

Court of Claims

Annual Report

2008

Cheryle M. Hall
Clerk of the Court

2008

Annual Report

of the

West Virginia Court of Claims

Judges of the Court

The Honorable George F. Fordham, Presiding Judge

The Honorable Robert B. Sayre, Judge

The Honorable John G. Hackney Jr., Judge

Cheryle M. Hall, Clerk



West Virginia Court of Claims

Presiding Judge
George F. Fordham
Judges
Robert B. Sayre
John G. Hackney Jr.

1900 Kanawha Blvd., E., Rm. W-334
Charleston, WV 25305-0610
Telephone (304) 347-4851
Facsimile (304) 347-4915

Cheryle M. Hall
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 the West Virginia Code §14-2-25, the Annual Report of the West Virginia Court of Claims. This Report covers the activities of the Court for the calendar year 2007.

Respectfully submitted,

*Cheryle M. Hall,
Clerk*

2008

**REPORT TO THE LEGISLATURE
OF THE
COURT OF CLAIMS**

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SUMMARY OF FUNDS FOR 2008 CLAIMS BILL

REGULAR CLAIMS BILL

GENERAL REVENUE FUNDS	\$ 990,788.67
SPECIAL REVENUE FUNDS	\$ 558,413.28
STATE ROAD FUNDS	\$ 713,889.98

OVER-EXPENDITURE CLAIMS BILL

GENERAL REVENUE FUNDS	\$ 896,007.33
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Claims Presented to the 2008 Legislature

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Amount Awarded</u>	<u>Date of Opinion</u>
07-349	McClung, Christopher C.	Attorney General	1,858.20	1,858.20	01/18/08
07-335	CAS Structural Engineering Inc.	Department of Administration	38,326.03	38,326.03	01/18/08
07-228	Williams, Stefany A.	Department of Administration	64.80	64.80	10/29/07
06-251	Adelphoi Village Inc.	Department of Education	31,270.00	31,270.00	12/07/07
08-015	Pomeroy IT Solutions Sales Company Inc.	Department of Education	38,541.00	38,541.00	02/04/08
07-063	Baker, Gary	Division of Corrections	80.00	69.00	01/18/08
05-411	Boxley, Kevin A.	Division of Corrections	70.00	50.00	01/18/08
08-0016	Boyce, John	Division of Corrections	28.62	28.62	02/04/08
07-362	Culver, Lucy N.	Division of Corrections	13.48	13.48	01/18/08
07-357	Hedrick, Roger E.	Division of Corrections	54.36	54.36	01/18/08
07-346	Regional Jail and Correctional Facility Authority	Division of Corrections	877,753.00	877,753.00	12/07/07
07-364	Smith, Michael E. Jr.	Division of Corrections	257.73	257.73	01/18/08
07-256	Talbert, Thomas S.	Division of Corrections	20.00	20.00	12/07/07
07-358	Zirbs, Melinda K.	Division of Corrections	7.45	7.45	01/18/08
05-167	Adkins, Betty Sue	Division of Highways	53.00	53.00	08/16/07
07-022	Amos, Randy B.	Division of Highways	408.08	408.08	01/18/08
05-429	Arehart, Linda	Division of Highways	137.75	137.75	05/03/07
07-122	Ayers, James W. and Lisa A.	Division of Highways	631.81	500.00	11/15/07
02-228	Bailey, Annabelle, as Administrator of the Estate of Roger E. Bailey	Division of Highways	500,000.00	13,000.00	07/03/07
06-392	Bays, Lonnie A.	Division of Highways	58.30	58.30	10/10/07
06-232	Beasley, Ronald	Division of Highways	464.49	464.49	08/16/07
07-151	Beckett, Roy L.	Division of Highways	316.98	285.28	10/10/07

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Amount Awarded</u>	<u>Date of Opinion</u>
02-294	Bennett, Larry Ray, as Administrator of the Estate of Barbara Rosclea Bennett	Division of Highways	unliquidated	37,000.00	09/11/07
07-077	Bethel, Brian W.	Division of Highways	203.13	203.13	01/18/08
07-009	Bledsoe, Isaiah and Judy	Division of Highways	201.79	201.79	10/10/07
03-468	Brown, Crystal D.	Division of Highways	3,500.00	3,500.00	05/03/07
07-142	Bryant, Jami	Division of Highways	7,000.00	5,000.00	01/18/08
05-208	Buckbee, Connie, indiv. and as Admin. of the Estate of Julia Carolyn Strickland, deceased	Division of Highways	unliquidated	500,000.00	02/04/08
06-176	Burgess, Dennis L. and Jennifer W.	Division of Highways	294.87	294.87	05/14/07
06-271	Bush, Gary	Division of Highways	246.98	246.98	08/16/07
04-116	Carr, Jeffery E.	Division of Highways	500.00	500.00	06/05/07
07-057	Chapman, Scott and Susan	Division of Highways	500.00	500.00	01/18/08
07-222	Clarkson, Michelle D.	Division of Highways	219.12	219.12	11/15/07
05-343	Cochran, Michael A.	Division of Highways	263.20	263.20	04/03/07
05-162	Collins, William David	Division of Highways	100,000.00	6,000.00	10/10/07
07-174	Constantino, Louie and Daphne	Division of Highways	505.73	500.00	11/15/07
07-271	Copley, Jennifer and Billy Joe	Division of Highways	9,850.00	9,850.00	01/18/08
06-360	Cumberledge, Coy	Division of Highways	1,250.80	300.00	10/29/07
07-075	Davis, Glenda S.	Division of Highways	306.85	62.16	08/16/07
06-195	Dotson, Cathy E. and Paul K.	Division of Highways	355.05	355.05	06/05/07
07-132	Dove, David A.	Division of Highways	1,713.60	1,000.00	01/18/08
07-069	Dye, Jeffrey A. and Nancy A.	Division of Highways	460.33	460.33	08/16/07
06-282	Ferguson, Earl D.	Division of Highways	288.58	288.58	10/29/07
05-418	Gallagher, Lois Mildred	Division of Highways	137.56	62.56	05/03/07
07-074	Gibbs, Allen G. and Esther L.	Division of Highways	252.32	252.32	08/16/07
05-464	Greear, David W.	Division of Highways	197.36	197.36	05/03/07

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Amount Awarded</u>	<u>Date of Opinion</u>
05-373	Grove, Earl W. Jr.	Division of Highways	262.12	262.12	08/16/07
03-031	Hall, Donald D. Jr.	Division of Highways	1,335.00	801.00	11/15/07
07-011	Hamilton, Cheri	Division of Highways	476.02	476.02	08/16/07
06-030	Harrison, Brandie M.	Division of Highways	985.54	295.67	06/05/07
06-298	Haslam, Michael L.	Division of Highways	105.28	105.28	12/07/07
07-311	Hawkins, Stella M.	Division of Highways	2,500.00	1,250.00	01/18/08
05-369	Haynes, Tracy and Chad	Division of Highways	2,045.90	2,045.90	06/05/07
07-076	Hendrick, Steve	Division of Highways	276.76	256.76	08/16/07
05-403	Hillberry, Judy A.	Division of Highways	62.16	62.16	01/18/08
07-071	Hodge, Elmer Mickey and Shirley Ann	Division of Highways	125.08	125.08	10/10/07
07-082	Huffman, Diane L.	Division of Highways	415.30	415.30	08/16/07
07-090	Hunt, Sheila Ann and Glenn	Division of Highways	419.77	419.77	08/16/07
05-394	Jarrett, Todd D.	Division of Highways	677.28	677.28	06/05/07
05-462	Jefferson, Fred Jr. and Diani	Division of Highways	351.77	351.77	05/03/07
06-137	Johnson, Jeremy	Division of Highways	252.18	252.18	08/16/07
06-297	Johnson, Robert Ray	Division of Highways	3,720.88	500.00	10/29/07
06-390	Jordan, Ronald C.	Division of Highways	57.24	57.24	08/16/07
06-250	Kent, Kimberly Ann	Division of Highways	242.20	242.20	08/16/07
07-210	Kessler, Melvin R.	Division of Highways	490.43	490.43	11/15/07
06-210	Kidwell, Jeffrey D. and Vickie	Division of Highways	120.23	120.23	11/15/07
07-249	Kilgore, James H. III	Division of Highways	630.46	500.00	01/18/08
05-390	Lacy, John W. and Kristi R.	Division of Highways	649.25	500.00	05/03/07
06-278	Larck, Jennifer E.	Division of Highways	150.00	150.00	07/03/07
07-214	Legrand, Julia E.	Division of Highways	250.00	250.00	01/29/08
05-180	Lott, Regina and Harry M.	Division of Highways	231.91	231.91	08/16/07

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Amount Awarded</u>	<u>Date of Opinion</u>
07-064	Marion, Julia and Larry	Division of Highways	1,384.54	500.00	10/29/07
07-131	McCoy, Lona R.	Division of Highways	408.33	408.33	10/10/07
06-088	McCraw, Tana B.	Division of Highways	8,412.73	8,412.73	01/29/08
07-065	Mendez, Adam N.	Division of Highways	378.46	378.46	08/16/07
06-096	Morrow, John W. and Devonna	Division of Highways	500.00	500.00	10/10/07
07-190	Mullins, Willis	Division of Highways	690.91	483.64	10/29/07
06-095	Neel, Cathy I. and Michael	Division of Highways	132.50	132.50	11/15/07
06-213	Nuckolls, Robert	Division of Highways	3,550.00	3,550.00	06/05/07
07-034	Outward, John D.	Division of Highways	90.95	90.95	01/18/08
06-257	Parnicza, George	Division of Highways	137.34	137.34	01/18/08
06-086	Parnicza, George	Division of Highways	591.37	250.00	01/18/08
07-103	Pascucci, Carol A.	Division of Highways	357.15	357.15	08/16/07
07-089	Pastorius, Donna A. and John M.	Division of Highways	540.17	275.49	01/18/08
07-130	Petty, Arthur T.	Division of Highways	89.09	89.09	08/16/07
05-441	Pooler, Henry M.	Division of Highways	2,580.00	2,580.00	08/16/07
07-018	Porter, Linda A. and Thomas E.	Division of Highways	288.73	288.73	01/18/08
07-134	Prisk, Bonnie M.	Division of Highways	974.52	903.87	01/29/08
07-007	Ramey, Charlena	Division of Highways	332.41	332.41	01/18/08
06-393	Robertson, Daisy E.	Division of Highways	221.60	221.60	01/18/08
07-048	Shawver, Michael and Zellamae	Division of Highways	843.97	500.00	08/16/07
07-153	Shunk, Sharon L. and Richard L.	Division of Highways	318.98	250.00	01/18/08
07-078	Sirianni, Frank O.	Division of Highways	946.12	500.00	11/15/07
07-207	Sisson, Patricia and Tanya	Division of Highways	766.42	613.14	01/29/08
06-264	Soto, Cruz and Wilma L.	Division of Highways	7,302.01	7,302.01	12/07/07
06-070	Taylor, Steven A. and Tracy L.	Division of Highways	100.70	100.70	11/15/07

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Amount Awarded</u>	<u>Date of Opinion</u>
06-056	Tenpenny, Patsy	Division of Highways	68.92	68.92	05/03/07
06-057	Tenpenny, Patsy	Division of Highways	228.09	228.09	08/16/07
07-024	Thames, Sandra J.	Division of Highways	200.50	200.50	01/18/08
06-059	Thayer, William E. II	Division of Highways	305.40	305.40	05/03/07
05-438	Toney, Chandra C.	Division of Highways	980.18	500.00	05/03/07
07-295	Townsend, Jessica	Division of Highways	775.70	500.00	01/18/08
03-269	Trustees of the Saulsville Baptist Church	Division of Highways	161,800.00	81,800.00	01/02/08
06-223	Underwood, Donald Lee and Vicki Lynn	Division of Highways	3,473.00	867.00	12/10/07
07-172	Wagner, John and Jeanine	Division of Highways	622.17	500.00	01/29/08
05-351	Walker, Janet Marie	Division of Highways	272.76	272.76	05/03/07
06-098	Wilfong, Eugene and Dreama	Division of Highways	4,000.00	4,000.00	10/29/07
07-066	Wilson, Kimberly	Division of Highways	200.54	200.54	08/16/07
06-345	Wolfe, L. Marie	Division of Highways	167.48	167.48	08/16/07
05-375	Woomer, Lora J. and Bobby	Division of Highways	4,674.51	1,742.00	10/29/07
06-391	Zavatsky, Samuel	Division of Highways	880.21	124.00	01/18/08
07-229	Graziani, Donna E.	Division of Motor Vehicles	228.50	162.50	10/29/07
07-251	Rutherford, Lucy	Division of Motor Vehicles	90.00	90.00	10/29/07
06-301	Morris Square Associates, LP	Insurance Commission	19,891.51	4,634.00	01/18/08
05-269	Manpower	Marshall University	50,316.07	20,000.00	01/18/08
08-011	Pomeroy IT Solutions Sales Company Inc.	Public Service Commission	373.30	373.30	01/18/08
07-166	Berhanc, Medhanic C.	Regional Jail and Correctional Facility Authority	83.44	83.44	08/16/07
06-099	Bogges, Andy Ryan	Regional Jail and Correctional Facility Authority	900.00	625.39	06/05/07
06-166	Burns, Michael P.	Regional Jail and Correctional Facility Authority	2,000.00	892.00	01/18/08
07-317	Edwards, David Jeffrey	Regional Jail and Correctional Facility Authority	374.95	374.95	01/18/08

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Amount Awarded</u>	<u>Date of Opinion</u>
07-056	England, Robert	Regional Jail and Correctional Facility Authority	120.00	120.00	04/03/07
07-141	Hall, Charles W.	Regional Jail and Correctional Facility Authority	659.05	659.05	08/16/07
07-158	Huffman, David	Regional Jail and Correctional Facility Authority	31.31	31.31	08/16/07
05-437	Hughes, Billy E. Jr.	Regional Jail and Correctional Facility Authority	20.00	15.00	01/18/08
07-191	Hutchins, Stephen	Regional Jail and Correctional Facility Authority	130.00	130.00	08/16/07
06-150	Johnson, Keith Wesley	Regional Jail and Correctional Facility Authority	179.00	179.00	04/03/07
07-344	Lister, Dayton S.	Regional Jail and Correctional Facility Authority	20.06	20.06	01/18/08
06-205	Mongold, Jeremiah David	Regional Jail and Correctional Facility Authority	20.69	20.69	08/16/07
06-383	Parris, Ransom	Regional Jail and Correctional Facility Authority	3,465.00	604.00	01/18/08
05-135	Snyder, Donna J.	Regional Jail and Correctional Facility Authority	1,200.00	500.00	01/18/08
07-262	Tlumach, Stephen F.	Regional Jail and Correctional Facility Authority	6.66	6.66	10/29/07
07-125	Valkos, Stephen	Regional Jail and Correctional Facility Authority	56.95	56.95	08/16/07
07-343	Dickens, James W.	WV State Police	2,475.00	2,475.00	01/18/08
04-963	American Vending Company Inc.	West Virginia University	1,250,432.50	529,087.48	01/15/08

3,179,157.56	2,263,091.93
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**Over-Expenditure Claims
Presented to the 2008 Legislature**

Claims Against the Division of Corrections

<u>Number</u>	<u>Claimant's Name</u>	<u>Nature of Claim</u>	<u>Amount in Claims Bill</u>	<u>Date of Opinion</u>
CC- 07-355	Correctional Medical Services	medical services rendered to inmate(s)	439,922.81	1/18/2008
07-330	Monongalia General Hospital	medical services rendered to inmate(s)	80,299.30	12/7/2007
07-353	Montgomery General Hospital	medical services rendered to inmate(s)	34,180.62	1/18/2008
07-290	Professional Anesthesia Services Inc.	anesthesia services provided to inmate(s)	1,723.20	1/18/2008
07-291	Professional Anesthesia Services Inc.	anesthesia services provided to inmate(s)	1,749.06	12/7/2007
07-195	WVU Medical Corporation, dba University Health Associates	medical services rendered to inmate(s)	26,520.00	8/16/2007
07-193	WVU Physicians of Charleston	medical services rendered to inmate(s)	17,077.00	8/16/2007
07-338	West Virginia University Hospitals	unpaid invoices	294,535.34	12/7/2007
		SUBTOTAL :	896,007.33	
		GRAND TOTAL :	896,007.33	

Disallowed Claims Presented to the 2008 Legislature

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Final Disposition</u>	<u>Date of Opinion</u>
06-085	Arntower, William H.	Division of Highways	366.25	Disallowed	08/16/07
07-252	Anderson, Roger R. Sr., dba A&W Welding	Division of Highways	8,504.51	Disallowed	01/29/08
06-021	Blake, James	Division of Highways	2,925.00	Disallowed	04/03/07
04-356	Carte, Alesia G.	Division of Highways	16,573.71	Disallowed	12/07/07
04-303	Cleavenger, Marilyn	Division of Highways	22,008.86	Disallowed	12/07/07
02-308	Collins, Robert Kelly	Division of Highways	11,500.00	Disallowed	05/14/07
06-134	Colon, Jesse C. and Marcie	Division of Highways	142.35	Disallowed	02/07/07
04-397	Conley, Keith E.	Division of Highways	600.97	Disallowed	02/07/07
07-164	Cordeiro, Liza	Division of Highways	232.16	Disallowed	01/29/08
05-345	Corley, Felicia	Division of Highways	956.75	Disallowed	04/03/07
06-087	Crabtree, Randall L.	Division of Highways	651.40	Disallowed	04/03/07
06-073	Cravens, Arley K.	Division of Highways	250.00	Disallowed	05/03/07
05-012	Cusack, Mae W.	Division of Highways	259.70	Disallowed	07/03/07
06-076	Deem, Russell R.	Division of Highways	5,000.00	Disallowed	02/07/07
02-205	Easley, Ethel J.	Division of Highways	60,000.00	Disallowed	10/29/07
05-130	Esworthy, David	Division of Highways	526.28	Disallowed	04/03/07
05-406	Fineman, Bernard	Division of Highways	250.00	Disallowed	01/29/08
06-194	Gallaher, Daniel G.	Division of Highways	557.51	Disallowed	02/07/07
06-165	Gibson, Betty L.	Division of Highways	250.00	Disallowed	01/29/08
04-439	Gibson, Tina L.	Division of Highways	366.87	Disallowed	04/03/07
06-303	Gould, Stephen M. and Jeri A.	Division of Highways	2,231.09	Disallowed	10/10/07
02-170	Hall, Mary A.	Division of Highways		Disallowed	02/07/07
06-200	Harless, Jennifer	Division of Highways	671.14	Disallowed	07/03/07

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Final Disposition</u>	<u>Date of Opinion</u>
06-190	James, Eulace M.	Division of Highways	94.34	Disallowed	10/10/07
06-004	Kaufman, Wayne	Division of Highways	200.00	Disallowed	04/03/07
06-135	Klein, Robert A.	Division of Highways	6,974.89	Disallowed	04/03/07
06-083	Lambrechts, Marcel	Division of Highways	411.68	Disallowed	06/05/07
05-344	Levitt, Rickie M.	Division of Highways	98.76	Disallowed	04/03/07
06-157	March, David Lee	Division of Highways	736.22	Disallowed	07/03/07
04-539	McComas, James E. and Deanna S.	Division of Highways	3,500.00	Disallowed	02/07/07
06-009	McKinney, Mandy Jo	Division of Highways	3,603.63	Disallowed	04/03/07
01-334	McMillion, Mary	Division of Highways	35,000.00	Disallowed	08/16/07
04-479	Meester, Steven	Division of Highways	6,441.00	Disallowed	06/05/07
06-214	Messinger, Sharon	Division of Highways	546.72	Disallowed	10/29/07
05-324	Milliken, Ruth E.	Division of Highways	175.55	Disallowed	04/03/07
02-288	Moles, David L.	Division of Highways	25,246.79	Disallowed	06/05/07
07-145	Moore, Bernice	Division of Highways	422.21	Disallowed	10/29/07
06-287	Moore, Linda D.	Division of Highways	1,830.55	Disallowed	11/15/07
06-149	Mullen-Thaxton, Jennifer L. and Christopher A. Thaxton	Division of Highways	259.70	Disallowed	07/03/07
06-125	Neal, Jeffrey	Division of Highways	822.91	Disallowed	01/29/08
06-288	Nuzum, Chad A.	Division of Highways	248.55	Disallowed	08/16/07
06-143	Ore, Robert C.	Division of Highways	2,323.56	Disallowed	08/16/07
06-052	Parnicza, George Jr.	Division of Highways	69.55	Disallowed	04/03/07
05-381	Patton, Sandra L. and Alice Morrow	Division of Highways	322.24	Disallowed	04/03/07
07-106	Price, Heather L.	Division of Highways	2,543.30	Disallowed	01/29/08
05-261	Ramsdell, Bryan	Division of Highways	152.12	Disallowed	10/29/07
05-310	Ramsey, Sheila and William	Division of Highways	1,500.00	Disallowed	04/03/07
06-065	Rockhold, Dorothy and Howard	Division of Highways	500.00	Disallowed	01/29/08

<u>Number</u>	<u>Name of Claimant</u>	<u>Name of Respondent</u>	<u>Amount Claimed</u>	<u>Final Disposition</u>	<u>Date of Opinion</u>
07-070	Samuels, John	Division of Highways	251.75	Disallowed	01/18/08
07-052	Sanford-Sperry, Sandra	Division of Highways	179.60	Disallowed	10/10/07
05-352	Sheppard, Danny Joe and Joey Lee	Division of Highways	3,294.00	Disallowed	02/07/07
06-020	Shrewsbury, David Wayne	Division of Highways	586.38	Disallowed	05/03/07
06-155	Swinson, Tamara R.	Division of Highways	1,354.74	Disallowed	06/05/07
06-231	Van Amerongen, Anita	Division of Highways	344.77	Disallowed	12/07/07
07-073	Walker, Michael and Sharon	Division of Highways	1,255.53	Disallowed	10/10/07
06-126	Wilson, Brady L. and Aubrey K.	Division of Highways	371.00	Disallowed	10/10/07
06-081	Wilson, Dianne M. and William	Division of Highways	605.21	Disallowed	08/16/07
05-428	Wright, Alisa	Division of Highways	15,000.00	Disallowed	10/29/07
06-300	Coleman, Larry	Regional Jail and Correctional Facility Authority	176.22	Disallowed	10/29/07
07-084	Green, Marjorie	State of West Virginia		Disallowed	11/19/07

252,679.04

COURT OF CLAIMS

ABSTRACTS OF CLAIMS AWARDED

CLAIM AGAINST ATTORNEY GENERAL

CC-07-349 CHRISTOPHER C. MCCLUNG V. ATTORNEY GENERAL

Claimant seeks to recover \$1,858.20 in travel and work-related expenses incurred while employed by the respondent. However, respondent has not reimbursed claimant for these expenses. Respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid.

AMOUNT CLAIMED: \$1,858.20

AMOUNT AWARDED: \$1,858.20

CLAIMS AGAINST DEPARTMENT OF ADMINISTRATION

CC-07-335 CAS STRUCTURAL ENGINEERING INC. V. DEPT. OF ADMINISTRATION

Claimant seeks to recover \$38,326.03 for professional engineering and architectural services on the construction of several projects, namely Buildings 22, 20, 7, and 5/6 provided to respondent. However, the invoices for these professional services have not been paid. Respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid.

AMOUNT CLAIMED: \$38,326.03

AMOUNT AWARDED: \$38,326.03

CC-07-228 STEFANEY A. WILLIAMS V. DEPARTMENT OF ADMINISTRATION

Claimant seeks \$64.80 which was deducted from her payroll checks from April 2005 through March 15, 2007. Claimant states that the "City of Charleston User Fees" were inadvertently deducted from her payroll checks even though she works in Westover, West Virginia. In its Answer, respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds expired in the appropriate fiscal year from which the invoice could have been paid.

AMOUNT CLAIMED: \$64.80

AMOUNT AWARDED: \$64.80

CLAIMS AGAINST DEPARTMENT OF EDUCATION

CC-06-251 ADELPHOI VILLAGE INC. V. DEPARTMENT OF EDUCATION

The claimant is a non-profit agency which has a longstanding history of providing educational and treatment services to court-placed and dependent youth. Claimant seeks payment in the amount of \$31,270.00 from the respondent for educational and treatment services which it provided to certain juveniles referred to it by various governmental entities during the 2005-2006 fiscal year (from July 1, 2005 to June 30, 2006). The Court finds that principles of equity and fairness require that claimant be compensated for these services.

AMOUNT CLAIMED: \$31,270.00

AMOUNT AWARDED: \$31,270.00

CC-08-015 POMEROY IT SOLUTIONS SALES COMPANY INC. V. DEPARTMENT OF EDUCATION

Claimant seeks \$38,541.00 for various items of equipment that it provided to respondent. Claimant has not been paid for this equipment since the documentation for these services was not processed for payment within the appropriate fiscal year. In its Answer, respondent admits the validity of the claim as well as the amount and states that there were sufficient funds expired in the appropriate fiscal year from which the invoice could have been paid. In view of the foregoing, the Court is of the opinion to and does make an award to claimant in the amount of \$38,541.00.

AMOUNT CLAIMED: \$38,541.00

AMOUNT AWARDED: \$38,541.00

CLAIMS AGAINST DIVISION OF CORRECTIONS

CC-07-063 GARY BAKER V. DIVISION OF CORRECTIONS

Claimant, an inmate at the Mount Olive Correctional Complex, seeks \$80.00 for items of personal property that he alleges were entrusted to respondent but which have not been returned to him. At the hearing, respondent stipulated to damages in the amount of \$80.00. This Court has taken the position in prior claims that if a bailment situation has been created, respondent is responsible for property of an inmate which is taken from that inmate, remains in its custody, and is not produced for return to the inmate. The Court holds that respondent is liable for the loss to claimant's property.

AMOUNT CLAIMED: \$80.00

AMOUNT AWARDED: \$69.00

CC-05-411 KEVIN A. BOXLEY V. DIVISION OF CORRECTIONS

Claimant, an inmate at the Mount Olive Correctional Complex, seeks \$70.00 for items of personal property that he alleges were entrusted to respondent but which have not been returned to him. The Court finds that the value of the items amounts to \$50.00. The Court has taken the position in prior claims that if a bailment situation is created, respondent is responsible for property of an inmate which is taken from that inmate, remains in its custody, and is not produced for return to the inmate. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$70.00

AMOUNT AWARDED: \$50.00

CC-08-016 JOHN BOYCE V. DIVISION OF CORRECTIONS

Claimant, an inmate at the Mount Olive Correctional Complex, seeks compensation for lost wages in the amount of \$28.62. On August 27, 2007, claimant was injured while performing work-related duties and asserts that respondent has a duty to pay inmate workers for lost wages when they are injured on the job. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$28.62

AMOUNT AWARDED: \$28.62

CC-07-362 LUCY N. CULVER V. DIVISION OF CORRECTIONS

Claimant was underpaid by respondent in the amount of \$13.48 during the October 16, 2006, pay period. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware the respondent does not have a fiscal method of paying claims of this nature. Thus, the Court makes an award to the claimant in the amount of \$13.48.

AMOUNT CLAIMED: \$13.48

AMOUNT AWARDED: \$13.48

CC-07-357 ROGER E. HEDRICK V. DIVISION OF CORRECTIONS

Claimant was underpaid by respondent in the amount of \$27.18 for the July 16, 2007, pay period, and in the amount of \$27.18 for the September 30, 2006, pay period. Claimant seeks to recover wages in the amount of \$54.36. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. Thus, the Court makes an award to the claimant in the amount of \$54.36.

AMOUNT CLAIMED: \$54.36

AMOUNT AWARDED: \$54.36

CC-07-346 REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY V. DIVISION OF CORRECTIONS

Claimant brought this action in the amount of \$877,753.00 to recover the costs of housing and providing associated services to prisoners who have been sentenced to a State penal institution, but due to circumstances beyond the control of the claimant, these prisoners have had to remain in the regional jails for periods of time beyond the dates of the commitment orders. Respondent filed an Answer admitting the validity of the claim and that the amount of the claim is fair and reasonable. This Court has determined in prior claims by claimant for the cost of housing inmates that respondent is liable to claimant for these costs, and the Court has made the appropriate awards.

AMOUNT CLAIMED: \$877,753.00

AMOUNT AWARDED: \$877,753.00

CC-07-364 MICHAEL E. SMITH JR. V. DIVISION OF CORRECTIONS

Claimant was underpaid in the amount of \$257.73 during the May 31, 2006, pay period. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. Thus, the Court makes an award to the claimant in the amount of \$257.73.

AMOUNT CLAIMED: \$257.73

AMOUNT AWARDED: \$257.73

CC-07-256 THOMAS S. TALBERT V. DIVISION OF CORRECTIONS

The parties stipulated to the following: On July 15, 2005, a magistrate ordered that claimant be charged a processing fee of \$20.00 for his incarceration at the Beckley Correctional Center. Claimant was charged twice for the processing fee, and \$40.00 was deducted from his account. Respondent agrees that the amount of \$20.00 for the damages put forth by claimant is fair and reasonable. Thus, the Court finds that claimant may recover for his loss.

AMOUNT CLAIMED: \$20.00

AMOUNT AWARDED: \$20.00

CC-07-358 MELINDA K. ZIRBS V. DIVISION OF CORRECTIONS

Claimant was underpaid in the amount of \$7.45 during the February 14, 2006, pay period. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. The Court is aware that respondent does not have a fiscal method for paying claims of this nature. Thus, the Court makes an award in the amount of \$7.45.

AMOUNT CLAIMED: \$7.45

AMOUNT AWARDED: \$7.45

CLAIMS AGAINST DIVISION OF HIGHWAYS

CC-05-167 BETTY SUE ADKINS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 1996 Saturn SL1 struck a hole while she was traveling westbound on Route 25 near Nitro, Kanawha County. The Court opines that respondent had at least constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$53.00

AMOUNT AWARDED: \$53.00

CC-07-022 RANDY B. AMOS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2006 Pontiac G6 struck a hole on State Route 2, approximately twelve miles south of Moundsville, in Marshall County. The Court opines that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck on State Route 2. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$408.08

AMOUNT AWARDED: \$408.08

CC-05-429 LINDA AREHART V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on October 28, 2005, claimant was traveling on Mill Creek Road in Charleston, Kanawha County, when her vehicle struck a hole in the road damaging a tire; respondent agrees that the amount of \$137.75 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Mill Creek Road on the date of this incident.

AMOUNT CLAIMED: \$137.75

AMOUNT AWARDED: \$137.75

CC-07-122 JAMES W. AYERS AND LISA A. AYERS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on April 9, 2007, claimant was traveling on Glen View Road on Route 54 in Raleigh County, when claimants' 2005 Mitsubishi Eclipse struck a hole in the road causing damage to two rims; as a result of this incident, claimants' vehicle sustained damage in the amount of \$631.81; claimants' insurance deductible is \$500.00 so her recovery is limited to that amount; claimant and respondent agree that the amount of \$500.00 for the damages put forth by claimants is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Glen View Road on the date of this incident.

AMOUNT CLAIMED: \$631.81

AMOUNT AWARDED: \$500.00

CC-02-228 ANNABELLE BAILEY, as Administrator of the Estate of ROGER E. BAILEY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on June 2, 2000, decedent, Roger E. Bailey, was killed when a vehicle emerged from a dirt alley onto County Route 1 and struck Mr. Bailey's vehicle on the driver's side; claimant alleged that trees and weeds beside County Route 1 contributed to the accident by obstructing the vision of the driver who pulled out of the dirt alley and struck Mr. Bailey's vehicle; claimant and respondent agree that an award of \$13,000.00 would be a fair and reasonable amount to settle this claim. The Court reviewed the facts of the claim and finds respondent negligent in its maintenance of County Route 1 on the date of this incident. An award was made to claimant in the amount stipulated by the parties.

AMOUNT CLAIMED: \$500,000.00

AMOUNT AWARDED: \$13,000.00

CC-06-392 LONNIE A. BAYS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1998 Chevrolet Cavalier struck a broken section of road while he was traveling eastbound on Plantation's Creek Road in Putnam County. The Court finds that respondent had at least constructive notice of the broken section of road which claimant's vehicle struck presenting a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$58.30

AMOUNT AWARDED: \$58.30

CC-06-232 RONALD BEASLEY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on July 20, 2006, claimant was traveling on Madison Avenue in Huntington, Cabell County, when his vehicle struck a piece of rebar that was protruding from the road damaging a deflector on his vehicle. The Court has reviewed the facts of the claim and finds respondent negligent in its maintenance of Madison Avenue on the date of this incident.

AMOUNT CLAIMED: \$464.49

AMOUNT AWARDED: \$464.49

CC-07-151 ROY L. BECKETT V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2000 Chevrolet S10 struck several holes while his daughter, Britney Beckett, was traveling on Route 152 near Genoa, Wayne County. The Court opines that respondent had at least constructive notice of the holes which claimant's vehicle struck, and that the holes presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$316.98

AMOUNT AWARDED: \$285.28

CC-02-294 LARRY RAY BENNETT, as Administrator of the Estate of BARBARA ROSCLEA BENNETT V. DIVISION OF HIGHWAYS

On January 20, 2001, decedent, Barbara Rosclea Bennett, was killed while traveling on County Route 9, near Wilsie, Braxton County, when her vehicle went out of control and into a rain swollen creek along County Route 9. Respondent was responsible for the maintenance of County Route 9 which it failed to maintain properly on the date of this incident. Claimant and respondent agree that the amount of \$37,000.00 is a fair and reasonable amount to settle this claim. Thus, the Court finds respondent negligent in its maintenance of County Route 9 on the date of this incident.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$37,000.00

CC-07-077 BRIAN W. BETHEL V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2001 BMW Sedan struck a large hole while claimant was traveling east on I-70 in Ohio County. Respondent stipulates damages in the amount of \$203.13. The Court finds that respondent is liable for the damages sustained to claimant's vehicle.

AMOUNT CLAIMED: \$203.13

AMOUNT AWARDED: \$203.13

CC-07-009 ISIAH BLEDSOE AND JUDY BLEDSOE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2003 Chevrolet Impala struck a section of broken pavement while claimant Isaiah Bledsoe was traveling on Martha Road near Barboursville, Cabell County. The Court opines that respondent had at least constructive notice of the broken section of pavement which claimants' vehicle struck, and that the broken pavement presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$201.79

AMOUNT AWARDED: \$201.79

CC-03-468 CRYSTAL D. BROWN V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on September 20, 2001, claimant was traveling on I-77 at mile post eight near Princeton, Mercer County; she was injured as a result of this accident; claimant alleged that respondent failed to provide notice of the road blockage; as a result of the incident, claimant sustained personal injuries. Respondent and claimant have agreed that the amount of \$3,500.00 for the damages put forth by the claimant is fair and reasonable. The Court reviewed the facts in the claim and determined that claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$3,500.00

AMOUNT AWARDED: \$3,500.00

CC-07-142 JAMI BRYANT V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on April 23, 2007, claimant was proceeding around a curve on Browns Run in Chapmanville when her vehicle slid on wet dirt and struck the hillside. Claimant's vehicle was totaled as a result of this incident. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Browns Run on the date of this incident.

AMOUNT CLAIMED: \$7,000.00

AMOUNT AWARDED: \$5,000.00

CC-05-208 CONNIE BUCKBEE Individually and as Administratrix of the Estate of
JULIA CAROLYN STRICKLAND, deceased V. DIVISION OF HIGHWAYS

This claim was submitted to the Court for decision based upon a Mutual Settlement Agreement. On or about July 7, 2001, West Virginia Paving Inc., began paving and berm work on a portion of W.Va. Route 39, near the Gauley Bridge. The paving job left holes along the edge of the road where the grates were located. On July 24, 2000, Julia Carolyn Strickland was traveling east on W.Va. Route 39 near Gauley Bridge when her vehicle struck the drainage grate which is partially located on the roadway. Julia Carolyn Strickland lost control of her vehicle and it crashed into a truck traveling in the opposite direction. She was killed as a result of this collision. Claimant contends that respondent, having inspected and approved the work performed, having released the road to the traveling public without warning signs and having failed to paint the white edge lines along the side of the highway, was negligent in its actions. As a result, the parties have agreed that claimant is entitled to recover damages in the amount of \$500,000.00. Thus, claimant may make a recovery for this loss.

AMOUNT CLAIMED: Unliquidated

AMOUNT AWARDED: \$500,000.00

CC-06-176 DENNIS L. BURGESS AND JENNIFER W. BURGESS V. DIVISION OF
HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1998 Honda Accord struck a hole while claimant Jennifer W. Burgess was traveling on Route 9 near Tornado, Kanawha County. The Court opines that respondent had at least constructive notice of the hole which claimants' vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$294.87

AMOUNT AWARDED: \$294.87

CC-06-271 GARY BUSH V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on September 21, 2005, claimant was traveling on Interstate 81 in Berkeley County when his vehicle struck a hole in the road damaging his vehicle; respondent agrees that the amount of \$246.98 for the damages put forth by the claimant is fair and reasonable. The Court finds that respondent was negligent in its maintenance of Interstate 81 on the date of this incident.

AMOUNT CLAIMED: \$246.98

AMOUNT AWARDED: \$246.98

CC-04-116 JEFFERY E. CARR V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 13, 2004, claimant was traveling on I-64 at the base of Sandstone Mountain, when his vehicle struck a rock in the road. Respondent agrees that the amount of \$500.00 for the damages put forth by the claimant is fair and reasonable. The Court finds that respondent was negligent in its maintenance of I-64 on the date of this incident.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-07-057 SCOTT CHAPMAN AND SUSAN CHAPMAN V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2007 Chevrolet Cobalt struck a large crack on Route 10 in Neibert, Logan County. The evidence establishes that respondent was aware of the ongoing hazardous conditions on Route 10 and had actual notice of the condition then and there existing. Thus, there is sufficient evidence of negligence to base an award.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-07-222 MICHELLE D. CLARKSON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2006 Nissan Sentra struck a hole while she was traveling on Old Crow Road, which is also known as County Route 119/36, in Beaver, Raleigh County. The evidence establishes that respondent had, at the least, constructive notice of the hole that claimant's vehicle struck, and that the hole presented a hazard to the traveling public on County Route 119/36 in Raleigh County. Thus, there is sufficient evidence of negligence upon which to base an award.

AMOUNT CLAIMED: \$219.12

AMOUNT AWARDED: \$219.12

CC-05-343 MICHAEL A. COCHRAN V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on April 3, 2005, claimant was traveling on Route 60 near Cedar Grove, Kanawha County, when his vehicle struck a crack in the road damaging two tires; respondent agrees that the amount of \$263.20 for the damages put forth by the claimant is fair and reasonable. The Court determined that respondent was negligent so an award was made to the claimant.

AMOUNT CLAIMED: \$263.20

AMOUNT AWARDED: \$263.20

CC-05-162 WILLIAM DAVID COLLINS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on April 6, 2005, claimant was traveling on County Route 14 in Raleigh County, when his vehicle struck a hole in the road damaging his vehicle, a stock trailer, and a 1,200 to 1,400 pound cow; claimant also sustained personal injuries; claimant and respondent agree that the amount of \$6,000.00 for the damages put forth by the claimant is fair and reasonable. The Court determined that respondent was negligent in its maintenance of County Route 14 on the date of this incident and made an award to claimant.

AMOUNT CLAIMED: \$100,000.00

AMOUNT AWARDED: \$6,000.00

CC-07-174 LOUIE CONSTANTINO AND DAPHNE CONSTANTINO V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2002 Suzuki Aerio struck a hole while they were traveling on Reindeer Place in Glenwood, Mercer County. Since claimants' insurance deductible is \$500.00, their recovery is limited to that amount. The evidence establishes that respondent had, at the least, constructive notice of the hole that claimants' vehicle struck, and that the hole presented a hazard to the traveling public on Reindeer Place road in Mercer County. Thus, there is sufficient evidence of negligence upon which to base an award.

AMOUNT CLAIMED: \$505.73

AMOUNT AWARDED: \$500.00

CC-07-271 JENNIFER COPLEY AND BILLY JOE COPLEY V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2005 Suzuki Forenza struck a broken edge on the road on Route 3/5 in Dingess, Mingo County. The claimants' vehicle was totaled as a result of this incident. The Court finds that respondent had notice of this hazardous condition and an adequate amount of time to take corrective action. Thus, there is sufficient evidence of negligence upon which to base an award.

AMOUNT CLAIMED: \$9,850.00

AMOUNT AWARDED: \$9,850.00

CC-06-360 COY CUMBERLEDGE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2003 Mazda Protege struck a large hole in the pavement while he was traveling northbound on County Route 50/30 in Doddridge County. Claimant's vehicle sustained damages totaling \$1,250.80, and the amount of his insurance deductible is \$500.00. The Court opines that respondent had at least constructive notice of the hole that claimant's vehicle struck and that the hole presented a hazard to the traveling public on County Route 50/30. However, the Court also concludes that the claimant was forty-percent (40%) negligent. Since the negligence of claimant is not greater than or equal to the negligence of respondent, claimant may recover sixty percent (60%) of the loss sustained.

AMOUNT CLAIMED: \$1,250.80

AMOUNT AWARDED: \$300.00

CC-07-075 GLENDA S. DAVIS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on March 11, 2007, claimant was traveling on 7th Avenue in North Charleston, Kanawha County, when her vehicle struck a hole in the road damaging a rim; respondent agrees that the amount of \$62.16 for the damages put forth by the claimant is fair and reasonable. The Court finds that respondent was negligent in its maintenance of 7th Avenue on the date of this incident.

AMOUNT CLAIMED: \$306.85

AMOUNT AWARDED: \$62.16

CC-06-195 CATHY E. DOTSON AND PAUL K. DOTSON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on March 31, 2005, claimant Cathy Dotson was traveling on Teays Valley Road in Putnam County, when claimants' vehicle struck a hole in the road damaging a rim; respondent agrees that the amount of \$355.05 for the damages put forth by the claimants is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Teays Valley Road on the date of this incident.

AMOUNT CLAIMED: \$355.05

AMOUNT AWARDED: \$355.05

CC-07-132 DAVID A. DOVE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his Audi A8 struck a large hole while claimant was traveling east on I-70 in Ohio County. Since claimant's insurance deductible is \$1,000.00, claimant's recovery is limited to that amount. Respondent stipulates to damages in the amount of \$1,000.00. The Court finds that respondent is liable for the damages sustained to claimant's vehicle.

AMOUNT CLAIMED: \$1,713.60

AMOUNT AWARDED: \$1,000.00

CC-07-069 JEFFREY A. DYE AND NANCY A. DYE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2007 Ford 500 struck a hole while claimant Nancy Dye was traveling on Old Route 50 in Harrison County. The Court opines that respondent had at least constructive notice of the hole which claimants' vehicle struck, and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$460.33

AMOUNT AWARDED: \$460.33

CC-06-282 EARL D. FERGUSON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on September 20, 2006, claimant was traveling on Route 52 in Mingo County when his 2006 Ford Fusion struck a hole; respondent agrees that the amount of \$288.58 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 52 on the date of this incident. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$288.58

AMOUNT AWARDED: \$288.58

CC-05-418 LOIS MILDRED GALLAGHER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on December 22, 2003, claimant was traveling on Washington Street in Charleston, Kanawha County, when her vehicle struck a hole in the road damaging a rotor; respondent agrees that the amount of \$62.56 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Washington Street on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$137.56

AMOUNT AWARDED: \$62.56

CC-07-074 ALLEN G. GIBBS AND ESTHER L. GIBBS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On February 23, 2007, claimant Esther Gibbs was traveling on Washington Street West in Charleston, Kanawha County, when the vehicle struck a hole in the road, damaging a tire and rim. Respondent agrees that the amount of \$252.32 for the damages put forth by the claimants is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Washington Street West on the date of this incident. Thus, claimants may make a recovery for their loss.

AMOUNT CLAIMED: \$252.32

AMOUNT AWARDED: \$252.32

CC-05-464 DAVID W. GREEAR V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on December 15, 2005, claimant was traveling on I-64 near Huntington, Cabell County, when his vehicle struck a hole in the road damaging a rim and a tire; respondent agrees that the amount of \$197.36 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of I-64 on the date of this incident. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$197.36

AMOUNT AWARDED: \$197.36

CC-05-373 EARL W. GROVE JR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1991 Honda Accord struck a hole while he was traveling on Fairview Drive in Berkeley Springs, Morgan County. The vehicle sustained damage to two tires and one rim. The Court opines that respondent had at least constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent and claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$262.12

AMOUNT AWARDED: \$262.12

CC-03-031 DONALD D. HALL JR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1992 Dodge Caravan struck a manhole cover while he was traveling on an access road located off of Route 19 near Summersville, Nicholas County. The evidence establishes that respondent had, at the least, constructive notice of the manhole cover that claimant's vehicle struck, and that it presented a hazard to the traveling public on the access road off of Route 19. However, the Court also concludes that the claimant was forty-percent (40%) negligent in his operation of the vehicle. Since the negligence of claimant is not greater than or equal to the negligence of respondent, claimant may recover sixty percent (60%) of the loss sustained.

AMOUNT CLAIMED: \$1,335.00

AMOUNT AWARDED: \$801.00

CC-07-011 CHERI HAMILTON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on November 21, 2006, claimant was traveling on Teays Boulevard near Saint Albans, Kanawha County, when her vehicle struck a hole in the road, damaging a tire and a rim; respondent agrees that the amount of \$476.02 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Teays Boulevard on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$476.02

AMOUNT AWARDED: \$476.02

CC-06-030 BRANDIE M. HARRISON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2004 Mitsubishi Eclipse struck a hole while she was traveling on Brenden Wood Lane in Hurricane, Putnam County. The Court opines that the hole presented a hazard to the traveling public. However, the Court also determined that claimant was forty percent (40%) comparatively negligent in her operation of the vehicle.

AMOUNT CLAIMED: \$985.54

AMOUNT AWARDED: \$295.67

CC-06-298 MICHAEL L. HASLAM V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on September 23, 2006, claimant was traveling north on Route 2 in Wheeling, Ohio County when his vehicle struck a large piece of concrete in the road damaging a tire; respondent agrees that the amount of \$105.28 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 2 on the date of this incident. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$105.28

AMOUNT AWARDED: \$105.28

CC-07-311 STELLA M. HAWKINS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: respondent is responsible for the maintenance of U.S. Route 19, which is located in Weston, Lewis County; on or about November 3, 2003, claimant suffered a severe compound wrist fracture as a result of a fall while attempting to use the sidewalk next to U.S. Route 19; claimant and respondent agreed on a settlement in the amount of \$1,250.00. The Court finds that the amount agreed to by the parties is fair and reasonable.

AMOUNT CLAIMED: \$2,500.00

AMOUNT AWARDED: \$1,250.00

CC-05-369 TRACY HAYNES AND CHAD HAYNES V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2002 Ford F-150 traveled over wet paint while they were driving on Route 21 near Sissonville, Kanawha County. Claimants' vehicle sustained damage totaling \$2,045.90. The Court opines that respondent had at least constructive notice of the recently painted white line lane markers which claimants' vehicle struck and that the paint presented a hazard to the traveling public. Thus, the Court finds respondent negligent and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$2,045.90

AMOUNT AWARDED: \$2,045.90

CC-07-076 STEVE HENDRICK V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on February 23, 2007, claimant was traveling on Teays Valley Road in Putnam County when his vehicle struck a hole in the road damaging two tires; respondent agrees that the amount of \$256.76 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Teays Valley Road on the date of this incident.

AMOUNT CLAIMED: \$276.76

AMOUNT AWARDED: \$256.76

CC-05-403 JUDY A. HILLBERRY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on October 7, 2005, claimant was traveling on the northbound lane of Route 2 near Washington Lands, Ohio County when her vehicle struck a boulder on the road; as a result of this incident, claimant's vehicle sustained damage in the amount of \$62.16; claimant did not have insurance coverage for her loss; respondent agrees that the amount of \$62.16 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 2 on the date of this incident.

AMOUNT CLAIMED: \$62.16

AMOUNT AWARDED: \$62.16

CC-07-071 ELMER MICKEY HODGE AND SHIRLEY ANN HODGE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2006 Chevrolet HHR struck a broken section of road while claimants were traveling on Goodwill Road in Wayne County. The Court opines that respondent had at least constructive notice of the broken section of road which claimants' vehicle struck and that this broken section of road presented a hazard to the traveling public. Thus, the Court finds respondent negligent and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$125.08

AMOUNT AWARDED: \$125.08

CC-07-082 DIANE L. HUFFMAN V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on January 25, 2007, claimant was traveling on Teays Valley Road in Putnam County when her vehicle struck a section of broken pavement in the road, damaging a rim; respondent agrees that the amount of \$415.30 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Teays Valley Road on the date of this incident.

AMOUNT CLAIMED: \$415.30

AMOUNT AWARDED: \$415.30

CC-07-090 SHEILA ANN HUNT AND GLENN HUNT V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2004 Mazda MPV struck a hole while claimant Sheila Hunt was traveling southbound on Route 250 in Fairmont, Marion County. The Court opines that respondent had at least constructive notice of the hole which claimants' vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$419.77

AMOUNT AWARDED: \$419.77

CC-05-394 TODD D. JARRETT V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1992 Volkswagen Corrado SLC struck several pipes protruding from the road while he was traveling on Third Street in St. Albans, Kanawha County. Claimant's vehicle sustained damage totaling \$677.28. The Court opines that respondent had at least constructive notice of the exposed pipes which claimant's vehicle struck and that the pipes presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$677.28

AMOUNT AWARDED: \$677.28

CC-05-462 FRED JEFFERSON JR. AND DIANI JEFFERSON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On August 23, 2005, claimant Diani Jefferson was traveling on Riders Creek Road in Putnam County, when her vehicle struck a hole in the road damaging a tire and a wheel. Respondent agrees that the amount of \$351.77 for the damages put forth by the claimants is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Riders Creek Road on the date of this incident.

AMOUNT CLAIMED: \$351.77

AMOUNT AWARDED: \$351.77

CC-06-137 JEREMY JOHNSON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2002 Ford Focus struck a cut in the road while he was traveling on Big Tyler Road in Cross Lanes, Kanawha County. The vehicle sustained damage to both front rims. The Court opines that respondent had at least constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public.

AMOUNT CLAIMED: \$252.18

AMOUNT AWARDED: \$252.18

CC-06-297 ROBERT RAY JOHNSON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2004 Tacoma Pre Runner pickup truck struck a rock while claimant was traveling on Route 3/5 on Laurel Creek Road in Mingo County. Claimant's vehicle sustained damage in the amount of \$3,720.88, but claimant's recovery is limited to the amount of his insurance deductible which is \$500.00. The Court finds that respondent is liable for the damages which proximately flow from its inadequate protection of the traveling public in this specific location of Route 3/5.

AMOUNT CLAIMED: \$3,720.88

AMOUNT AWARDED: \$500.00

CC-06-390 RONALD C. JORDAN V. DIVISION OF HIGHWAYS

The parties stipulated the following: on November 26, 2006, claimant was traveling on U.S. Route 33 near Saint Albans, Kanawha County, when his vehicle struck a hole in the road, damaging a tire; respondent agrees that the amount of \$57.24 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of U.S. Route 33 on the date of this incident.

AMOUNT CLAIMED: \$57.24

AMOUNT AWARDED: \$57.24

CC-06-250 KIMBERLY ANN KENT V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2002 Dodge Neon struck a hole while she was traveling on Wilsonburg Road in Harrison County. Claimant's vehicle sustained damage totaling \$242.20. The Court holds that respondent had at least constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$242.20

AMOUNT AWARDED: \$242.20

CC-07-210 MELVIN R. KESSLER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2005 Toyota Seneca van struck a hole while he was traveling on Route 31 between Meadow Bridge and Danese in Fayette County. The evidence establishes that respondent, at the least, had constructive notice of the hole that claimant's vehicle struck, and that the hole presented a hazard to the traveling public on Route 31 in Fayette County. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$490.43

AMOUNT AWARDED: \$490.43

CC-06-210 JEFFREY D. KIDWELL AND VICKIE KIDWELL V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2003 Hyundai Elantra struck a hole while the claimant, Jeffrey D. Kidwell, was traveling on Tank Branch Road in Glen Morgan, Raleigh County. The Court holds that respondent had at least constructive notice of the hole which claimants' vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$120.23

AMOUNT AWARDED: \$120.23

CC-07-249 JAMES H. KILGORE III V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on July 5, 2007, claimant's vehicle struck a hole while he was traveling east on Piedmont Road in Kanawha County; claimant's insurance deductible is \$500.00 so his recovery is limited to that amount; respondent agrees that the amount of \$500.00 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Piedmont Road on the date of this incident. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$630.46

AMOUNT AWARDED: \$500.00

CC-05-390 JOHN W. LACY AND KRISTI R. LACY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on May 30, 2005, claimant Kristi Lacy was traveling on Woodward Drive in Charleston, Kanawha County, when her vehicle struck a hole in the road damaging a rim; as a result of this incident, claimants' vehicle sustained damage in the amount of \$649.25; claimants' insurance deductible was \$500.00 so their recovery is limited to that amount. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Woodward Drive on the date of this incident.

AMOUNT CLAIMED: \$649.25

AMOUNT AWARDED: \$500.00

CC-06-278 JENNIFER E. LARCK V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2003 Nissan Sentra struck a hole while she was traveling eastbound on I-64 near Barboursville, Cabell County. The Court holds that respondent had at least constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$150.00

AMOUNT AWARDED: \$150.00

CC-07-214 JULIA E. LEGRAND V. DIVISION OF HIGHWAYS

The parties stipulated to the following: during a storm on the evening of June 27, 2007, a tree from respondent's property along I-64 fell on a workshop totaling the building; respondent agrees that the amount of \$250.00 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of I-64 on the date of this incident.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$250.00

CC-05-180 REGINA LOTT AND HARRY M. LOTT V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1999 Chevrolet Cavalier struck a slip in the road while claimant Regina Lott was traveling on Progress Ridge Road in Wood County. The Court opines that respondent had at least constructive notice of the slip in the road which claimants' vehicle struck and that the slip presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$231.91

AMOUNT AWARDED: \$231.91

CC-07-064 JULIA MARION AND LARRY MARION V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on March 2, 2007, claimant Julia Marion was traveling on Route 21 in Ripley, Jackson County, when their vehicle was struck by a road sign that was blown over by wind. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 21 on the date of this incident. Since claimants' insurance deductible is \$500.00, their recovery is limited to that amount.

AMOUNT CLAIMED: \$1,384.54

AMOUNT AWARDED: \$500.00

CC-07-131 LONA R. MCCOY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2005 Chevrolet Cavalier struck holes while she was traveling on County Route 14 in Braxton County. The Court opines that respondent had at least constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$408.33

AMOUNT AWARDED: \$408.33

CC-06-088 TANA B. MCCRAW V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2000 Toyota Camry struck a hole on the berm of Route 2 in Millwood, Jackson County. Claimant lost control of her vehicle, and her vehicle struck a storm drain causing the vehicle to flip on its top. The vehicle was totaled in this incident. The Court holds that respondent had, at the least, constructive notice of the condition on Route 2 on the date in question. Consequently, there is sufficient evidence of negligence upon which to justify an award.

AMOUNT CLAIMED: \$8,412.73

AMOUNT AWARDED: \$8,412.73

CC-07-065 ADAM N. MENDEZ V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2005 Chevrolet Cobalt struck a hole while he was traveling on County Route 29 in Preston County. The Court opines that respondent had at least constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public.

AMOUNT CLAIMED: \$378.46

AMOUNT AWARDED: \$378.46

CC-06-096 JOHN W. MORROW AND DEVONNA MORROW V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2004 Dodge Stratus struck a hole while they were traveling on Route 41 in Lewis County. The Court opines that respondent had at least constructive notice of the hole which claimants' vehicle struck and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent and claimants may make a recovery for the damage to their vehicle. Since claimants' insurance deductible is \$500.00, their recovery is limited to that amount.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-07-190 WILLIS MULLINS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1997 Plymouth Breeze struck a large hole while he was traveling southbound on Route 52 between Huntington and Tolsia in Wayne County. The evidence established that respondent had at least constructive notice of the hole that claimant's vehicle struck, and that the hole presented a hazard to the traveling public on Route 52 in Mingo County. However, the Court also concludes that the claimant was thirty-percent (30%) negligent.

AMOUNT CLAIMED: \$690.91

AMOUNT AWARDED: \$483.64

CC-06-095 CATHY I. NEEL AND MICHAEL NEEL V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on July 19, 2005, claimant was traveling on Route 219 towards Peterstown in Monroe County when claimants' vehicle struck a hole in the road causing damage to the rim. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 219 on the date of this incident.

AMOUNT CLAIMED: \$132.50

AMOUNT AWARDED: \$132.50

CC-06-213 ROBERT NUCKOLLS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on May 5, 2006, claimant was traveling on Kelly's Road in Pond Gap, Kanawha County, when he was involved in an automobile accident due to a stop sign that was missing; claimant and respondent have agree that an award of \$3,550.00 is a fair and reasonable amount to settle this claim. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Kelly's Road on the date of this incident.

AMOUNT CLAIMED: \$3,550.00

AMOUNT AWARDED: \$3,550.00

CC-07-034 JOHN D. OUTWARD V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2002 Buick LeSabre struck a large hole while claimant was traveling east on I-70 in Ohio County. I-70 is a road maintained by respondent. Respondent stipulates to damages in the amount of \$90.05. Thus, the Court finds that respondent is liable for the damages sustained to claimant's vehicle.

AMOUNT CLAIMED: \$90.95

AMOUNT AWARDED: \$90.95

CC-06-257 GEORGE PARNICZA V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2005 Chevrolet Astro van struck a sign on Short Creek Road in Ohio County. The Court opines that respondent had, at the least, constructive notice of the hazard paddle which claimant's vehicle struck. Thus, the Court finds respondent negligent, and claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$137.34

AMOUNT AWARDED: \$137.34

CC-06-086 GEORGE PARNICZA V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2005 Chevrolet Astro van struck a hole on Short Creek Road in Ohio County. Claimant sustained a loss to his vehicle in the amount of \$591.37, and claimant's insurance deductible is \$250.00. The Court finds that respondent was negligent, and claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$591.37

AMOUNT AWARDED: \$250.00

CC-07-103 CAROL A. PASCUCCI V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 20, 2007, claimant was traveling on Dunbar Avenue in Dunbar, Kanawha County when her vehicle struck a hole in the road, damaging a rim. Respondent agrees that the amount of \$357.15 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Dunbar Avenue on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$357.15

AMOUNT AWARDED: \$357.15

CC-07-089 DONNA A. PASTORIUS AND JOHN M. PASTORIUS V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2001 Honda Civic struck a hole while claimant, Donna Pastorius, was traveling on Frazier Road in Marshall County. The Court opines that respondent had, at the least, constructive notice of the hole which claimants' vehicle struck and that the hole presented a hazard to the traveling public. The Court also concludes that claimant was forty-nine percent (49%) negligent. Since the negligence of the claimant is not greater than or equal to the negligence of the respondent, claimants may recover fifty-one percent (51%) of the loss sustained.

AMOUNT CLAIMED: \$540.17

AMOUNT AWARDED: \$275.49

CC-07-130 ARTHUR T. PETTY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on April 15, 2007, claimant was traveling on Cabin Creek Road in Kanawha County, when his vehicle struck a hole in the road damaging two tires; respondent agrees that the amount of \$89.09 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Cabin Creek Road on the date of this incident. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$89.09

AMOUNT AWARDED: \$89.09

CC-05-441 HENRY M. POOLER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on September 21, 2005, claimant was traveling on Route 81 in Berkeley County when his vehicle struck a hole in the road damaging all four tires and rims; respondent agrees that the amount of \$2,580.00 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 81 on the date of this incident.

AMOUNT CLAIMED: \$2,580.00

AMOUNT AWARDED: \$2,580.00

CC-07-018 LINDA A. PORTER AND THOMAS E. PORTER V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2003 Chrysler Sebring struck a large hole while claimant, Linda Porter, was traveling on I-70 through Wheeling in Ohio County. The evidence establishes that respondent had, at the least, constructive notice of the hole that claimants' vehicle struck, and that the hole presented a hazard to the traveling public on I-70 in Ohio County. Thus, the Court finds that there is sufficient evidence of negligence to base an award.

AMOUNT CLAIMED: \$288.73

AMOUNT AWARDED: \$288.73

CC-07-134 BONNIE M. PRISK V. DIVISION OF HIGHWAYS

Claimant brought this action for damage which occurred to the water line on her property. Although Oak Ridge is located in a residential neighborhood, respondent purchased the lot next to claimant's property for construction on Route 35. Respondent advertised for bids on the project so drilling rigs, bulldozers, and a tri-axle truck were brought onto the property to perform core drilling. Due to the heavy equipment traveling over the trench line, the water line, which runs underneath respondent's driveway and onto claimant's property, broke. In the instant case, the Court opines that respondent was negligent in failing to take adequate measures to protect claimant's water line. The Court determined that the damage to claimant's water line was a foreseeable consequence of the action taken by the bidders to the contract; therefore, the Court finds that claimant may recover for her loss.

AMOUNT CLAIMED: \$974.52

AMOUNT AWARDED: \$903.87

CC-07-007 CHARLENA RAMEY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 1999 Chevrolet Cavalier struck a hole while she was traveling on Little Hart Road in Lincoln County. The Court opines that respondent had, at the least, constructive notice of the hole on Little Hart Road prior to the incident in question. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$332.41

AMOUNT AWARDED: \$332.41

CC-06-393 DAISY E. ROBERTSON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 1991 Cadillac struck a hole while she was traveling on Stanaford Road in Raleigh County. The Court opines that respondent had, at the least, constructive notice of the condition on Stanaford Road at the time of the incident in question. Thus, the Court finds respondent negligent, and claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$221.60

AMOUNT AWARDED: \$221.60

CC-07-048 MICHAEL SHAWVER AND ZELLAMAE SHAWVER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on February 22, 2007, claimant Michael Shawver was traveling on Route 61 in Crown Hill, Kanawha County when their vehicle struck a hole in the road, damaging a rim; respondent agrees that the damages put forth are fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 61 on the date of this incident. Since claimant's insurance deductible is \$500.00, her recovery is limited to that amount.

AMOUNT CLAIMED: \$843.97

AMOUNT AWARDED: \$500.00

CC-07-153 SHARON L. SHUNK AND RICHARD L. SHUNK V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1999 Kia Sephia struck a large hole while claimant, Sharon L. Shunk, was traveling on I-70 near Exit 5 in Ohio County. The Court finds that respondent is liable for the damages sustained to claimants' vehicle.

AMOUNT CLAIMED: \$318.98

AMOUNT AWARDED: \$250.00

CC-07-078 FRANK O. SIRIANNI V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on February 25, 2007, claimant was traveling on Stanaford Road in Raleigh County when his 2007 Buick Lacrosse struck a hole in the road damaging a tire and a chrome wheel; respondent agrees that the damages put forth by claimant are fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Stanaford Road on the date of this incident. Claimant's vehicle sustained damage in the amount of \$946.12. However, since claimant's insurance deductible was \$500.00, his recovery is limited to that amount.

AMOUNT CLAIMED: \$946.12

AMOUNT AWARDED: \$500.00

CC-07-207 PATRICIA SISSON AND TANYA SISSON V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1996 Chevrolet Monte Carlo struck a hole on the berm while claimant was traveling on Brounland Road in Kanawha County. The Court opines that respondent had, at the least, constructive notice of the hole that claimants' vehicle struck, and that the hole presented a hazard to the traveling public on Brounland Road. However, the Court finds that claimant was twenty percent (20%) negligent in her operation of the vehicle. Since the negligence of claimant is not greater than or equal to the negligence of respondent, claimants may recover eighty percent (80%) of the loss sustained.

AMOUNT CLAIMED: \$766.42

AMOUNT AWARDED: \$613.14

CC-06-264 CRUZ SOTO AND WILMA L. SOTO V. DIVISION OF HIGHWAYS

On July 10, 2006, through July 12, 2006, the claimants' home was flooded when water from the highway poured over and seeped through the retaining wall on W.Va. Route 103. Claimants sustained damage to their home and personal property totaling \$7,302.01. Based on the evidence presented, the Court holds that claimants may recover for the damages that they sustained as a result of the respondent's failure to properly maintain the drainage system and retaining wall on W.Va. Route 103.

AMOUNT CLAIMED: \$7,302.01

AMOUNT AWARDED: \$7,302.01

CC-06-070 STEVEN A. TAYLOR AND TRACY L. TAYLOR V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2005 Ford Taurus struck a hole while the claimants were traveling on Old Pisgah Road in Princeton, Mercer County. The evidence established that respondent, at the least, had constructive notice of the hole that claimants' vehicle struck, and that the hole presented a hazard to the traveling public on Old Pisgah Road in Mercer County. Thus, the Court finds respondent negligent, and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$100.70

AMOUNT AWARDED: \$100.70

CC-06-056 PATSY TENPENNY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on May 26, 2005, claimant was traveling on Teays Valley Road in Scott Depot, Putnam County, when her vehicle struck a hole in the road damaging a tire; respondent agrees that the amount of \$68.92 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Teays Valley Road on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$68.92

AMOUNT AWARDED: \$68.92

CC-06-057 PATSY TENPENNY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2000 Saturn LS struck a hole while she was traveling on U.S. Route 33 near Scott Depot, Putnam County. Claimant's vehicle struck the hole sustaining damage to a rim and tire totaling \$228.09. The Court finds respondent negligent and claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$228.09

AMOUNT AWARDED: \$228.09

CC-07-024 SANDRA J. THAMES V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her vehicle struck a large hole while claimant was traveling east on I-70 in Ohio County. Respondent stipulates to damages in the amount of \$200.50. Thus, the Court finds that respondent is liable for the damages sustained to claimant's vehicle.

AMOUNT CLAIMED: \$200.50

AMOUNT AWARDED: \$200.50

CC-06-059 WILLIAM E. THAYER II V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2004 GMC Sonoma struck a hole while he was traveling on the I-64 eastbound entrance ramp in Cross Lanes, Kanawha County. Claimant's vehicle sustained damage to both passenger side tires totaling \$305.40. The Court finds respondent negligent and claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$305.40

AMOUNT AWARDED: \$305.40

CC-05-438 CHANDRA C. TONEY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on May 8, 2005, claimant was traveling on County Route 1 near Ashford, Boone County, when her vehicle struck a culvert in the road damaging two rims and two tires; as a result of this incident, claimant's vehicle sustained damage in the amount of \$980.18; claimant's insurance deductible was \$500.00; respondent agrees that the amount of \$500.00 for the damages is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of County Route 1 on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$980.18

AMOUNT AWARDED: \$500.00

CC-07-295 JESSICA TOWNSEND V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on September 10, 2007, claimant was traveling on Thorofare Road in Kanawha County, when claimant's 1998 Volkswagen Jetta struck a hole in the road; claimant and respondent agree that the amount of \$500.00 for the damages put forth by claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Thorofare Road on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$775.70

AMOUNT AWARDED: \$500.00

CC-03-269 TRUSTEES OF THE SAULSVILLE BAPTIST CHURCH V. DIVISION OF HIGHWAYS

Claimant trustees for the Saulsville Baptist Church (herein after referred to as claimant) allege damages occurred to their church as a result of respondent's failure to design and construct an adequate culvert system under Route 97. The position of the respondent is that it was not responsible for the flooding that occurred to claimant's property on July 8, 2001, in that there was a significant rainfall in southern West Virginia, overwhelming its drainage systems and causing flooding in several counties. The Court concludes that the flood was the result of the inadequate drainage system beneath Route 97 and that respondent had actual notice that there was a potential for a flood in the area as the result of an unusual rainfall. Thus, the Court finds respondent liable for the damages. The Court concludes the total loss to claimant is the amount of \$161,800.00 from which there is a deduction of \$80,000.00 (insurance proceeds mentioned herein above) for a loss to the claimant of \$81,800.00.

AMOUNT CLAIMED: \$161,800.00

AMOUNT AWARDED: \$81,800.00

CC-06-223 DONALD LEE UNDERWOOD AND VICKI LYNN UNDERWOOD V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1994 Suzuki Sidekick struck a hole while claimants' son was traveling on I-64 at Exit 45 in Putnam County. The driver testified that he was turning right at the end of the exit ramp at a speed of approximately twenty miles per hour when his vehicle struck a hole in the road. The turn was situated at a ninety degree angle. As a result of the impact, claimants' vehicle rolled over on its roof. The Court opines that respondent had at least constructive notice of the hole which claimants' vehicle struck, and that the hole presented a hazard to the traveling public. The Court further finds that the driver's inexperience maneuvering his lightweight vehicle, coupled with the fact that he was driving too fast for the road conditions, contributed to this incident. Thus, claimants may only recover for 49% of their damages.

AMOUNT CLAIMED: \$3,473.00

AMOUNT AWARDED: \$867.00

CC-07-172 JOHN WAGNER AND JEANINE WAGNER V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2003 Pontiac Grand Am GT struck a hole while claimant, Jeanine Wagner, was traveling on Route 88 in West Liberty. The Court opines that respondent had, at the least, constructive notice of the hole which claimants' vehicle struck, and that the hole presented a hazard to the traveling public. Thus, the Court finds respondent negligent, and claimants may make a recovery for the damage to their vehicle. Since claimants' insurance deductible is \$500.00, their recovery in this claim is limited to that amount.

AMOUNT CLAIMED: \$622.17

AMOUNT AWARDED: \$500.00

CC-05-351 JANET MARIE WALKER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on August 6, 2005, claimant was traveling on Route 60 in Kanawha County when her vehicle struck a hole in the road damaging the vehicle's struts; respondent agrees that the amount of \$272.76 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of the road on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$272.76

AMOUNT AWARDED: \$272.76

CC-06-098 EUGENE WILFONG AND DREAMA WILFONG V. DIVISION OF HIGHWAYS

The parties stipulated to the following: since May 2004, the property belonging to Eugene and Dreama Wilfong in Meadow Creek has flooded on at least three (3) occasions during heavy rains; respondent agrees that an award of \$4,000.00 would be a fair and reasonable amount to settle this claim. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of County Route 7 at or near Meadow Creek in Summers County on the date of this incident. Thus, claimants may make a recovery for their loss.

AMOUNT CLAIMED: \$4,000.00

AMOUNT AWARDED: \$4,000.00

CC-07-066 KIMBERLY WILSON V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on March 7, 2007, claimant's son was traveling on Route 119 near Falling Rock, Kanawha County, when the vehicle struck a hole in the road damaging a rim; respondent agrees that the amount of \$200.54 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 119 on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$200.54

AMOUNT AWARDED: \$200.54

CC-06-345 L. MARIE WOLFE V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on September 7, 2006, claimant was traveling on Mount Zion Road in Preston County, when her vehicle, a 2000 Volkswagen Jetta, struck a hole in the road damaging a tire and rim; respondent agrees that the amount of \$167.48 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Mount Zion Road on the date of this incident. Thus, claimant may make a recovery for her loss.

AMOUNT CLAIMED: \$167.48

AMOUNT AWARDED: \$167.48

CC-05-375 LORA J. WOOMER AND BOBBY WOOMER V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1996 Ford Mustang slid into a creek due to debris left on the road while Ms. Woomer was traveling about one mile off of State Route 2 on Big Seven Mile Creek Road in Cabell County. The evidence established that respondent was aware of the ongoing hazardous conditions on County Route 11 and had actual notice of the condition then and there existing. However, the Court finds that claimants' negligence equals thirty-five percent (35%) of their loss and the award was reduced accordingly.

AMOUNT CLAIMED: \$4,674.51

AMOUNT AWARDED: \$1,742.00

CC-06-391 SAMUEL ZAVATSKY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On December 3, 2006, claimant was traveling on Route 67 when his vehicle struck a hole in the road damaging his front and rear tires and rims. Respondent agrees that the amount of \$124.00 for the damages put forth by the claimant is fair and reasonable. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 67 on the date of this incident. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$880.21

AMOUNT AWARDED: \$124.00

CLAIMS AGAINST DIVISION OF MOTOR VEHICLES

CC-07-229 DONNE E. GRAZIANI V. DIVISION OF MOTOR VEHICLES

Claimant seeks \$228.50 for taxes that she was overcharged when she obtained a West Virginia license plate for her 1992 Toyota Camry on August 15, 2006. Claimant alleges that she should not have been charged for these taxes since the vehicle was purchased in West Virginia. In its Answer, respondent admits the validity of the claim in the sum of \$162.50, rather than in the amount of \$228.50. In claimant's reply to respondent's Answer, the claimant admits that the amount of taxes that she was overcharged on August 15, 2006 was in fact \$162.50. Thus, claimant may make a recovery in the amount of \$162.50.

AMOUNT CLAIMED: \$228.50

AMOUNT AWARDED: \$162.50

CC-07-251 LUCY RUTHERFORD V. DIVISION OF MOTOR VEHICLES

Claimant seeks to recover \$90.00 in towing expenses which she was charged when her grandson's 1989 Honda was improperly towed due to respondent's failure to update the renewal notice for the vehicle. In its Answer, respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid. Thus, claimant may make a recovery in the amount of \$90.00.

AMOUNT CLAIMED: \$90.00

AMOUNT AWARDED: \$90.00

CLAIM AGAINST INSURANCE COMMISSION

CC-06-301 MORRIS SQUARE ASSOCIATES, LP V. INSURANCE COMMISSION

Morris Square Associates, a West Virginia limited partnership, (hereinafter referred to as "Lessor") leased unto the State of West Virginia, by the Secretary of the Department of Administration, (hereinafter referred to as "Lessee") an office space located in a four story building known as "The Greenbrooke" in Charleston, Kanawha County. The Insurance Commission was the tenant of this office space (hereinafter referred to as "Tenant"). The lease, unlike other leases, did not expressly make the Lessee responsible for the cost of trash or garbage service. The Lessor paid the garbage services for the leased office space for the full ten years of the lease and did not bill the Lessee or the Tenant for that service during the ten year period of the lease. There were at least six amendments to the lease over the ten year term in which the Lessor had the opportunity to negotiate an amendment to the lease to include the cost of trash disposal as a responsibility of the Tenant and failed to do so. The Lessee and Tenant have offered to admit to the Lessor a claim in the sum of \$4,634.00 as a full settlement of all claims arising from the leasing agreements between the Lessor and the Lessee and Tenant.

AMOUNT CLAIMED: \$19,891.51

AMOUNT AWARDED: \$4,634.00

CLAIM AGAINST MARSHALL UNIVERSITY

CC-05-269 MANPOWER V. MARSHALL UNIVERSITY

Claimant seeks to recover for services rendered from January 12, 1997, through March 22, 1998, in the amount of \$50,316.07. Claimant alleges that respondent failed to reveal that temporary help services are a prevailing wage job. Pursuant to the parties' agreement, respondent states that claimant may recover \$20,000.00 based upon the finding of this Court in its previous decision in *Aramark Facility Services Inc. v. Concord University*, CC-04-436 (September 6, 2005). Accordingly, the Court is of the opinion to and does make an award to claimant in the amount of \$20,000.00.

AMOUNT CLAIMED: \$50,316.07

AMOUNT AWARDED: \$20,000.00

CLAIM AGAINST PUBLIC SERVICE COMMISSION

CC-08-011 POMEROY IT SOLUTIONS SALES COMPANY INC. V. PUBLIC SERVICE COMMISSION

Claimant seeks to recover \$373.30 for technological consulting services that it provided to respondent. In its Answer, respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds expired in that appropriate fiscal year from which the invoice could have been paid. Thus, the Court finds that claimant may recover for the services which it provided.

AMOUNT CLAIMED: \$373.30

AMOUNT AWARDED: \$373.30

CLAIMS AGAINST REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

CC-07-166 MEDHANIC C. BERHANC V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the Western Regional Jail in Cabell County, seeks \$83.44 for an item of personal property that was entrusted to respondent. In its Answer, respondent admits the validity of the claim and that the amount claimed is fair and reasonable. This Court has taken the position in prior claims that if a bailment situation has been created, respondent is responsible for property of an inmate which is taken from that inmate, remains in its custody, and is not produced for return to the inmate. Thus, claimant may make a recovery in the amount of \$83.44.

AMOUNT CLAIMED: \$83.44

AMOUNT AWARDED: \$83.44

CC-06-099 ANDY RYAN BOGGESS V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at South Central Regional Jail, which is respondent's facility, brought this claim to recover the value of certain personal property items that he alleges were lost by the respondent. The Court finds that respondent was responsible for securing claimant's property and failed to take the appropriate action to do so. Therefore, the Court holds that claimant is entitled to recover for his loss.

AMOUNT CLAIMED: \$900.00

AMOUNT AWARDED: \$625.39

CC-06-166 MICHAEL P. BURNS V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the North Central Regional Jail, seeks \$2,000 for items of personal property that he alleges were entrusted to respondent but which have not been returned to him. This Court has taken the position in prior claims that if a bailment situation has been created, respondent is responsible for property of an inmate which is taken from that inmate, remains in its custody, and is not produced for return to the inmate. The Court holds that respondent is liable for the loss to claimant's property.

AMOUNT CLAIMED: \$2,000.00

AMOUNT AWARDED: \$892.00

CC-07-317 DAVID JEFFREY EDWARDS V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant seeks to recover \$374.95 for prescription eyeglasses that respondent misplaced while claimant was in custody at the Southern Regional Jail. In its Answer, respondent admits the validity of this claim and further states that the amount claimed is fair and reasonable. Thus, the Court makes an award to claimant.

AMOUNT CLAIMED: \$374.95

AMOUNT AWARDED: \$374.95

CC-07-056 ROBERT ENGLAND V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant seeks \$120.00 for personal property that was not sent to him when he was transferred from the Potomac Highland Regional Jail to the Southern Regional Jail, both facilities of respondent. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. Thus, the Court finds that claimant may recover for his loss.

AMOUNT CLAIMED: \$120.00

AMOUNT AWARDED: \$120.00

CC-07-141 CHARLES W. HALL V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant Charles W. Hall, an inmate at the South Central Regional Jail in Kanawha County, seeks \$659.05 for items of personal property that were entrusted to respondent but which have not been returned to him. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. Accordingly, the Court finds that claimant is entitled to recover for his loss.

AMOUNT CLAIMED: \$659.05

AMOUNT AWARDED: \$659.05

CC-07-158 DAVID HUFFMAN V. REGIONAL JAIL AND CORRECTIONAL FACILITY
AUTHORITY

Claimant, an inmate at the South Central Regional Jail in Kanawha County, seeks \$31.31 for items of personal property that were entrusted to respondent but which have not been returned to him. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. Accordingly, the Court finds that claimant may recover for his loss.

AMOUNT CLAIMED: \$31.31

AMOUNT AWARDED: \$31.31

CC-05-437 BILLY E. HUGHES JR. V. REGIONAL JAIL AND CORRECTIONAL FACILITY
AUTHORITY

Claimant, an inmate at the Northern Regional Jail, seeks \$20.00 for items of personal property that he alleges were entrusted to respondent but which have not been returned to him. This Court has taken the position in prior claims that if a bailment situation has been created, respondent is responsible for property of an inmate which is taken from that inmate, remains in its custody, and is not produced for return to the inmate. The Court finds that claimant is entitled to recover for his loss.

AMOUNT CLAIMED: \$20.00

AMOUNT AWARDED: \$15.00

CC-07-191 STEPHEN HUTCHINS V. REGIONAL JAIL AND CORRECTIONAL FACILITY
AUTHORITY

Claimant, an inmate at Potomac Highlands Regional Jail in Hampshire County, seeks \$130.00 for items of personal property that were entrusted to respondent but which have not been returned to him. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. Accordingly, the Court finds that claimant may recover for his loss.

AMOUNT CLAIMED: \$130.00

AMOUNT AWARDED: \$130.00

CC-06-150 KEITH WESLEY JOHNSON V. REGIONAL JAIL AND CORRECTIONAL
FACILITY AUTHORITY

Claimant seeks \$179.00 for an item of personal property that was entrusted to respondent but which has not been returned to him. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. Thus, the Court finds that claimant may recover for his loss.

AMOUNT CLAIMED: \$179.00

AMOUNT AWARDED: \$179.00

CC-07-344 DAYTON S. LISTER V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the Potomac Highlands Regional Jail in Augusta, seeks \$20.06 for items of personal property that was entrusted to respondent but which have not been returned to him. Respondent admits the validity of the claim as well as the amount. Thus, the Court finds that claimant may recover for his loss.

AMOUNT CLAIMED: \$20.06

AMOUNT AWARDED: \$20.06

CC-06-205 JEREMIAH DAVID MONGOLD V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the Potomac Highlands Regional Jail, a facility of the respondent, brought this claim to recover the value of certain personal property items that he alleges were lost by the respondent. The Court finds that respondent was responsible for claimant's property and failed to take the appropriate action to do so. Therefore, the Court is of the opinion to make an award to the claimant.

AMOUNT CLAIMED: \$20.69

AMOUNT AWARDED: \$20.69

CC-06-383 RANSOM PARRIS V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the South Central Regional Jail, seeks \$3,465.00 for items of personal property that he alleges were entrusted to respondent but which have not been returned to him. The Court finds that claimant is entitled to recover for his loss.

AMOUNT CLAIMED: \$3,465.00

AMOUNT AWARDED: \$604.00

CC-05-135 DONNA J. SNYDER V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, who was housed at the Northern Regional Jail in Moundsville, Marshall County, seeks \$1,200.00 for items of personal property that were entrusted to respondent. In its Answer, respondent admits the validity of the claim in the sum of \$383.28, rather than the amount of \$1,200.00. This Court has taken the position in prior claims that if a bailment situation has been created, respondent is responsible for property of an inmate which is taken from that inmate, remains in its custody, and is not produced for return to the inmate. Since the homeowner's insurance policy indicates that the claimant had a \$500.00 deductible, her recovery is limited to that amount.

AMOUNT CLAIMED: \$1,200.00

AMOUNT AWARDED: \$500.00

CC-07-262 STEPHEN F. TLUMACH V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the South Central Regional Jail in Kanawha County, seeks \$6.66 for items of personal property that were entrusted to respondent. In its Answer, respondent admits the validity of the claim as well as the amount. In view of the foregoing, the Court finds that claimant may recover for his loss.

AMOUNT CLAIMED: \$6.66

AMOUNT AWARDED: \$6.66

CC-07-125 STEPHEN VALKOS V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the Potomac Highlands Regional Jail in Hampshire County, seeks \$56.95 for items of personal property that were entrusted to respondent but which have not been returned to him. In its Answer, respondent admits the validity of the claim as well as the amount. Thus, the Court finds that claimant may recover for his loss.

AMOUNT CLAIMED: \$56.95

AMOUNT AWARDED: \$56.95

CLAIM AGAINST W.VA. STATE POLICE

CC-07-343 JAMES W. DICKENS V. STATE POLICE

Claimant seeks to recover \$2,475.00 for the cost of his 1994 Ford F150 truck which he entrusted to respondent in the course of a police investigation, but which was subsequently burned by an alleged perpetrator. In its Answer, respondent admits liability in the amount of \$2,475.00, which is the fair market value for claimant's property.

AMOUNT CLAIMED: \$2,475.00

AMOUNT AWARDED: \$2,475.00

CLAIM AGAINST WEST VIRGINIA UNIVERSITY

CC-04-963 AMERICAN VENDING COMPANY INC. V. WEST VIRGINIA UNIVERSITY

Claimant brought this action alleging that WVU failed to compensate it for depreciation upon equipment and appurtenances provided to WVU during several contracts wherein claimant was the concessionaire for the athletic venues at the University. Claimant also alleged various other breaches of its 1996 contract. The Court determined that claimant was entitled to depreciation upon equipment and appurtenances it built for WVU or installed since there were on-going discussions about the depreciation schedule for the contract to be entered into for four years beginning with the 2000 FY which contract did not materialize. Rather WVU allowed the 1996 contract to terminate in accordance with the terms of the contract which action was not anticipated by claimant. The new contract was in the negotiation stage for several months before claimant was informed that it would not receive the contract.

The Court determined that WVU wrongfully misled claimant which had made preparations for the upcoming athletic season for football. Thus, the Court made a partial award for the costs associated with these preparations.

The Court based its award for depreciation upon an exhibit prepared by claimant's expert economist but limited the number of months for depreciation to 240 months since the parties were negotiating a depreciation schedule based upon twenty to twenty-five years.

The Court denied claimant a recovery of interest upon the award since the contract did not specify interest except for late payments on invoices due from WVU which was not a part of this claim since it was not alleged by claimant. In accordance with specific statutory direction, this Court may make an award for interest only where the contract between the parties so provides.

The Court also denied any recovery for loss of profits and overhead since these are speculative calculations not accepted by this Court in contract claims.

Accordingly, the Court calculated the amounts due claimant on various items of the claim and depreciation to determine the award granted to the claimant.

AMOUNT CLAIMED: \$1,250,432.50

AMOUNT AWARDED: \$529,087.48