interstate 64 West on the date of the Claimant's incident.

AMOUNT CLAIMED: \$396.92

AMOUNT AWARDED: \$0.00

CC-20-0164 GLORIA CALLOWAY v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that in March, 2019, she was driving her 2005 Chevrolet Malibu on Wertz Avenue in Charleston, Kanawha County when her vehicle struck a large pothole in the traveling portion of the roadway. She was trying to avoid oncoming traffic when her vehicle struck the pothole. The Claimant submitted an invoice in the amount of \$3,134.69; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because it did not own, maintain, repair or control Wertz Avenue, it should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair or control Wertz Avenue. The Claimant needed to seek damages and recovery from the City of Charleston instead.

AMOUNT CLAIMED: \$3,134.69

AMOUNT AWARDED: \$0.00

CC-20-0165 GLORIA CALLOWAY v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on February 27, 2020, she was driving her 2005 Chevrolet Malibu on Wertz Avenue in Charleston, Kanawha County when her vehicle struck a construction drum sitting on the side of the roadway. She was trying to avoid oncoming traffic, including a large bus, when her vehicle struck the drum. The Claimant submitted an invoice in the amount of \$3,134.69; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because it did not own, maintain, repair or control Wertz Avenue, it should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair or control Wertz Avenue. The Claimant needed to seek damages and recovery from the City of Charleston instead.

AMOUNT CLAIMED: \$3,134.69

AMOUNT AWARDED: \$0.00

CC-19-0134 BRIAN COCHRAN AND LAURA COCHRAN v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on June 1, 2018, he was driving his 2014 Toyota Sienna on County Route 50/6, Raccoon Run Road, in Salem, Harrison County when the undercarriage of his vehicle struck a "hooved up" section of the roadway. The Claimants submitted an estimate for repair work but did not repair the vehicle as they opted to trade it in for a newer car. The Claimants alleged that the damage to their vehicle reduced the trade-in value of the vehicle and they were forced to accept a lower trade-in value when they purchased a newer vehicle. The Claimants did not submit any documentation in support of their position. The Claimants' collision insurance required a deductible of \$500.00. . Despite repeated written requests to the Claimants requesting that they submit the required information on their losses and damages, the Claimants failed to respond and submit the requested information. The Claims Commission found that the Claimants' failure to submit the required information to complete their claim precluded them from recovery.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$0.00

CC-17-0339 CARLA A. COGAR, INDIVIDUALLY, AND AS ADMINISTRATRIX OF THE ESTATE OF TIMOTHY B. COGAR, DECEASED v. DIVISION OF HIGHWAYS

AND

CC-17-0340 NETTIE WISNER, INDIVIDUALLY, AND AS ADMINISTRATRIX OF THE ESTATE OF ROBERT WISNER, DECEASED v. DIVISION OF HIGHWAYS

The Claimants each filed a separate claim alleging that the negligence of the Respondent was the proximate cause of the deaths of their husbands. Because the claims arose from the same incident, the claims were consolidated and litigated together.

At the hearing, the Claimants testified that on June 10, 2015, their husbands were returning home from working their regular shift as coal miners. Mr. Cogar was driving his 2004 Chevrolet Trailblazer with Mr. Wisner sitting in the front passenger seat on County Route 9, Tallmansville Road, in Tallmansville, Upshur County, when a large tree fell unexpectedly from the hillside and landed on the cab of the Claimant's vehicle, instantly killing both men. The Claimants asserted that the Respondent had breached its duty to properly inspect and remove trees, particularly rotten, decayed, and dead trees. The Claimants further asserted that this duty extended to those trees not planted within the Respondent's right of way where either the leaves or branches extend into the right of way or overhang the roadway. The Claimants argued that trees that are dead, rotten, or decayed constitute an open and obvious hazard and are an imminent danger to the public. The Claimants asserted that the Respondent's failure to notice the condition of the tree when its work crew was doing road work in the same area approximately a month before the accident and take any corrective action to remove the tree constituted negligence. The Claimants' expert testified that he visited the site of the accident approximately two years after the accident occurred. He was able to observe the remains of the tree stump although he did not examine the tree, trunk, or branches as they were gone. It was his opinion that the tree was quite large and tall, was in a state of excessive decay and would have been an open and obvious hazard to the work crew who had been working on the road the month before. The Claimants argued that the Respondent should have known that this tree was in danger of falling as it was an open and obvious hazard. Lastly, the Claimants asserted that the Respondent's employees had failed to follow the Respondent's maintenance manual concerning trees.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the tree was located on private property and it had no control over the disposition of the tree. The tree was not situated in the Respondent's right of way and it did not have either actual or constructive notice of the tree's condition. The Respondent also asserted that its employees complied with the provisions of the provision of its maintenance manual concerning trees. Testimony of the Respondent's employees demonstrated that the tree that fell was alive, with green leaves on its branches with no evidence of disease or decay. The members of the work crew testified that while they were focused on safety while performing their road maintenance; they did not see any trees that appeared to be dead, dying or decayed. The tree that fell had no characteristics that made it stand out as a hazardous condition.

The Legislative Claims Commission found that, while it was sympathetic to the Claimants, it was constrained by the law and evidence presented in this claim, the Respondent did not have either actual or constructive notice of the tree that caused the fatal accident. Accordingly, liability cannot be assessed against the Respondent.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$0.00

CC-20-0120 PHYLLIS A. COPLEY-ADKINS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on February 7, 2020, she was driving her 2018 Subaru CrossTrek on West Virginia Route 34 in Hamlin, Lincoln County when a large tree limb fell on the roof of her vehicle, shattering the windshield. The Claimant submitted invoices in the amount of \$1,820.00; her collision insurance required a deductible of \$650.00.

The Claimant testified that before she could have the repairs made to her vehicle, another vehicle struck her car while she was driving in Charleston, Kanawha County. The damages from that accident were so extensive that her insurance company deemed her vehicle to be a total loss. She purchased a new vehicle and did not have any repairs made to the 2018 Subaru CrossTrek.

The Respondent disputed the validity of the claim, asserting that it had no notice of any tree branches or other foreign objects in the roadway on the date of the Claimants' incident. The Respondent further asserted that because the Claimant had not paid for any repairs related to the tree incident, she had no injury for which damages could be awarded.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a falling tree limb in the traveling portion of the roadway on West Virginia Route 34 on the date of the Claimants' incident. The Claims Commission further found that the Claimant did not establish that she had sustained any economic loss related to this incident.

AMOUNT CLAIMED: \$1,820.00

AMOUNT AWARDED: \$0.00

CC-19-1180 ANDREW CURRENCE v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on July 15, 2019, he was driving his 2014 Chrysler Town and Country in a construction zone on Interstate 77 South in Beckley, Raleigh County when his vehicle struck a large pothole in the roadway. The Claimant submitted invoices in the amount of \$166.85; his collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because it did not own, maintain, repair, or control the West Virginia Turnpike, it should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair, or control the West Virginia Turnpike. The Claimant needed to seek damages and recovery from the West Virginia Parkways Authority instead.

AMOUNT CLAIMED: \$166.85

AMOUNT AWARDED: \$0.00

CC-18-0542 LARRY DALE DAVIS SR. AND SANDRA LEE DAVIS v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their property located in Stollings, Logan County. At the hearing, the Claimant testified that they experienced a severe flooding incident in February 2018 and sustained approximately \$14,000.00 in damages. The Claimants alleged that the Respondent's employees who worked on the drain system across the street from their home failed to properly maintain it; they also alleged that the Respondent's employees would also clean out the ditches and leave the debris

pile close to the Claimants' property to divert water onto their property. The Claimant testified that in the last two years, an apartment complex was constructed across the street from their property. Water flows from the complex, across the road and onto his property. He also alleged that the installed drains are not positioned correctly to collect the runoff water. The Claimants alleged that they sustained \$14,000.00 in damages but did not submit any receipts, invoices, or estimates to support that claim. The Claimant testified that they had taken out a home improvement loan in that amount to replace the items that were flooded. The Claimants also had flood insurance on their property with a deductible of \$1,000.00

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent's witness testified that the Claimants' property is situated in a natural drainage course; water flows from the mountain behind the apartment complex into the drainage system located on the complex. In heavy rainstorms, the water flow may be heavy enough to overflow the drains. The drainage system within the apartment complex is privately owned and the Respondent has no responsibilities with respect to that system. The Respondent's witness testified that all the residents in this particular area are affected by flooding following heavy rainstorms because of the mountainous terrain. Furthermore, the Respondent had not received any complaints or calls from the Claimants regarding the flooding situation prior to the filing of their claim.

The Legislative Claims Commission found that the Respondent cannot be held liable in instances such as this where a private property owner alters that natural lay of the land by developing their property. The Respondent has no statutory authority to remedy problems originating and occurring on private property. The Claims Commission further found that the Claimants failed to prove that the Respondent's negligence, if any, cause the damages to their property. On the contrary, the Claims Commission found that there was no evidence that the Respondent was at fault for the Claimants' damages.

AMOUNT CLAIMED: \$14,000.00

AMOUNT AWARDED: \$0.00

CC-19-0430 NORMA JEAN FELLURE v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on February 24, 2019, she was driving her 2010 Toyota Camry on Interstate 64 near Scott Depot, Putnam County when her vehicle struck an orange construction barrel that was rolling in her lane of travel. She was unable to avoid the barrel; she did not know how long the barrel had been in the roadway or whether the Respondent had been notified of its presence in the road. The Claimant submitted invoices in the amount of \$762.77; her collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects, including orange construction barrels, in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual

or constructive notice of any orange construction barrels situated in the traveling portion of the roadway on Interstate 64 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$762.77

AMOUNT AWARDED: \$0.00

CC-19-1478 STEVE FLORA AND ABSOLUTE PEST CONTROL v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on October 15, 2019, he was driving his 2018 Mitsubishi Outlander on Ohio River Road in Huntington, Cabell County. A contractor was striping the road and set orange pylons on the road. A truck in the opposite lane struck one of the orange pylons causing it to become airborne. The airborne pylon bounced and struck the Claimant's vehicle causing damage. The Claimants submitted an estimate in the amount of \$1,828.76; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any orange pylons in the traveling portion of the roadway on Ohio River Road on the date of the Claimant's incident.

AMOUNT CLAIMED: \$1,828.76

AMOUNT AWARDED: \$0.00

CC-19-1103 DAVID E. HANCOCK AND ANNETTE G. HANCOCK v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their property. At the hearing, the Claimant testified that on June 17, 2019, after a heavy windstorm and rainstorm, several healthy trees fell on their residential property in Cross Lanes, Kanawha County. The Claimants believed that the trees were situated on the Respondent's right of way. The Claimants submitted invoices in the amount of \$1,528.00; their homeowners insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that the Claimants' road was a HARP road and the Respondent owned a thirty feet right of way. The investigator's measurements of the road, the right of way and the location of the tree stumps established that the trees were not situated on the Respondent's right of way; rather, they were located on private property outside of the Respondent's jurisdiction.

The Legislative Claims Commission found that the Respondent did not own, maintain, or otherwise control the property on which the trees were located and accordingly, the Respondent could not be held liable for the Claimants' damages.

AMOUNT CLAIMED: \$1,528.00

AMOUNT AWARDED: \$0.00

CC-20-0260 JOHN HARLESS AND ROBERT HARLESS v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on March 6, 2020, he was driving his 2006 Ford 500 on Fisher's Branch Road in Sissonville, Kanawha County. Another vehicle came towards him from the opposite direction; the Claimant veered towards the edge of the road and came to a stop. As he began to drive on, the Claimant testified that the side of the road gave way, causing his vehicle to slide down the hillside until it came to rest against a tree. There were no warning signs in the area. The Kanawha County Sheriff's Department responded to the Claimant's 9-1-1 call and prepared a report, which did not indicate that there were any problems with a road defect as a contributing cause to the Claimant's accident. The Claimant submitted invoices in the amount of \$4,450.77; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that there were no complaints or reports of any problems with the roadway. Upon inspection, the investigator determined that the asphalt was completely intact; there were no repairs to the roadway either before or after the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any road defects in the traveling portion of the roadway on Fishers Branch Road on the date of the Claimant's incident.

AMOUNT CLAIMED: \$4,450.77

AMOUNT AWARDED: \$0.00

CC-20-0507 MARY KIM HUNGERMAN v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on June 13, 2020, she was driving her 2015 Mercedes Benz GLK on Interstate 79 near Fairmont, Marion County when she drove through a construction zone. As she was coming out of a curve, she encountered a large boulder in the roadway. She was unable to avoid the boulder and her vehicle struck it, causing damage to her vehicle. The Claimant testified that she did not know whether the Respondent knew of the presence of the boulder in the roadway before her vehicle struck it. The Claimant submitted invoices in the amount of \$281.56; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road

defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a large boulder in the traveling portion of the roadway on Interstate 79 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$281.56

AMOUNT AWARDED: \$0.00

CC-19-1457 JOSEPH N. HUNTER v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on September 15, 2019, he was driving his 2003 Harley Davidson Softail on Kanawha Boulevard near the courthouse in Charleston, Kanawha County when his vehicle struck a large pothole. The Claimant claimed damages in the amount of \$4,000.00; he did not carry collision insurance on his vehicle.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because it did not own, maintain, repair, or control the section of Kanawha Boulevard where the Claimant's incident occurred, it should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair, or control the section of Kanawha Boulevard where the Claimant's incident occurred. The Claimant needed to seek damages and recovery from the City of Charleston instead.

AMOUNT CLAIMED: \$4,000.00

AMOUNT AWARDED: \$0.00

CC-19-1448 GARNET HUSK v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her property. At the hearing, the Claimant testified that the Town of Grantsville, Calhoun County, where she resides installed a new water line under the sidewalk in front of her residence. After the project was completed, the sidewalk was not reclaimed and significant flooding occurred after heavy rains. The Claimant notified both the Town of Grantsville and the Respondent of the flooding situation and requested assistance in fixing the sidewalk. After receiving no assistance from either party, the Claimant repaired the sidewalk herself. The Claimant submitted invoices in the amount of \$1,231.75.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because it did not own, maintain, repair, or control the sidewalks in the Town of Grantsville, it should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair, or control the sidewalks of the Town of Grantsville where the Claimant's incident occurred. The Claimant needed to seek damages and recovery from the Town of Grantsville instead.

AMOUNT CLAIMED: \$1,231.75

AMOUNT AWARDED: \$0.00

CC-18-0947 MOLLY JORDAN v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her residential property. At the hearing, the Claimant testified that there is a detached garage situated at the rear of her property. County Route 7/16, Old Roderfield Road, in Roderfield, McDowell County is situated above the rear of her property in close proximity to her garage. The Claimant testified that on February 18, 2018, she heard a loud crash; when she looked out the rear window of her house, she discovered that the hillside behind the garage had collapsed and fallen into the rear of the garage causing significant damage to the garage. The Claimant believed that part of the roadway had failed because she observed rocks, debris, trees, and concrete sections of the roadway pushed into the rear of the garage. The Claimant alleged that the Respondent's failure to properly maintain the road caused the roadway to collapse and cave in on her garage. The Claimant submitted estimates in the amount of \$21,241.61 for the repair of the garage.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the cause of damage to the garage was due to the failure of the slope behind her garage and not due to any lack of proper road maintenance. The Respondent's investigator testified that there had been no citizen complaints about the road before the Claimant's incident. The Respondent's employees repaired the road following the incident; photographs of the repair work were submitted as evidence. The Respondent's expert geotechnical engineer testified that the collapse of the hillside was not related to the roadway at all. Rather, she testified that the slope failed which then caused the embankment to fall. The slope failure was specifically a failure of the toe of the slope which was situated solely on the Claimant's property. The Respondent did not have a right of way or other statutory authority to maintain the toe of this slope; the property owner was solely responsible. The photographs of the road taken by the Respondent's employees after the slope failure demonstrated that the roadway above the garage was intact and had not collapsed.

The Legislative Claims Commission found that the Claimant failed to prove that the negligence, if any, of the Respondent was the cause of damage to her garage. The Claimant did not present any evidence to refute the Respondent's expert or any evidence to link the condition of the road to the slope failure occurring on her own property. Furthermore, the Claims Commission found that the Respondent did not have actual or constructive notice of any road defects in County Route 7/16, Old Roderfield Road, prior to the Claimant's incident.

AMOUNT CLAIMED: \$21,241.61

AMOUNT AWARDED: \$0.00

CC-19-1325 PHILLIP L. KESSELL v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on he was driving his 2016 Honda CRV Touring on Interstate 64 East in Charleston, Kanawha County on August 29, 2019. He switched lanes and his front wheel bumped against something in the road. His tire went flat and he later noticed a cut in the side of the tire. The Claimant testified that he did not hit a pothole, road debris or other objects in the road. He did not know what caused the damage to his tire; he believed that he may have struck an expansion joint. The Claimant submitted invoices in the amount of \$436.65; his collision insurance required a deductible of \$250.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects in the roadway on the date of the Claimants' incident. The Respondent's investigator testified that there were no reports regarding problems with expansion joints on Interstate 64 on the date of the Claimant's incident. He further testified that there were no repairs to any expansion joints on the same day or in the days following the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any road defects involving expansion joints in the traveling portion of the roadway on Interstate 64 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$436.65

AMOUNT AWARDED: \$0.00

CC-19-1004 GEORGE R. KILEY AND TERRIE M. KILEY v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their property. At the hearing, the Claimant testified that he owned property on Bogal Ridge Road in Mineral Wells, Wood County. He alleged that the Respondent's failure to install a ditch in a specific location adjacent to his property caused flooding damage after a heavy rainstorm in July, 2018. He further alleged that the failure to have a ditch on the lower side of the road resulted in storm water and other runoff water flowing over a hill and into his backyard. He alleged that the continued cycle of flooding caused a slip on his property. The Claimant testified that he had notified the Respondent on several occasions of the flooding problems and the need to install a ditch on the lower side of the road. The Claimants submitted invoices in the amount of \$4,240.00 for repairs to their property.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's witness, the District Maintenance Engineer, testified that a ditch is present on the upper side of the road, where ditches are usually installed to keep water from flowing on the road. The Respondent, at the request of the Claimants, installed a small ditch on the lower side of the road; this was done in response to a taxpayer's request and not because there was a problem with the road or other ditch. This witness also testified that the Claimants' property is situated in a natural drainage course where water naturally flows downwards.

The Legislative Claims Commission found that the Claimants did present any evidence to establish that the Respondent's conduct violated any established duty of care. Further, the evidence presented demonstrated that the Respondent performed to expected standards and was responsive to the requests of the Claimants. The Claims Commission found that the Respondent was not negligent in its maintenance of Bogal Ridge Road.

AMOUNT CLAIMED: \$4,240.00

AMOUNT AWARDED: \$0.00

CC-19-1382 MERRIANNE LEFF v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on September 19, 2019, she was driving

her 2012 Infinity M37 on Interstate 79 South near the Posey Run Bridge near Burnsville, Braxton County when her vehicle struck an object which she described as "construction looking debris". She had just driven through a construction zone ; the debris bounced across the roadway and struck the tire on the driver's side of her vehicle. The Claimant did not know where the debris came from or whether the Respondent knew of the debris in the roadway prior to her incident. The Claimant submitted invoices in the amount of \$3,350.14; her collision insurance required a deductible of \$250.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any foreign objects such as road debris in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any foreign objects situated in the traveling portion of the roadway on Interstate 79 South on the date of the Claimants' incident.

AMOUNT CLAIMED: \$3,350.14

AMOUNT AWARDED: \$0.00

CC-19-1522 RACHEL MCCABE v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to their property. At the hearing, the Claimant testified that she noticed water accumulating in the roadway when she first moved into her current residence approximately thirteen years before. The Claimant alleged that the drains located on Berkley Street in Princeton, Mercer County were too small to accommodate the water flow. An additional drain was installed under the road approximately five to six years ago at the Claimant's urging but she did not believe this alleviated the flooding problem. She also contended that the Respondent failed to properly clean out and maintain the ditches. The Claimant testified that she has sustained property damages due to flooding and submitted numerous receipts totaling \$26,670.82; these receipts were dated 2010 through 2013.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the claim was barred by the applicable statute of limitations set forth in West Virginia Code 55-2-12(a), which is two years. The Respondent's witness testified that he has inspected the drainage system on the road on numerous occasions; any issues are addressed in a timely manner. He further testified that the Claimant's property is situated in a natural drainage course.

The Legislative Claims Commission found that the Claimant filed her Notice of Claim more than two years after the incident and further found that her claim was time barred by West Virginia Code 55-2-12(a). The Claims Commission further found that the Claimant did not present any evidence to demonstrate that the Respondent violated any standards of care; indeed, the evidence presented established that the Respondent performed to expected standards and further responded to all requests and complaints of the Claimant. The Claims Commission found that the Respondent was not negligent in its maintenance of Berkley Street.

AMOUNT CLAIMED: \$26,670.82

AMOUNT AWARDED: \$0.00

CC-20-0427 MICHELLE H. MCKINNEY v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on June 15, 2020, she was driving her 2013 Ford Fiesta on Brooks Street in Charleston, Kanawha County when her vehicle struck a series of large potholes. The Claimant submitted invoices in the amount of \$765.60; she did not carry collision insurance on her vehicle.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because it did not own, maintain, repair or control Brooks Street, it should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair or control Brooks Street. The Claimant needed to seek damages and recovery from the City of Charleston instead.

AMOUNT CLAIMED: \$765.50

AMOUNT AWARDED: \$0.00

CC-19-1134 ERIC CHARLES MILLER v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on May 17, 2017, he was driving his 2013 Dodge Ram on Big Grave Creek Road in Moundsville, Marshall County when his vehicle struck a large pothole in the roadway. He submitted invoices in the amount of \$1,082.63 but did not submit any insurance related information when he filed his Notice of Claim on August 5, 2019.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the claim was barred by the applicable statute of limitations set forth in West Virginia Code 55-2-12(a), which is two years.

The Legislative Claims Commission found that the Claimant filed his Notice of Claim more than two years after the incident and further found that his claim was time barred by West Virginia Code 55-2-12(a).

AMOUNT CLAIMED: \$1,082.63

AMOUNT AWARDED: \$0.00

CC-17-0278 JAY E. MOORE AND JENNIFER K. MOORE v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their property. At the hearing, the Claimant testified that they own residential property in Pine Grove, Wetzel County. They alleged that a flooding incident that occurred on December 18, 2016 was caused by the Respondent's failure to properly maintain the culvers adjacent to their property. The Claimant testified that in 2016, the Respondent repaired the roadway in front of their property and replaced multiple culverts. He believed that the replacement culverts were smaller than the original culverts, which allowed the drains to become clogged and overflow following heavy rains. The Claimant discussed his concerns with the Respondent's employees in his areas. The Claimant testified that there is a pipe and drain on the rear of his property; on one occasion, he had to rent an excavator to clean out the pipe and drain on his property and also the Respondent's drain. Once this was done, the problem that created the flooding situation was resolved. The

Claimants testified that they sustained significant damage to their property, especially their basement. They submitted invoices and receipts in the amount of \$23,746.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that it had fulfilled its duty to keep the culverts and drains properly maintained and further asserted that the Claimants' property was situated in a natural drainage course, where water flowing downhill would naturally flow onto the Claimants' property. The Respondent's witness testified that the road work project was completed prior to the flooding incident and all culvert pipes were clear and working as intended. Another of the Respondent's witnesses testified that he had worked with the Claimant on resolving the Claimants' problems and inspected his property following the flooding incident. He noted that the water was flowing from the big, steep hill at the rear of the Claimants' property and the water was carrying debris into the Claimants' yard as the fence located at the bottom of this hill was not catching the debris as intended. He also noted that the intake grate on the Claimants' property was covered by debris which prevented the drain from working properly, thus causing the water to flood the Claimant's property. When he inspected the Respondent's culvert, he found the culvert pipe to be clear of any debris. The Respondent's witness further testified that the backup of water on the Claimants' property was due to their culvert being blocked by debris, which prevented it from draining properly, which in turn created a significant backup and the flooding.

The Legislative Claims Commission found that the Respondent was responsive to the Claimants' concerns and met with them in order to seek a resolution to their concerns. The Claims Commission also found that the evidence presented demonstrated that the Respondent's culverts were working properly and that the damage to the Claimants' property was not the result of any negligence on the part of the Respondent. The Claimants' property is situated within a natural drainage course and slopes downward towards the roadway where the culvert and ditches were located. The Claims Commission further found that the flooding issues were the result of debris and water flowing downhill from the rear of their property through a natural drainage course. The Claims Commission found that there was insufficient evidence of negligence on the part of the Respondent upon which to base an award.

AMOUNT CLAIMED: \$23,746.00

AMOUNT AWARDED: \$0.00

CC-18-1267 SHAWN AARON MOORE AND JENNY MOORE v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on Sunday, July 22, 2018, he was driving his 2010 Ford Fusion on Old Turnpike Run in Little Birch, Braxton County when his vehicle struck a large pothole. The Claimants submitted invoices dated July 16, 2018 in support of their claim in the amount of \$960.81; they did not submit any insurance information. Upon cross-examination, the Claimant testified that the incident may have occurred on Sunday, July 15, 2018; he couldn't recall the exact date but he knew that it occurred on a Sunday because they were driving to church.

The Respondent disputed the validity of the claim in its pleadings and at the hearing.

At the hearing, the Legislative Claims Commission requested that the Claimants submit a copy of their insurance declarations page to complete the processing of their claim. The

Claimants received several letters from the Claims Commission requesting their insurance information. The Claimants failed to respond and did not submit any insurance information in support of their claim. Despite repeated written requests to the Claimants requesting that they submit the required insurance information, the Claimants failed to respond and submit the requested information. The Claims Commission found that the Claimants' failure to submit the required insurance information to complete his claim precluded them from recovery.

AMOUNT CLAIMED: \$960.81

AMOUNT AWARDED: \$0.00

CC-20-0083 JOHN PAPE v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on December 11, 2019, he was driving his 1997 Chevrolet Cavalier on Waverly Road in Waverly, Wood County. As he crossed the railroad tracks, his vehicle struck a pothole causing damage to his vehicle. The Claimant submitted invoices in the amount of \$1,937.01; he did not carry collision insurance on his vehicle.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because it did not own, maintain, repair, or control the railroad tracks, it should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair, or control the railroad tracks. The Claimant needed to seek damages and recovery from the owner of the railroad tracks, which is CSX, instead.

AMOUNT CLAIMED: \$1,937.01

AMOUNT AWARDED: \$0.00

CC-20-0078 JOEL A. PARKER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on January 19, 2020, he was driving his 2016 Ford 150 on Interstate 64 East near South Charleston, Kanawha County when his vehicle was struck by an airborne chunk of asphalt. He was unable to avoid the airborne object as there was traffic in both lanes next to his vehicle. The Claimant testified that the pavement he was driving on appeared to have recently been repaved and he noticed later that there were several large pieces of asphalt on the side of the road. The Claimants submitted invoices in the amount of \$1,507.52; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any foreign objects such as chunks of asphalt or road debris in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual

or constructive notice of any foreign objects situated in the traveling portion of the roadway on Interstate 64 East on the date of the Claimants' incident.

AMOUNT CLAIMED: \$1,507.52

AMOUNT AWARDED: \$0.00

CC-19-0360 LARRY G. PATTERSON v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on February 24, 2019, he was driving his 2018 Toyota Corolla on West Virginia Route 2 near Ravenswood, Jackson County. He encountered a large tree in the roadway completely blocking his lane of travel. He stopped to wait for the tree to be cleared from the roadway. While waiting, a large tractor trailer in the opposite lane drove over some of the tree's branches causing them to become airborne. A large airborne tree branch fell and struck the side of the Claimant's vehicle causing damage to his vehicle. The Claimant testified he did not know whether the Respondent had been notified of the tree's presence in the road. The Claimant submitted invoices in the amount of \$907.15; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any fallen trees in the traveling portion of the roadway on West Virginia Route 2 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$907.15

AMOUNT AWARDED: \$0.00

CC-20-0061 JONATHAN PENNINGTON AND STEPHANIE PENNINGTON v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. The Claimant testified that on November 7, 2019, he was driving his 2017 GMC Sierra 3500 on Interstate 77 South near Pax, Fayette County. As he was changing lanes, his vehicle struck a road reflector that had become dislodged and was situated in the middle of the traveling lane of the roadway. The loose road reflector caused damage to the tire of their vehicle. The Claimants submitted invoices in the amount of \$296.80; their collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because it did not own, maintain, repair, or control the West Virginia Turnpike, it should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair, or control the West Virginia Turnpike. The Claimant needed to seek damages and recovery from the West Virginia Parkways Authority instead.

AMOUNT CLAIMED: \$296.80

AMOUNT AWARDED: \$0.00

CC-19-1318 GREGORY S. ROQUET AND STEPHANIE ROQUET v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on August 9, 2019, she was driving her 2008 Chrysler 300C on Interstate 64 between Barboursville and Milton, Cabell County when her vehicle struck a dip in the road. There were no warning signs and there was no construction in the area. The Claimants submitted invoices in the amount of \$652.00; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any dips or depressions in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any dips or other road defects in the traveling portion of the roadway on Interstate 64 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$652.00

AMOUNT AWARDED: \$0.00

CC-19-0977 ADAM ROUSH v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on May 28, 2019, he was driving his 2016 Chevrolet Cruze on Interstate 77 North near Williamstown, Wood County when his vehicle struck several large pieces of concrete situated in the roadway. He was unable to avoid striking the concrete pieces due to traffic. He did not know how long the concrete chunks had been in the roadway and he did not know whether the Respondent had been notified of the concrete pieces' presence in the road. The Claimant's vehicle was deemed to be a total loss by his insurance company; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any foreign objects or chunks of concrete in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual

or constructive notice of any foreign objects, including large pieces of concrete, situated in the traveling portion of the roadway on Interstate 77 North on the date of the Claimants' incident.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$0.00

CC-20-0188 SHELDON SHERIDAN v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2014 BMW 650i on Murdoch Avenue near Vienna, Wood County on December 14, 2019. As he switched lanes, his vehicle struck the sharp edge of a metal plate where it connected to the pavement, causing damage to his tire. The Claimant submitted invoices in the amount of \$643.57; his collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the metal plate on Murdoch Avenue was a section of the flood wall owned, controlled, and maintained by the City of Parkersburg; because it did not own, maintain, repair, or control this section of Murdoch Avenue, the Respondent should not be held liable for any damages.

The Legislative Claims Commission found that the Respondent did not own, maintain, repair, or control this section of Murdoch Avenue. The Claimant needed to seek damages and recovery from the City of Parkersburg instead.

AMOUNT CLAIMED: \$643.57

AMOUNT AWARDED: \$0.00

CC-19-0735 KATRINA SMITH AND LUTHER SMITH v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on March 28, 2019, she was driving her 2015 Jeep Renegade on National Road near Elm Grove, Ohio County through a construction zone. When she arrived at her destination, she discovered that her tire was flat. When she took the tire to be repaired, she discovered that a large metal chunk was embedded in the tire. The Claimants submitted invoices in the amount of \$101.85; their collision insurance required a deductible of \$100.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any foreign objects in the traveling portion of the roadway on National Road on the date of the Claimant's incident.

AMOUNT CLAIMED: \$101.85

AMOUNT AWARDED: \$0.00

CC-20-0220 MARK E. SNAPP v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on August 20, 2019, he was driving his 2008 Mercedes Benz E550 on US Route 250 in Wheeling, Ohio County when his vehicle struck a metal L bracket situated in the roadway. The Claimant submitted invoices in the amount of \$763.22; his collision insurance required a deductible of \$250.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any metal brackets in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a metal bracket situated in the traveling portion of the roadway on US Route 250 on the date of the Claimants' incident.

AMOUNT CLAIMED: \$763.22

AMOUNT AWARDED: \$0.00

CC-17-0736 STEVEN PAUL SULLIVAN v. DIVISION OF HIGHWAYS

AND

CC-17-0737 STEVEN PAUL SULLIVAN AND ANGELA D. RIFFLE v. DIVISION OF HIGHWAYS

The Claimants brought these actions alleging that the negligence of the Respondent was the cause of damage to their property located in Kenova, Wayne County. Because the claims arose from the same incident, the claims were consolidated and litigated together.

The Claimant alleged at the hearing that the Respondent had parked a backhoe on his leach bed in 2013; fluids from the backhoe leaked into the soil and damaged the land. This then caused a problem with his septic system and caused flooding on his property. The Claimant testified that he had filed an identical claim in 2013 and received a settlement check from the State's insurer. These two claims were filed with the Legislative Claims Commission in December, 2017.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that these claims were barred by the applicable statute of limitations. The Respondent further asserted that because there was insurance coverage available through the State's insurance policy, the Claimants could file their claims in either state or federal court and accordingly, the Legislative Claims Commission did not have the requisite jurisdiction to entertain the claims.

The Legislative Claims Commission found that the 2017 claims, which were duplicative of the Claimants' 2013 filings, were time barred under West Virginia Code §55-2-12(a). The Claims Commission further found that, pursuant to West Virginia Code §14-2-14(5), it did not have the

requisite subject matter jurisdiction because of the availability of insurance coverage which would allow the Claimants to pursue their claims in the courts of the State.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$0.00

CC-20-0268 JENNIFER TALBOTT v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2008 Pontiac G6 on Interstate 77 North near Williamstown, Wood County when a large chunk of concrete flew up and struck the windshield of her vehicle. When she arrived at her destination, she discovered that the concrete chunk had also smashed the hood of her vehicle. The Claimant testified that she did not know whether the Respondent had any notice of the concrete chunk in the road prior to her incident. The Claimant submitted invoices in the amount of \$1,700.00; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any concrete chunks in the traveling portion of the roadway on Interstate 77 North on the date of the Claimant's incident.

AMOUNT CLAIMED: \$1,700.00

AMOUNT AWARDED: \$0.00

CC-20-0281 AMBER THOMPSON AND RICHARD THOMPSON v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that she was driving her 2006 Chevrolet Tahoe on West Virginia Route 10 between Chapmanville and Logan, Logan County on February 21, 2020. A large rock fell from the adjacent hillside as she was driving by and struck her tire. The Claimant testified that this was the first time she had seen rocks in this section of the road; this area was not known for rockfalls and there were no warning signs. The Claimants submitted invoices in the amount of \$1,231.36; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects, including rocks, in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a large rock situated in the traveling portion of the roadway on West Virginia Route 10 on the date of the Claimants' incident.

AMOUNT CLAIMED: \$1,231.36

AMOUNT AWARDED: \$0.00

CC-19-0587 ELLEN A. THORNE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2016 Lincoln MKX on West Virginia Route 27 between Washington Pike and Wellsburg, Brooke County on February 3, 2019. A large rock had rolled off the adjacent hillside, landing in the traveling portion of the roadway. The Claimant was unable to avoid striking the rock. She did not know how long the rock had been in the roadway and she did not know whether the Respondent had been notified of the rock's presence in the road. She testified that there were no posted signs warning of rockfalls and this incident did not occur in an area known for rockfalls. The Claimant submitted invoices in the amount of \$433.16; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects, including rocks, in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a large rock situated in the traveling portion of the roadway on West Virginia Route 27 on the date of the Claimants' incident.

AMOUNT CLAIMED: \$433.16

AMOUNT AWARDED: \$0.00

CC-19-1408 TRIMBLE, INC. v. DIVISION OF HIGHWAYS

The Claimant filed this action to recover monies it alleged were due pursuant to a contract with the Respondent. The Claimant provided professional GPS tracking services to the Respondent pursuant to a contract that began in September, 2013. The contract was renewed for several years and then terminated by the Respondent on or about February 9, 2018. The Claimant filed a claim with the Legislative Claims Commission shortly afterwards to recover compensation for professional services that remained unpaid. The Claimant received an award in that claim and executed a release in May, 2019 following receipt of that award. However, the Claimant continued to bill the Respondent for professional services even though the contract had been terminated by the Respondent and the services were not being utilized by the Respondent. The Claimant filed this claim to recover fees for those services.

The Respondent disputed the validity of the claim in its pleadings. The Respondent asserted that there was no contract between the parties for the provision of these tracking services. The Respondent further asserted that the duly executed release barred the Claimant from seeking any further compensation or damages. The Respondent also asserted that the doctrine of *res judicata* prohibited the Claimant from reopening this claim.

The Legislative Claims Commission found that the language in the release was clear and unambiguous and that all claims between the Claimant and the Respondent had been settled in the prior claim upon the execution of the release and the cashing of the settlement check.

AMOUNT CLAIMED: \$307,394.10

AMOUNT AWARDED: \$0.00

CC-19-1534 MICAH VERES v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on August 14, 2019, he was driving his 2002 Ford Mustang GT on Interstate 64 near South Charleston, Kanawha County when he saw two vehicles in front of him brake quickly. One of the vehicles struck a tire or recap that was situated in the roadway; the tire was dragged under this vehicle and then shot out from the rear of the vehicle becoming airborne. The airborne tire struck the front of the Claimant's vehicle, bouncing off the front and then striking the windshield. The incident was investigated by the South Charleston Police Department; the Claimant testified that the responding officer advised him that he was following traffic too closely. The Claimant submitted an estimate in the amount of \$1,100.00 but he was able to make the repairs himself for \$280.81. His collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any tire, recap, or road debris in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a tire or recap situated in the traveling portion of the roadway on Interstate 64 West on the date of the Claimant's incident.

AMOUNT CLAIMED: \$280.81

AMOUNT AWARDED: \$0.00

CC-18-1716 SHEYENNE WALKER AND DANNY WALKER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the parties agreed to a stipulation of the Claimants' claim in the amount of \$211.93. The Stipulation was contingent upon the Claimants submitting the appropriate declarations page and other insurance information to the Claims Commission. Despite repeated written requests to the Claimants requesting that they submit the required insurance information, the Claimants failed to respond and submit the requested information. The Claims Commission found that the Claimants' failure to submit the required insurance information to complete their claim precluded them from recovery.

AMOUNT CLAIMED: \$211.93

AMOUNT AWARDED: \$0.00

CC-20-0008 JESSICA WHITE AND BEN WHITE v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on October 28, 2019, she was driving her 2017 Toyota Sienna on Interstate 64 West in Charleston, Kanawha County when her vehicle struck a large black bucket in the roadway. She was unable to avoid striking the bucket because of traffic on both sides of her. The contents of the bucket, which the Claimant believed was tar, splashed all over her vehicle. The Claimant testified that she did not know where the bucket came from or whether the Respondent knew the bucket was in the roadway before her incident. The

Claimants submitted invoices in the amount of \$3,223.43; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any buckets or other road debris in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any buckets or other road debris situated in the traveling portion of the roadway on Interstate 64 West on the date of the Claimant's incident.

AMOUNT CLAIMED: \$3,223.43

AMOUNT AWARDED: \$0.00

CLAIMS AGAINST THE DIVISION OF MOTOR VEHICLES

CC-17-0154 THOMAS L. HUTCHINSON v. DIVISION OF MOTOR VEHICLES

The Claimant brought this action seeking a tax refund from the Respondent. At the hearing, the Claimant testified that he purchased a handicap accessible vehicle to help transport his wife who is confined to a wheelchair. He testified that he is her primary caretaker but he is not a licensed health care provider. The Claimant worked with a company based in Michigan that specialized in handicap conversion systems for vehicles. The company provided him with a Kia Soul to test drive; this vehicle met the Claimant's needs so he made arrangements to purchase the vehicle. Since the vehicle was originally licensed in Michigan, he completed the appropriate paperwork that was required by the State of Michigan. This paperwork stated that the conversion portion of the vehicle was non-taxable in the State of Michigan; no sales tax was collected in Michigan. The Claimant then made arrangements to register and license the vehicle in West Virginia. The Respondent assessed fees for a title application, taxes, and registration fees for a total of \$1,560.00. The Claimant sought a refund of \$850.00 under West Virginia Code §11-15-9i, asserting that the conversion portion of the vehicle should not be taxed since it was medically necessary and he was the provider of nursing services to his wife. The Respondent denied his refund request since he did not satisfy the statutory definition of one who provides nursing services.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the provisions of West Virginia Code §11-15-9i apply only to those who are licensed healthcare providers and specifically to those who are licensed to prescribe medication, durable medical equipment and mobility enhancing equipment.

The Legislative Claims Commission, while sympathetic with the Claimant's situation, was constrained to act within the boundaries and limits of West Virginia Code §11-15-9i. The Claims Commission found that the Claimant did not meet the statutory definition of a health care provider and accordingly, was not eligible for a refund of the taxes paid on the conversion system installed in his vehicle.

AMOUNT CLAIMED: \$850.00

AMOUNT AWARDED: \$0.00

CLAIMS AGAINST THE WEST VIRGINIA STATE POLICE

CC-17-0261 PAMELA CRISLIP v. WEST VIRGINIA STATE POLICE

The Claimant brought this action alleging that the Respondent's employees violated her constitutional rights by conducting a search without a valid search warrant.

The Respondent asserted that the Legislative Claims Commission did not have jurisdiction under West Virginia Code 14-2-14(5) to entertain the claim. The Respondent further asserted that because the Claimant's allegations could be maintained in either a state or federal court, the claim pending before the Claims Commission should be dismissed as jurisdiction was improper.

The Legislative Claims Commission found that because the Claimant's allegations of violations of her federal constitutional rights, her claims could be maintained in a state or federal court and pursuant to West Virginia Code 14-2-14(5), the Claims Commission did not have the requisite jurisdiction to preside over the Claimant's claim.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$0.00

CLAIMS AGAINST THE STATE OF WEST VIRGINIA

CC-17-0480 STEVE FREEMAN v. STATE OF WEST VIRGINIA

The Claimant filed a petition pursuant to West Virginia Code §14-2-13a seeking monetary compensation wherein he alleged that he had been wrongfully arrested and incarcerated unjustly based upon the actions of the State of West Virginia.

The Claimant was charged with two counts of murder, robbery and kidnapping related to the disappearance of a mother and daughter in Lewis County. He was arrested in 2013 and incarcerated in jail without bond. The Claimant asserted that he was innocent of all charges and eventually these charges were dismissed. He was released from jail after fifty days of incarceration. Following personnel changes in the Lewis County Prosecuting Attorney's Office, in 2014, the Claimant was again indicted by a grand jury and charged with first degree murder of the mother and daughter. Again, the Claimant was incarcerated in jail without bond. He continued to assert that he was innocent of all charges. For a variety of reasons, a special prosecutor from a neighboring county was appointed to prosecute the criminal case against the Claimant. After an extensive review, the State filed to dismiss the charges against the Claimant and to have him released from jail. At the hearing on August 6, 2015, the presiding judge granted the State's motion to dismiss all charges and signed a pre-printed Jail Release Order. Upon the Claimant's release from jail on August 6, 2015, he had been incarcerated for a total of 401 days. A second Order regarding the dismissal of charges was signed by the presiding judge on August 21, 2015. The Claimant, by his counsel, filed a Petition with the Legislative Claims Commission on August 15, 2017.

As a result of discovery undertaken by both parties, documents were produced that determined that the Claimant was released from jail on August 6, 2015 as a result of the Circuit Court's signed Jail Release Order dated August 6, 2015. The Respondent filed a Renewed Motion to Dismiss the Petition and asserted that the August 6, 2015 Order which released the Claimant from jail was the controlling document for purposes of determining when the applicable statute of limitations began to run. The Claimant asserted that the second Order dated August

21, 2015 was the controlling date. Both parties agreed that the applicable statute of limitations that applied to the Claimant's Petition was the two year statute of limitations found in West Virginia Code §55-2-12(b).

The Legislative Claims Commission found that the Jail Release Order signed by the Circuit Court of Lewis County on August 6, 2015 was the controlling document that triggered the start of the two year statute of limitations. The Claims Commission found that the August 6, 2015 effectuated the Claimant's release from jail; he had already been released for approximately fifteen days when the August 21, 2015 Order was entered, which was essentially a more meaningful memorialization of the August 6, 2015 proceedings. The Claims Commission found that the Petition filed on August 17, 2017 was not timely filed and was barred by the applicable statute of limitations.

AMOUNT CLAIMED: Unspecified

AMOUNT AWARDED: \$0.00

