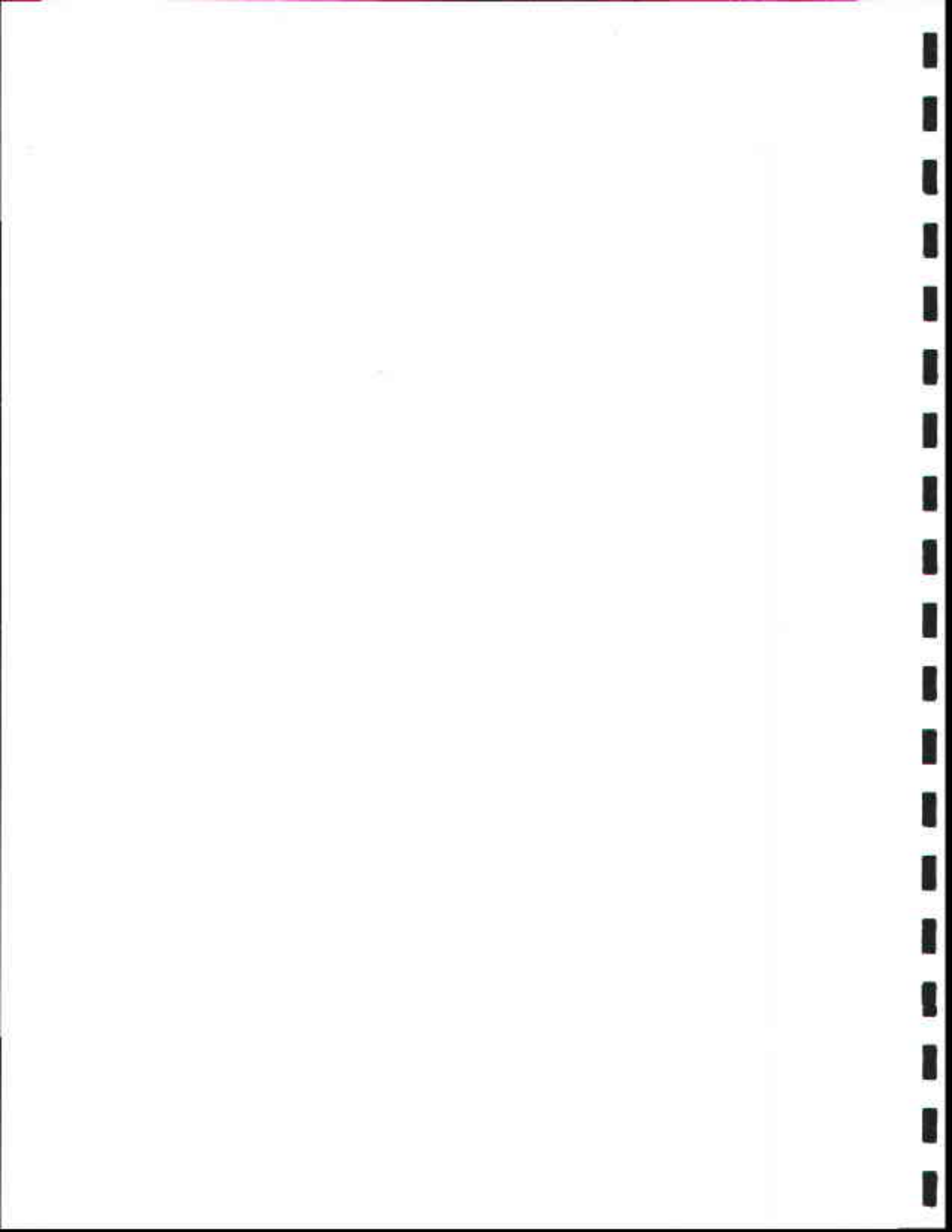


Court of Claims

ANNUAL REPORT

2009

Cheryle M. Hall
Clerk of the Court



2009

Annual Report

of the

West Virginia Court of Claims

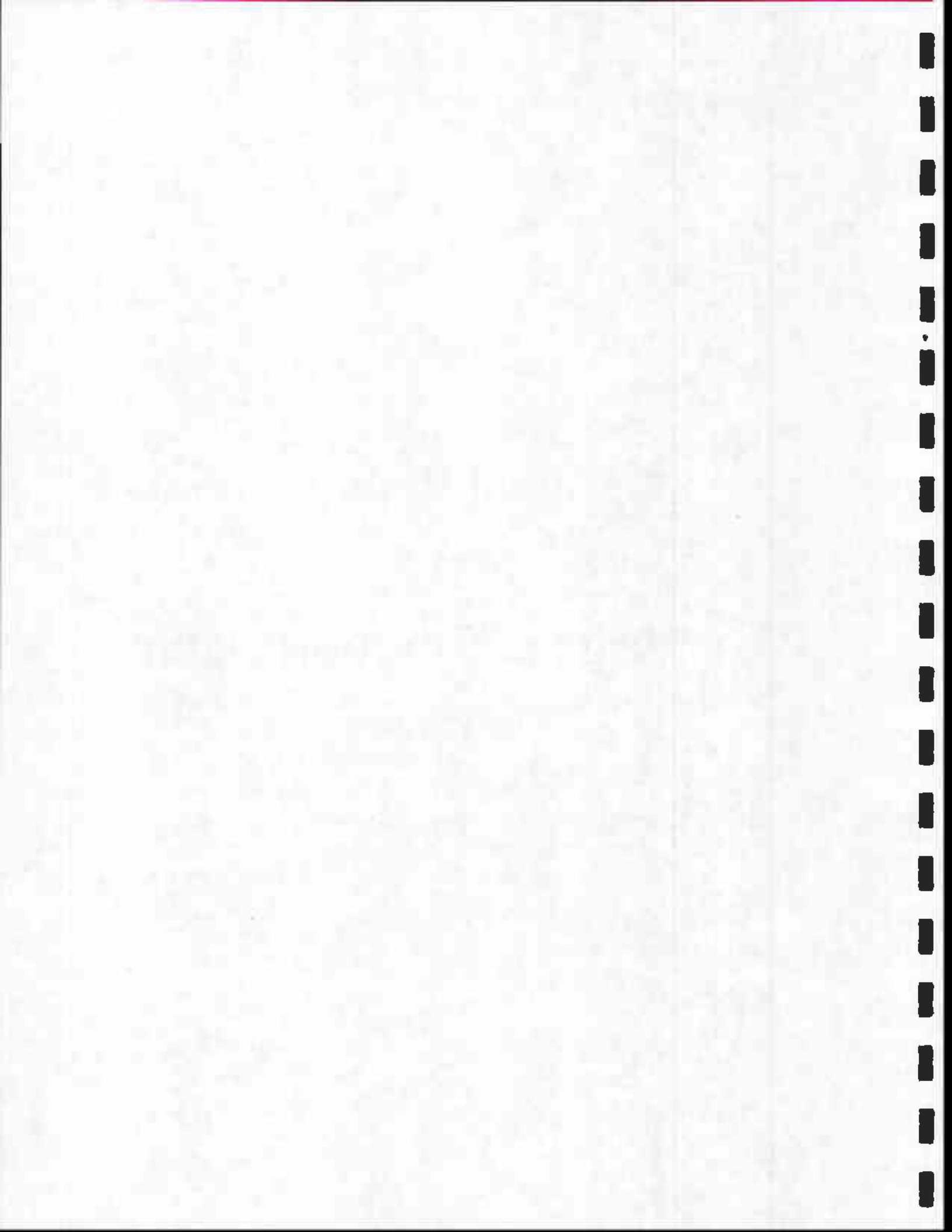
Judges of the Court

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

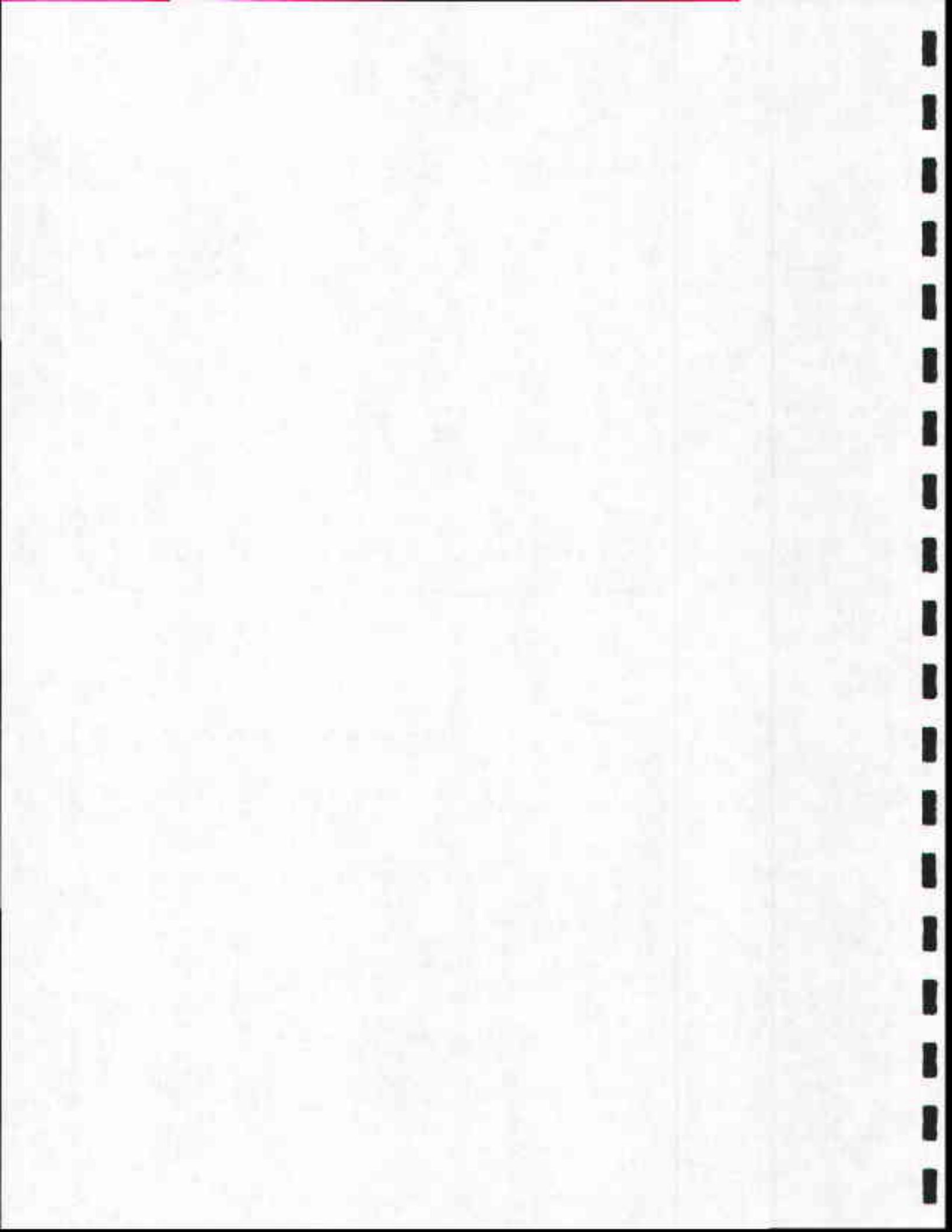
*Honorable Members of the
West Virginia State Legislature*

*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
2008.*

Respectfully submitted,

Cheryle M. Hall

*Cheryle M. Hall,
Clerk*



2009

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

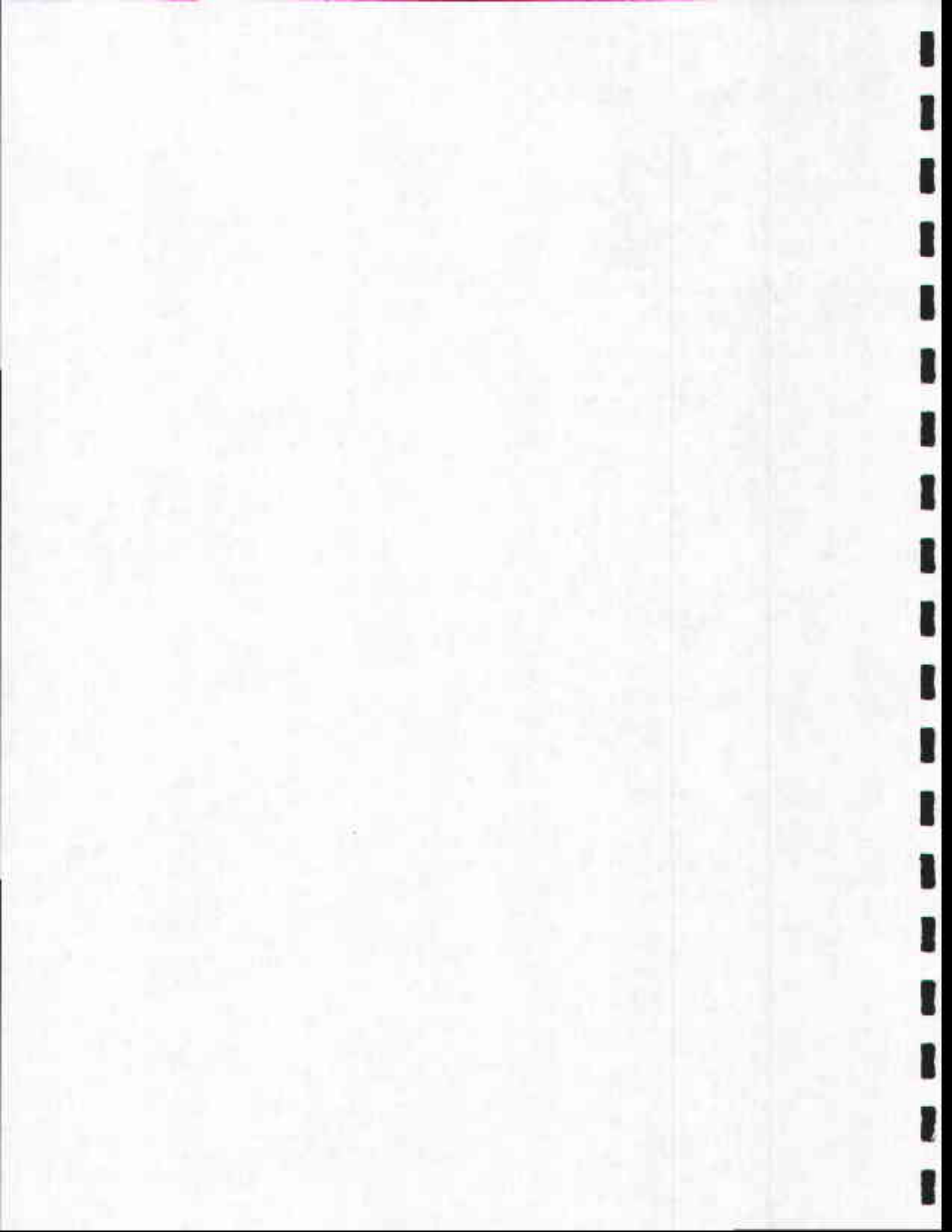
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SUMMARY OF FUNDS FOR CLAIMS BILLS

REGULAR CLAIMS BILL

GENERAL REVENUE FUNDS - \$ 52,662.00

SPECIAL REVENUE FUNDS - \$ 228,104.69

STATE ROAD FUND - \$ 508,745.28

OVEREXPENDITURE CLAIMS BILL

GENERAL REVENUE FUNDS - \$ 75,589.73

SPECIAL REVENUE FUNDS - \$ 30,584.00

Claims Presented to the 2009 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
06-0359	Fort Henry Realty Inc. d/b/a Advanced Communications Co.	Department of Administration	13,266.78	13,266.78	8/4/2008
08-0414	Infoprint Solutions Company	Department of Administration	187,763.14	187,763.14	12/12/2008
08-0279	Groundworks Reclamation Inc.	Department of Environmental Protection	12,000.00	12,000.00	10/6/2008
08-0329	Laboratory Corporation of America Holdings	Department of Health and Human Resources	34,043.38	34,043.38	10/6/2008
08-0355	Federal Deposit Insurance Corporation	Division of Banking	551.24	551.24	10/6/2008
08-0298	Automotive Rentals Inc.	Division of Corrections	949.95	949.95	10/6/2008
08-0455	Crider, John Earl Jr.	Division of Corrections	611.22	611.22	2/11/2009
08-0046	Kittle, Timothy J.	Division of Corrections	48.92	48.92	3/18/2008
08-0351	Verizon	Division of Corrections	3,705.75	3,705.75	10/6/2008
08-0246	Yanko, Curtis	Division of Corrections	36.00	36.00	8/4/2008
08-0104	Affolter, Rita	Division of Highways	193.30	115.98	10/6/2008
08-0103	Affolter, Rita	Division of Highways	174.90	157.41	10/6/2008
07-0080	Andrews, James O.	Division of Highways	451.55	451.55	5/9/2008
07-0219	Angelucci, Mark and Kathy S.	Division of Highways	308.00	250.00	2/20/2009

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
07-0137	Ashcraft, Alicia and Bobby Gutierrez II	Division of Highways	634.52	475.89	2/20/2009
08-0062	Atkins, Norvell Ray Sr.	Division of Highways	418.58	418.58	2/11/2009
08-0214	Badzek, Betty R.	Division of Highways	500.00	450.00	1/20/2009
08-0085	Baker, Melissa M. and Daniel J. Jr.	Division of Highways	872.78	872.78	11/19/2008
07-0257	Beegle, Shawn R.	Division of Highways	677.83	677.83	5/28/2008
08-0206	Berdine, Denise	Division of Highways	2,841.15	2,272.92	12/12/2008
08-0201	Bishop, Charles Jr.	Division of Highways	71.88	71.88	1/20/2009
06-0272	Brown, Hazel C.	Division of Highways	615.36	250.00	5/28/2008
07-0324	Brown, Wayne	Division of Highways	874.13	874.13	10/6/2008
08-0196	Caldwell, Eric W.	Division of Highways	160.85	160.85	1/20/2009
08-0149	Capp, Ernest W.	Division of Highways	1,031.31	500.00	12/12/2008
08-0276	Carey, Richard L.	Division of Highways	362.00	362.00	12/12/2008
08-0223	Carte, Daisy Mae and Harold Larry Jr.	Division of Highways	1,957.80	1,100.00	2/11/2009
08-0074	Christey, Amberlee and Karen Hinkle	Division of Highways	278.55	278.55	10/6/2008
06-0296	Conn, Gobel Lee	Division of Highways	1,954.18	200.00	10/6/2008
07-0315	Cook, Russell G. and Rebecca G.	Division of Highways	360.68	250.00	5/28/2008
08-0191	Copley, Sarah M.	Division of Highways	1,293.67	500.00	12/12/2008

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
06-0031	Crago, William J.	Division of Highways	424.43	381.99	5/28/2008
05-0264	CSX Transportation Inc.	Division of Highways	911,978.64	303,992.88	2/20/2009
06-0284	Cutlip, Jessie L. and Charles E.	Division of Highways	565.87	500.00	12/29/2008
04-0360	Davis, Mildred	Division of Highways	20,000.00	12,000.00	2/11/2009
08-0114	Donahue, Jason	Division of Highways	342.42	342.42	12/12/2008
07-0121	Downey, Martin Edward	Division of Highways	506.71	390.74	5/28/2008
07-0314	Estep, Danny Lee	Division of Highways	660.64	500.00	10/6/2008
08-0286	Evano, Joseph C. and Patricia Ann	Division of Highways	1,547.03	960.47	1/20/2009
06-0289	Evans, Christopher	Division of Highways	2,236.05	500.00	10/6/2008
07-0233	Fisher, Deborah	Division of Highways	504.77	500.00	5/9/2008
07-0384	Ford, Harold E. Jr.	Division of Highways	409.07	250.00	5/9/2008
08-0007	Ford, Larry D.	Division of Highways	1,087.13	1,000.00	5/9/2008
06-0091	Fortney, Brenda A.	Division of Highways	20,000.00	2,015.58	2/11/2009
07-0096	Gaskins, Carrie L. and Jeffrey Paul	Division of Highways	328.68	328.68	2/11/2009
08-0057	George, Kelly D.	Division of Highways	73.14	65.83	2/20/2009
07-0323	Godwin, Lisa	Division of Highways	428.78	428.78	8/4/2008
07-0382	Golash, David F. and Debra M.	Division of Highways	1,723.92	1,000.00	2/20/2009

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
08-0301	Gooch, Damon K. and Angela H.	Division of Highways	8,553.51	6,842.81	2/20/2009
07-0304	Haid, John and Amber	Division of Highways	498.91	498.91	2/20/2009
03-0563	Hall, Sandra L., Personal Representative of the Estate of Jamie Hall	Division of Highways	1,000,000.00	40,000.00	11/19/2008
08-0069	Handley, E. Ralph	Division of Highways	2,828.00	300.00	10/6/2008
08-0099	Hansen, David Karl	Division of Highways	546.71	546.71	12/12/2008
08-0244	Harman, Jennifer and Vickye Galford	Division of Highways	934.77	934.77	12/12/2008
07-0282	Harris, Elvis D.	Division of Highways	425.00	425.00	2/11/2009
08-0332	Hirt, Bryan	Division of Highways	408.52	408.52	1/20/2009
07-0212	Hoffman, Leah M.	Division of Highways	247.36	247.36	5/28/2008
08-0162	Housman, Jack K.	Division of Highways	1,140.86	500.00	12/12/2008
07-0380	Hoy, Todd and Autumn L.	Division of Highways	169.70	169.70	2/20/2009
08-0138	Johnson, Carmen	Division of Highways	344.95	344.95	12/12/2008
08-0049	Lambert, Roger L. and Katherine V.	Division of Highways	326.14	326.14	10/6/2008
08-0316	Lancaster, Cecil E.	Division of Highways	250.00	250.00	12/12/2008
08-0035	Langille, Frederick C. Jr.	Division of Highways	265.70	246.49	2/20/2009
07-0139	Legg, Patricia J.	Division of Highways	60.04	60.04	5/28/2008
06-0342	Lester, Priscilla, Administratrix of the Estate of Stanley Lester	Division of Highways	unliquidated	85,000.00	3/2/2009

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
06-0254	Levinson, Lynn	Division of Highways	1,100.00	500.00	10/6/2008
07-0167	Linger, David	Division of Highways	1,696.00	1,696.00	2/11/2009
08-0064	MacEwan, Brenda Lee	Division of Highways	367.20	367.20	1/20/2009
08-0110	Maston, Kenneth R.	Division of Highways	120.17	120.17	8/4/2008
08-0125	Maynor, Christopher and Anna L.	Division of Highways	261.87	261.87	8/4/2008
08-0019	McCallister, Doris	Division of Highways	259.70	259.70	5/9/2008
07-0179	McCarty, Jeremy W. & Janice L.	Division of Highways	1,299.90	909.93	2/20/2009
08-0354	McClung, Delmas F. and Waltraud	Division of Highways	272.65	272.65	12/29/2008
07-0365	McCumbers, Sherry A.	Division of Highways	78.64	78.64	3/4/2008
07-0231	Meadows, Bradley T.	Division of Highways	138.00	138.00	5/28/2008
08-0171	Miller, Alan J. and Debra A.	Division of Highways	793.66	500.00	12/12/2008
06-0247	Mills, James and Sharon	Division of Highways	5,582.97	5,582.97	2/11/2009
07-0194	Minor, Carol Lynn and Randy Lee	Division of Highways	3,000.46	2,100.33	5/28/2008
06-0047	Mohr, Raymond E.	Division of Highways	259.99	250.00	12/29/2008
08-0203	Mongold, Becky L.	Division of Highways	1,553.34	250.00	12/12/2008
08-0260	Moore, Lawrence R. and Rosemary Kinder	Division of Highways	265.51	265.51	12/12/2008
07-0171	Mullens, Mary E.	Division of Highways	283.44	226.76	12/29/2008

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
07-0336	Mullins, Melissa J.	Division of Highways	134.85	134.85	5/9/2008
08-0232	Nath, Joginder	Division of Highways	76.27	76.27	12/12/2008
07-0104	Orsborn, Bruce L. Jr.	Division of Highways	589.42	442.07	2/20/2009
08-0154	Pelcovic, Amy	Division of Highways	388.77	311.02	12/12/2008
08-0180	Phillips, Janet E. and Dusty	Division of Highways	362.09	362.09	12/12/2008
08-0068	Pill, Roger B.	Division of Highways	1,160.53	500.00	2/20/2009
08-0271	Powell, Paula J.	Division of Highways	767.64	500.00	2/11/2009
08-0281	Reed, Katie Bennett	Division of Highways	519.99	450.00	2/20/2009
07-0281	Roush, Georgia	Division of Highways	5,505.52	4,500.00	11/19/2008
08-0137	Roush, Matthew G. and Leesha M.	Division of Highways	425.12	380.17	1/20/2009
07-0267	Samples, Emmogene and Robert	Division of Highways	185.29	185.29	8/4/2008
07-0377	Sandreth, Elmer and Rebecca	Division of Highways	933.61	466.80	5/28/2008
08-0084	Serian, Joseph	Division of Highways	90.10	90.10	2/20/2009
07-0280	Shuman, Robert D., dba Premier Body Works	Division of Highways	3,165.00	3,165.00	2/11/2009
08-0028	Sikula, Andrew Sr. and Judith	Division of Highways	3,372.42	1,000.00	2/11/2009
08-0142	Sisk, Penny	Division of Highways	793.51	793.51	2/11/2009
08-0249	Skalican, Joseph	Division of Highways	275.55	200.00	12/12/2008

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
08-0250	Skailcan, Joseph	Division of Highways	277.67	200.00	12/12/2008
08-0116	Skidgel, Thomas L.	Division of Highways	917.15	733.72	1/20/2009
07-0189	Smith, V. Christine and Ray A.	Division of Highways	166.42	166.42	5/28/2008
06-0186	Spitz, Alan J.	Division of Highways	421.37	250.00	10/6/2008
07-0147	Starks, Frank L.	Division of Highways	363.46	100.00	2/20/2009
07-0297	Stewart, Rebecca and Robert D.	Division of Highways	385.20	327.42	11/19/2008
07-0239	Sydnor, Richard W.	Division of Highways	1,253.95	1,253.95	5/28/2008
08-0001	Thomas, Jabbar K.	Division of Highways	2,004.15	1,000.00	5/28/2008
04-0951	Tickle, Larry A. and Sharon Marie	Division of Highways	292.95	200.00	10/6/2008
08-0363	Tolpa, Shawna Rae and Edward R. Jr.	Division of Highways	210.60	100.00	1/20/2009
08-0097	Twigg, Theresa M.	Division of Highways	169.43	169.43	12/12/2008
08-0172	Vanness, Roberta	Division of Highways	78.03	78.03	12/12/2008
08-0105	Warfield, Dawn E. and Thomas M. Knight	Division of Highways	250.00	250.00	8/4/2008
07-0203	Waskevich, William J. and Jessica	Division of Highways	169.00	169.00	5/28/2008
07-0269	Weikle, Angela R.	Division of Highways	837.84	837.84	5/9/2008
08-0050	Wilcox, Kimberly Ann	Division of Highways	714.71	714.71	8/4/2008
08-0187	Williams, David Josh	Division of Highways	1,183.37	1,183.37	11/19/2008

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
07-0378	Withrow, Carl W. II	Division of Highways	61.37	61.37	5/9/2008
08-0075	Womack, Brandy	Division of Highways	2,374.69	500.00	8/4/2008
08-0221	Hayworth, Brenda F.	Division of Motor Vehicles	164.00	164.00	12/29/2008
08-0463	Dangerfield, Debra A.	Division of Personnel	600.00	600.00	2/19/2009
08-0511	Cambridge Center LLC	Division of Tourism	8,013.05	7,638.08	2/19/2009
08-0514	Cambridge Center LLC	Division of Tourism	5,930.83	4,834.34	2/19/2009
08-0472	Konica Minolta Business Solutions	Insurance Commission	13,885.21	4,042.12	2/19/2009
08-0021	Koutsunis, Sandra, dba AAA Court Reporting	Insurance Commission	237.20	237.20	3/18/2008
07-0234	Ellis, David J.	Public Service Commission	2,250.00	2,250.00	10/8/2008
08-0367	Freeman, William Carl	Public Service Commission	39.96	39.96	10/6/2008
08-0475	Pomeroy IT Solutions Sales Company Inc.	Public Service Commission	1,224.53	1,224.53	2/11/2009
08-0530	Pomeroy IT Solutions Sales Company Inc.	Public Service Commission	415.30	415.30	2/11/2009
08-0523	Royal Automotive Company	Public Service Commission	3,533.58	3,533.58	2/11/2009
09-0002	Weimer, James C.	Public Service Commission	145.39	145.39	2/19/2009
08-0230	Adams, Marvin D.	Regional Jail and Correctional Facility Authorit	277.00	150.00	2/11/2009
08-0361	Heid, Mark A.	Regional Jail and Correctional Facility Authorit	1,061.00	1,035.00	11/19/2008

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
09-0020	Navarrete-Ortiz, Jaime	Regional Jail and Correctional Facility Authorit	1,200.00	1,200.00	3/2/2009
08-0474	Twyman, Paul	Regional Jail and Correctional Facility Authorit	190.00	190.00	2/11/2009
06-0144	Webster, Josh	Regional Jail and Correctional Facility Authorit	183.52	100.00	5/28/2008
08-0399	Pomeroy IT Solutions Sales Company Inc.	State Fire Commission	154.81	154.81	10/6/2008

\$2,336,552.77	\$789,511.97
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**Over-Expenditure Claims
Presented to the 2009 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 08-0425	Camden-Clark Memorial Hospital	medical services rendered to inmate(s)	4,372.43	12/29/2008
CC 07-0341	Monongalia General Hospital	medical services rendered to inmate(s)	477.60	2/19/2009
CC 08-0318	Montgomery General Hospital	medical services rendered to inmate(s)	9,551.23	10/6/2008
CC 08-0280	Montgomery General Hospital	medical services rendered to inmate(s)	9,808.96	8/4/2008
CC 08-0311	Montgomery Medcorp	medical services rendered to inmate(s)	3,598.00	2/11/2009
CC 08-0234	West Virginia University Hospitals Inc.	medical services rendered to inmate(s)	40,247.49	8/4/2008
CC 08-0339	WVU Medical Corp. dba University Health Associates	medical services rendered to inmate(s)	2,507.00	10/6/2008
CC 08-0340	WVU Physicians of Charleston	medical services rendered to inmate(s)	5,027.00	10/6/2008
Agency total:			\$75,589.73	

Claims Against the Division of Natural Resources

<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 09-0061	Scott, Harry Lee dba H & J Superette	reimbursement for hunting/fishing licenses	30,584.00	3/5/2009
Agency total:			\$30,584.00	
Grand total:			\$106,173.73	

Disallowed Claims Presented to the 2009 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
07-0243	Jenkins, Caren	Department of Health and Human Resources/	522.76	Disallowed	5/28/2008
08-0318	Montgomery General Hospital	Division of Corrections	9,551.23	Disallowed	10/6/2008
08-0339	WVU Medical Corporation dba University Health Associates	Division of Corrections	2,507.00	Disallowed	10/6/2008
08-0340	WVU Physicians of Charleston	Division of Corrections	5,027.00	Disallowed	10/6/2007
08-0366	Bober, Charles John Jr., and Suzanne	Division of Highways	230.19	Disallowed	1/20/2009
08-0144	Burton, Kathy	Division of Highways	114.86	Disallowed	3/6/2009
08-0285	Cutlip, Jessie L. and Charles E.	Division of Highways	680.00	Disallowed	12/29/2009
07-0223	Dunsmore, Kristi	Division of Highways	50.00	Disallowed	10/6/2008
08-0195	Igo, Michelle and David J.	Division of Highways	134.99	Disallowed	12/12/2008
06-0111	Jack, David L. Sr., Personal Representative of the Estate of David L. Jack Jr., deceased	Division of Highways	5,653,809.00	Disallowed	2/20/2009
06-0270	Jarvis, Tama and Larry	Division of Highways	435.16	Disallowed	3/6/2009
07-0260	Johnston, Ronald L.	Division of Highways	1,106.00	Disallowed	10/6/2008
08-0111	Lucas, Dawn Marie and Timothy James	Division of Highways	5,255.30	Disallowed	2/11/2009
05-0056	May, Dallas Jr.	Division of Highways	200,000.00	Disallowed	3/18/2008

Disallowed Claims Presented to the 2009 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
07-0243	Jenkins, Caren	Department of Health and Human Resources/	522.76	Disallowed	5/28/2008
08-0318	Montgomery General Hospital	Division of Corrections	9,551.23	Disallowed	10/6/2008
08-0339	WVU Medical Corporation dba University Health Associates	Division of Corrections	2,507.00	Disallowed	10/6/2008
08-0340	WVU Physicians of Charleston	Division of Corrections	5,027.00	Disallowed	10/6/2007
08-0366	Bober, Charles John Jr., and Suzanne	Division of Highways	230.19	Disallowed	1/20/2009
08-0144	Burton, Kathy	Division of Highways	114.86	Disallowed	3/6/2009
08-0285	Cutlip, Jessie L. and Charles E.	Division of Highways	680.00	Disallowed	12/29/2009
07-0223	Dunsmore, Kristi	Division of Highways	50.00	Disallowed	10/6/2008
08-0195	Igo, Michelle and David J.	Division of Highways	134.99	Disallowed	12/12/2008
06-0111	Jack, David L. Sr., Personal Representative of the Estate of David L. Jack Jr., deceased	Division of Highways	5,653,809.00	Disallowed	2/20/2009
06-0270	Jarvis, Tama and Larry	Division of Highways	435.16	Disallowed	3/6/2009
07-0260	Johnston, Ronald L.	Division of Highways	1,106.00	Disallowed	10/6/2008
08-0111	Lucas, Dawn Marie and Timothy James	Division of Highways	5,255.30	Disallowed	2/11/2009
05-0056	May, Dallas Jr.	Division of Highways	200,000.00	Disallowed	3/18/2008

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
04-0110	Meddings, Melissa G.	Division of Highways	19,000.00	Disallowed	10/6/2008
01-0386	Miller, Kimberly A. and Bobby Jr.	Division of Highways	25,000.00	Disallowed	3/18/2008
08-0043	Morris, Fred P.	Division of Highways	538.63	Disallowed	10/6/2008
07-0086	Mowery, John B. Jr.	Division of Highways	210.94	Disallowed	12/12/2008
07-0087	Mowery, John B. Jr.	Division of Highways	264.69	Disallowed	12/12/2008
06-0385	Myles, Robert L.	Division of Highways	49.98	Disallowed	10/6/2008
08-0020	Pavel, Shawn	Division of Highways	852.81	Disallowed	5/28/2008
06-0102	Polino Contracting Inc.	Division of Highways	114,123.97	Disallowed	2/11/2009
07-0372	Stewart, Kimberly A. and Richard Paul	Division of Highways	3,497.80	Disallowed	5/28/2008
07-0274	The Veiotta Company	Division of Highways	137,165.25	Disallowed	2/11/2009
08-0004	Wheeler, Mary L.	Division of Highways	315.09	Disallowed	10/6/2008
08-0141	Williams, Sherry	Division of Highways	497.46	Disallowed	10/6/2008
08-0207	Young, Mildred Carlotta	Division of Highways	676.46	Disallowed	10/6/2008
07-0220	Little, James D.	State Auditor	550.12	Disallowed	3/18/2008

\$6,182,166.69

COURT OF CLAIMS

ABSTRACTS OF CLAIMS AWARDED

CLAIMS AGAINST DEPARTMENT OF ADMINISTRATION

CC-06-0359 FORT HENRY REALTY INC. d/b/a ADVANCED COMMUNICATIONS CO. V. DEPARTMENT OF ADMINISTRATION

The parties stipulated to the following: On August 25, 2006, claimant and respondent, through its Purchasing Division, created a purchase order to install a Digital/IP Hybrid Telephone System for the West Virginia Veterans Nursing Home in Clarksburg. On September 13, 2006, respondent's Purchasing Division issued a Cease and Desist Order. On November 1, 2006, respondent's Purchasing Division cancelled the Purchasing Order. In preparing to perform the work required in the Purchasing Order, claimant did, in good faith and reliance, reasonably incur expenses in the amount of \$13,266.78. The Court finds that this amount is fair and reasonable.

AMOUNT CLAIMED: \$13,266.78

AMOUNT AWARDED: \$13,266.78

CC-08-0414 INFOPRINT SOLUTIONS COMPANY V. DEPARTMENT OF ADMINISTRATION

The parties stipulated to the following: Via Purchase Order No. ISC 76067 entered into with the Office of Technology, formerly Department of Administration IS&C, IBM was to provide, among other things, printer hardware maintenance services to the State of West Virginia. In June of 2007, IBM and Ricoh Systems formed a joint venture under which the former IBM Printer Division was transferred to InfoPrint Solutions Company. When invoicing for printer hardware maintenance began on June 2007, InfoPrint Solutions Company was not a current State of West Virginia vendor, nor did it have a valid contract against which to pay. Consequently, the Office of Technology was unable to pay the maintenance invoices. The outstanding invoices which the Office of Technology has been unable to pay total \$187,763.14. The Court has reviewed the facts of the claim and finds that the amount agreed to by the parties is fair and reasonable and that there is a moral obligation on the part of respondent to pay this claim.

AMOUNT CLAIMED: \$187,763.14

AMOUNT AWARDED: \$187,763.14

CLAIM AGAINST DEPARTMENT OF ENVIRONMENTAL PROTECTION

CC-08-0279 GROUNDWORKS RECLAMATION INC. V. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Claimant seeks to recover \$12,000.00 in expenses that it incurred in completing DEP No. 12620 Project for respondent in Craigsville. When claimant had completed the majority of the ground channels for the project, the channels needed to be redirected, and in some cases, redesigned to accommodate the water flow in the area. The cost in reconstructing the ground channels exceeded the amount that was allocated to perform the project. In its Answer, respondent admits the validity of the claim as well as the amount and states that the amount set forth by the claimant is fair and reasonable.

AMOUNT CLAIMED: \$12,000.00

AMOUNT AWARDED: \$12,000.00

CLAIM AGAINST DEPARTMENT OF HEALTH AND HUMAN RESOURCES

CC-08-0329 LABORATORY CORPORATION OF AMERICA HOLDINGS V. DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Claimant seeks to recover \$34,043.38 for the cost of laboratory services that were provided to individuals at William R. Sharpe Jr. Hospital. Since there was no formal contract in place between claimant and William R. Sharpe Jr. Hospital, the State Auditor's Office did not approve the invoices for payment. 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.

AMOUNT CLAIMED: \$34,043.38

AMOUNT AWARDED: \$34,043.38

CLAIM AGAINST DIVISION OF BANKING

CC-08-0355 FEDERAL DEPOSIT INSURANCE CORPORATION V. DIVISION OF BANKING

Claimant seeks to recover lodging expenses in the amount of \$551.24 for a State employee who stayed at the Federal Deposit Insurance Corporation (FDIC) Student Residence Center in Arlington, Virginia from October 23, 2006, through October 27, 2006. 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: \$551.24

AMOUNT AWARDED: \$551.24

CLAIMS AGAINST DIVISION OF CORRECTIONS

CC-08-0298 AUTOMOTIVE RENTALS INC. V. DIVISION OF CORRECTIONS

Claimant seeks payment in the amount of \$949.95 for services that it provided to respondent for the maintenance and repair of a vehicle. In its Answer, Respondent admits the validity of the claim and further states that although sufficient funds to pay the claim had expired during the 2007 fiscal year, the bill was not invoiced until April 30, 2008.

AMOUNT CLAIMED: \$949.95

AMOUNT AWARDED: \$949.95

CC-08-0455 JOHN EARL CRIDER JR. V. DIVISION OF CORRECTIONS

Claimant seeks to recover \$611.22 from respondent in work-related travel expenses. In its Answer, respondent admits the validity of the claim as well as the amount, and states that there were sufficient funds appropriated during the fiscal year in question from which the travel expenses could have been paid.

AMOUNT CLAIMED: \$611.22

AMOUNT AWARDED: \$611.22

CC-08-0046 TIMOTHY J. KITTLE V. DIVISION OF CORRECTIONS

Claimant seeks to recover wages in the amount of \$48.92 which he was underpaid during the February 28, 2007, pay period, and for the January 31, 2007, pay period. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. The respondent further states that sufficient funds to pay the claim were appropriated for its budget during the subject fiscal year, but payment was not made due to a clerical error.

AMOUNT CLAIMED: \$48.92

AMOUNT AWARDED: \$48.92

CC-08-0351 VERIZON V. DIVISION OF CORRECTIONS

Claimant seeks to recover in the amount of \$3,705.75 for services that it provided to respondent for which it has not been paid. Claimant installed a secondary rate demarcation point at Lakin Correctional Center, and due to an oversight on the part of respondent, the invoice was not paid within the State's fiscal year guidelines. In its Answer, respondent admits the validity of the claim as well as the amount, and states that sufficient funds were expired during the end of the fiscal year from which to pay the claim.

AMOUNT CLAIMED: \$3,705.75

AMOUNT AWARDED: \$3,705.75

CC-08-0246 CURTIS YANKO V. DIVISION OF CORRECTIONS

Claimant, a inmate at Mount Olive Correctional Complex, seeks to recover \$36.00 that was deducted from his inmate account. In its Answer, respondent admits the validity of the claim as well as the amount. The Court is aware that respondent does not have a fiscal method for paying claims of this nature; therefore, the claim has been submitted to this Court for determination.

AMOUNT CLAIMED: \$36.00

AMOUNT AWARDED: \$36.00

CLAIMS AGAINST DIVISION OF HIGHWAYS

CC-08-0103 RITA AFFOLTER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2002 Mercury Cougar struck a hole in the road as her daughter, Lisa Affolter, was driving on Route 25 in Institute, Kanawha County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public.

AMOUNT CLAIMED: \$174.90

AMOUNT AWARDED: \$157.41

CC-08-0104 RITA AFFOLTER V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2002 Mercury Cougar struck a hole on Route 25 in Nitro, Kanawha County. While the Court agrees with the position of the claimant that the respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public, the Court is also of the opinion that the claimant's driver knew the roadway contained holes and nevertheless drove at a speed in excess of that which was prudent under the existing condition of the roadway. The Court assigns forty percent (40%) of the responsibility for this loss to the claimant's driver and awards the claimant sixty percent (60%) of her loss, or \$115.98.

AMOUNT CLAIMED: \$193.30

AMOUNT AWARDED: \$115.98

CC-07-0080 JAMES O. ANDREWS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 16, 2007, claimant's wife, Janice M. Andrews, was driving his vehicle west on Route 60, east of the Milton Police Station, when the 2006 Chevrolet truck struck a hole in the road. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 60 on the date of this incident; that the negligence of respondent was the proximate cause of the damages sustained to claimant's vehicle; and that the amount of the damages agreed to by the parties is fair and reasonable.

AMOUNT CLAIMED: \$451.55

AMOUNT AWARDED: \$451.55

CC-07-0219 MARK ANGELUCCI AND KATHY S. ANGELUCCI V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2005 GMC Yukon struck a hole while Mark Angelucci was driving on W. Va. Route 91 in Farmington, Marion County. The Court is of the opinion 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.

AMOUNT CLAIMED: \$308.00

AMOUNT AWARDED: \$250.00

CC-07-0137 ALICIA ASHCRAFT AND BOBBY GUTIERREZ II V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1997 Dodge Grand Caravan struck a hole as Bobby Gutierrez II was driving on Philippi Pike Road in East View, Harrison County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimants' vehicle struck and that it presented a hazard to the traveling public. Notwithstanding the negligence of the respondent, the Court is also of the opinion that the claimant was twenty-five percent (25%) negligent since he was aware of the condition on the road.

AMOUNT CLAIMED: \$634.52

AMOUNT AWARDED: \$475.89

CC-08-0062 NORVELL RAY ATKINS SR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2007 Chevrolet Impala struck a hole on Kanawha Boulevard in Charleston, Kanawha County. The Court is of the opinion that respondent had, at the 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: \$418.58

AMOUNT AWARDED: \$418.58

CC-08-0214 BETTY R. BADZEK V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2008 Subaru Impreza struck two holes on Monongalia Boulevard in Morgantown, Monongalia County. The Court is of the opinion that respondent had, at the 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. Notwithstanding the negligence of respondent, the Court also finds that claimant was ten-percent (10%) negligent since she had noticed the holes prior to this incident. Therefore, the claimant may recover ninety-percent (90%) of her loss.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$450.00

CC-08-0085 MELISSA M. BAKER AND DANIEL J. BAKER JR. V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2008 Subaru Impreza struck a hole while Melissa Baker was driving on Point Marion Road, designated as Route 119, in Morgantown, Monongalia County. The Court is of the opinion 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.

AMOUNT CLAIMED: \$872.78

AMOUNT AWARDED: \$872.78

CC-07-0257 SHAWN R. BEEGLE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1998 Ford Escort struck a hole in the road while he was traveling on Route 2 in Marshall County. The Court is of the opinion that respondent had, at the 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: \$677.83

AMOUNT AWARDED: \$677.83

CC-08-0206 DENISE BERDINE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 1996 Subaru Legacy struck a raised section of the road on Little Rush Run, designated as County Route 250/3 in Burton, Wetzel County. The Court is of the opinion that respondent had, at the least, constructive notice of the raised section of the road surface which claimant's vehicle struck and that it presented a hazard to the traveling public. The Court also finds that the claimant was negligent in failing to maintain control of her vehicle, and the Court will therefore reduce her recovery by twenty-percent (20%).

AMOUNT CLAIMED: \$2,841.15

AMOUNT AWARDED: \$2,272.92

CC-08-0201 CHARLES BISHOP JR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1989 Honda struck a hole on County Route 17 in Moundsville, Marshall County. The Court is of the opinion that respondent had, at the 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: \$71.88

AMOUNT AWARDED: \$71.88

CC-06-0272 HAZEL C. BROWN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2003 Nissan Altima struck a hole while she was traveling on New Raleigh Road in Beckley, Raleigh County. The Court is of the opinion that respondent had, at the 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 her vehicle.

AMOUNT CLAIMED: \$615.36

AMOUNT AWARDED: \$250.00

CC-07-0324 WAYNE BROWN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2003 Cadillac struck a hole while claimant was driving on Maple Acres Road in Mercer County. The size of the hole and the time of year in which this incident occurred leads the Court to conclude that respondent had notice of this hazardous condition. Thus, the Court finds respondent negligent and claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$874.13

AMOUNT AWARDED: \$874.13

CC-08-0196 ERIC W. CALDWELL V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1993 Honda Accord LX struck a hole on Cherry Hill Road, designated as County Route 3, in Cherry Hill, Ohio County. The Court is of the opinion that respondent had, at the 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: \$160.85

AMOUNT AWARDED: \$160.85

CC-08-0149 ERNEST W. CAPP V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2000 Chevrolet Tracker struck a hole as he was driving south on W.Va. Route 2 near Wellsburg, Brooke County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public.

AMOUNT CLAIMED: \$1,031.31

AMOUNT AWARDED: \$500.00

CC-08-0276 RICHARD L. CAREY V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 3, 2008, the claimant was driving north on W.Va. Route 88 next to Oglebay Park when he noticed a vehicle in the southbound lane had stopped in the roadway; claimant observed that the road was blocked with tree branches; as he stopped his vehicle, a branch from the tree fell onto his vehicle damaging the vehicle's windshield, hood, and fender; respondent was responsible for the maintenance of W.Va. Route 88 which it failed to maintain properly on the date of this incident. The Court has reviewed the facts of this claim and finds that respondent was negligent in its maintenance of W.Va. Route 88. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$362.00

AMOUNT AWARDED: \$362.00

CC-08-0223 DAISY MAE CARTE AND HAROLD LARRY CARTE JR. V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when the edge of the road broke underneath their 1989 Ford F150 truck as claimant, Harold Larry Carte Jr., was driving on Valley Grove Road in Kanawha County. The Court is of the opinion that respondent had at least constructive notice of the condition on Valley Grove Road. Thus, the Court finds respondent negligent, and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$1,957.80

AMOUNT AWARDED: \$1,100.00

CC-08-0074 AMBERLEE CHRISTEY AND KAREN HINKLE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2002 PT Cruiser struck a hole while claimant, Amberlee Christey, was driving on Route 119, also known as the "Mile Ground," in Morgantown, Monongalia County. Since the cold mix was below specifications and proved inadequate, the Court finds the respondent negligent and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$278.55

AMOUNT AWARDED: \$278.55

CC-06-0296 GOBEL LEE CONN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1994 Plymouth Grand Voyager van struck a depression in the road surface on West Road, designated as County Route 60/24, in Wayne County. The Court is of the opinion that respondent had, at the least, constructive notice of the depression in the road which claimant's vehicle struck and that it 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: \$1,964.18

AMOUNT AWARDED: \$200.00

CC-07-0315 RUSSELL G. COOK AND REBECCA G. COOK V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2007 Honda Accord struck a hole on the white edge line while claimant Russell G. Cook was traveling on County Route 16/14 in Midway, Raleigh County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole and that it 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: \$360.68

AMOUNT AWARDED: \$250.00

CC-08-0191 SARAH M. COPLEY V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2007 Mazda 3 struck holes on U.S. Route 60 in Charleston, Kanawha County. The Court is of the opinion that respondent had, at the 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 and claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$1,293.67

AMOUNT AWARDED: \$500.00

CC-08-0031 WILLIAM J. CRAGO V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2003 Cadillac struck a hole in the road while he was traveling north on Route 2 in Weirton, Hancock County. The Court finds that respondent had at least constructive notice of the hole which claimant's vehicle struck and that it presented a hazard to the traveling public. However, the Court also opines that claimant had notice of the condition of the road on Route 2. Therefore, the Court concludes that claimant was ten percent (10%) comparatively negligent.

AMOUNT CLAIMED: \$424.43

AMOUNT AWARDED: \$381.99

CC-08-0286 JOSEPH C. EVANO AND PATRICIA ANN EVANO V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2006 STS Cadillac struck a hole while claimant, Patricia Ann Evano, was driving south on W. Va. Route 2 in Weirton, Hancock County. The Court finds that claimants are entitled to compensation for one tire (\$195.51) and one rim (\$764.96), and that \$960.47 is a fair and reasonable amount to compensate the claimants for their loss. Thus, the Court finds respondent negligent and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$1,547.03

AMOUNT AWARDED: \$960.47

CC-06-0289 CHRISTOPHER EVANS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2001 Toyota Tacoma truck struck a hazard paddle on West Run Road, designated as County Route 67/1, in Morgantown, Monongalia County. The Court is of the opinion that respondent had, at the least, constructive notice of the condition of the sign which claimant's vehicle struck and that it presented a hazard to the traveling public.

AMOUNT CLAIMED: \$2,236.05

AMOUNT AWARDED: \$500.00

CC-07-0233 DEBORAH FISHER V. DIVISION OF HIGHWAYS

The parties entered into the following stipulation: On July 25, 2007, claimant was traveling west on Route 62 in Jackson County when her vehicle struck a hole in the road damaging a tire and rim. The Court has reviewed the facts of the claim and finds that respondent was negligent in its maintenance of Route 62 on the date of this incident; that the negligence of respondent was the proximate cause of the damages sustained to claimant's vehicle; and that the amount of the damages agreed to by the parties is fair and reasonable.

AMOUNT CLAIMED: \$504.77

AMOUNT AWARDED: \$500.00

CC-07-0384 HAROLD E. FORD JR. V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2001 Volvo struck a hole in the road while his wife, Nellie M. Ford, was driving west on Route 60 towards Charleston in Kanawha County. Although the Court understands that respondent currently maintains Route 60 on a daily basis, the Court concludes that the respondent failed to ensure that the hole which claimant's vehicle struck was properly patched on the day of this incident. Thus, the Court finds respondent negligent and claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$409.07

AMOUNT AWARDED: \$250.00

CC-08-0007 LARRY D. FORD V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On December 3, 2007, claimant was traveling east on I-64 in Putnam County when his 2008 Mercedes Benz S550 struck a hole in the road damaging the vehicle's front tire, front rim, and rear rim. 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; that the negligence of respondent was the proximate cause of the damages sustained to claimant's vehicle; and that the amount of the damages agreed to by the parties is fair and reasonable. Thus, claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$1,087.13

AMOUNT AWARDED: \$1,000.00

CC-06-0091 BRENDA A. FORTNEY V. DIVISION OF HIGHWAYS

Claimant brought this action for personal injuries which occurred when she fell into a drainage grate on W.Va. Route 76 in Rosemont, Taylor County. The position of respondent is that it did not have actual or constructive notice of the allegedly defective drainage grate prior to this incident. The Court opines that respondent had at least constructive notice of the drainage grate that caused claimant's injury. The Court finds that the rural grate used at this particular location created a hazard due to the grate's large openings. Notwithstanding the negligence of the respondent, the Court has determined that the claimant was fifteen-percent (15%) negligent.

AMOUNT CLAIMED: \$20,000.00

AMOUNT AWARDED: \$2,015.58

CC-07-0096 CARRIE L. GASKINS AND JEFFREY PAUL GASKINS V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2007 Ford Fusion struck a hole while claimant, Carrie L. Gaskins, was driving on Sabraton Avenue in Morgantown, Monongalia County. Since there were numerous holes on Sabraton Avenue, the Court finds that respondent had constructive notice of the condition of the road. Thus, the Court finds respondent negligent and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$328.68

AMOUNT AWARDED: \$328.68

CC-08-0110 KENNETH R. MASTON V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1989 Honda Civic struck a hole on Pennsylvania Avenue in Charleston, Kanawha County. The Court finds that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public.

AMOUNT CLAIMED: \$120.17

AMOUNT AWARDED: \$120.17

CC-08-0125 CHRISTOPHER MAYNOR AND ANNA L. MAYNOR V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2006 Volkswagen Passat struck a barrel while claimant Anna Maynor was driving on I-64 East near the Dunbar bridge in Kanawha County. The Court finds that the plastic barrels located along the side of the road on I-64 were not adequately secured to prevent a hazard to the traveling public.

AMOUNT CLAIMED: \$261.87

AMOUNT AWARDED: \$261.87

CC-08-0019 DORIS McCALLISTER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On December 18, 2007, claimant was traveling on Route 34 toward Winfield, when her 2007 Toyota Camry struck a hole in the road damaging a rim; respondent was responsible for the maintenance of Route 34 which it failed to maintain properly on the date of this incident. The Court finds that the amount of the damages agreed to by the parties is fair and reasonable.

AMOUNT CLAIMED: \$259.70

AMOUNT AWARDED: \$259.70

CC-07-0179 JEREMY W. McCARTY AND JANICE L. McCARTY V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2001 Dodge Stratus struck a low spot on Berlin Road in Weston, Lewis County. The Court is of the opinion that respondent had, at the least, constructive notice of the low spot which claimants' vehicle struck and that it presented a hazard to the traveling public. Notwithstanding the negligence of the respondent, the Court is also of the opinion that the claimant was negligent since he was aware of the condition on the road. The Court finds that the claimant's negligence equals twenty-percent (20%) of the loss.

AMOUNT CLAIMED: \$1,299.90

AMOUNT AWARDED: \$909.93

CC-08-0354 DELMAS F. McCLUNG AND WALTRAUD McCLUNG V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2006 Buick LaCrosse struck a hole as claimant, Delmas F. McClung, was driving on Kentucky Road, designated as County Route 39/32 in Summersville, Nicholas County. The Court is of the opinion 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.

AMOUNT CLAIMED: \$272.65

AMOUNT AWARDED: \$272.65

CC-07-0365 SHERRY A. McCUMBERS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2000 Hyundai Elantra struck a hole while claimant was driving on Coal River Road in St. Albans, Kanawha County. The Court finds that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that it presented a hazard to the traveling public.

AMOUNT CLAIMED: \$78.64

AMOUNT AWARDED: \$78.64

CC-07-0231 BRADLEY T. MEADOWS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1988 Plymouth Horizon struck a raised area in the road's surface on Powell Mountain Road in Ballard, Monroe County. The Court is of the opinion that respondent had, at the least, constructive notice of the abnormal portion of the road which claimant's vehicle struck and that it presented a hazard to the traveling public. Thus, claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$138.00

AMOUNT AWARDED: \$138.00

CC-08-0171 ALAN J. MILLER AND DEBRA A. MILLER V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On March 20, 2008, claimant Alan J. Miller was driving one mile north of Wallace on W.Va. Route 20 in Harrison County when his vehicle struck holes in the road; respondent was responsible for the maintenance of W.Va. Route 20 which it failed to maintain properly on the date of this incident. The Court finds that respondent was negligent and claimants may make a recovery for their loss.

AMOUNT CLAIMED: \$793.66

AMOUNT AWARDED: \$500.00

CC-08-0137 MATTHEW G. ROUSH AND LEESHA M. ROUSH V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2008 Chevrolet Cobalt struck a hole as claimant, Leesha Roush, was driving on 4th Street near Glen Easton in Marshall County. The Court is of the opinion 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. Therefore, the Court finds respondent negligent and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$425.12

AMOUNT AWARDED: \$380.17

CC-07-0267 EMMOGENE SAMPLES AND ROBERT SAMPLES V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1996 Toyota Avalon struck a hole while claimant Robert Samples was driving on Route 6 south of Point Pleasant in Mason County. The Court is of the opinion 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.

AMOUNT CLAIMED: \$185.29

AMOUNT AWARDED: \$185.29

CC-07-0377 ELMER SANDRETH AND REBECCA SANDRETH V. DIVISION OF HIGHWAYS

The parties stipulated that on or about October 1, 2007, the claimants' son, Micah Sandreth, was traveling on Route 2 in New Cumberland, Hancock County, when a rock fell from the Station Hill wall into the path of the vehicle, causing damage to the tire, rim, and suspension system; respondent was responsible for the maintenance of Route 2 which it failed to maintain properly on the date of this incident. The Court finds that \$466.80 is a fair and reasonable amount to settle this claim.

AMOUNT CLAIMED: \$933.61

AMOUNT AWARDED: \$466.80

CC-08-0084 JOSEPH SERIAN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2001 Buick LeSabre struck a hole as he was driving on Country Club Road in Fairmont, Marion County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public. The size of the hole and its location lead the Court to conclude that respondent was aware of the condition on Country Club Road. Thus, the Court finds respondent negligent and claimant may make a recovery for the damage to his vehicle.

AMOUNT CLAIMED: \$90.10

AMOUNT AWARDED: \$90.10

CC-07-0280 ROBERT D. SHUMAN d/b/a PREMIER BODY WORKS V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On August 30, 2007, a tree from W.Va. Route 21 fell across the road and onto claimant's property; respondent agrees that the amount of \$3,165.00 for the damages put forth by the claimant is fair and reasonable. The Court finds the respondent was negligent in its maintenance of W.Va. Route 21, and claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$3,165.00

AMOUNT AWARDED: \$3,165.00

CC-08-0028 ANDREW SIKULA SR. AND JUDITH SIKULA V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when claimant, Judith Sikula, was driving their 2004 Nissan Murano, and their vehicle struck a metal post attached to a hole cover. The Court has determined that the metal post, which was improperly protruding into the road surface instead of inside the hole, presented a hazard to the traveling public.

AMOUNT CLAIMED: \$3,372.42

AMOUNT AWARDED: \$1,000.00

CC-08-0142 PENNY SISK V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2005 Chrysler PT Cruiser struck two holes when she was driving on U.S. Route 60 in South Charleston, Kanawha County. The size of the holes and their location on U.S. Route 60, a first priority road, lead the Court to conclude that respondent had notice of this condition.

AMOUNT CLAIMED: \$793.51

AMOUNT AWARDED: \$793.51

CC-08-0249 JOSEPH SKALICAN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2005 Chrysler Crossfire struck a hole on W.Va. Route 705, known as "Two Hundred First Memorial Highway," in Morgantown, Monongalia County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that it presented a hazard to the traveling public. Notwithstanding the negligence of respondent, the Court is also of the opinion that the claimant was twenty-percent (20%) negligent since he was aware of the condition of the road.

AMOUNT CLAIMED: \$275.55

AMOUNT AWARDED: \$200.00

CC-08-0250 JOSEPH SKALICAN V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2005 Chrysler Crossfire struck a hole on Cheat Road, designated as County Route 73/12, in Morgantown, Monongalia County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public. Notwithstanding the negligence of the respondent, the Court is also of the opinion that the claimant was twenty-percent (20%) negligent since he was also aware of the condition on the road.

AMOUNT CLAIMED: \$277.67

AMOUNT AWARDED: \$200.00

CC-08-0116 THOMAS L. SKIDGEL V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2000 Ford Taurus struck a hole as he was driving south on W.Va. Route 2 in Benwood, Marshall County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public. Notwithstanding the negligence of the respondent, the Court is also of the opinion that the claimant was twenty-percent (20%) negligent since he failed to reduce his speed. Since the negligence of the claimant is not greater than or equal to the negligence of the respondent, claimant may make a recovery of eighty-percent (80%) of the loss sustained.

AMOUNT CLAIMED: \$917.15

AMOUNT AWARDED: \$733.72

CC-07-0199 V. CHRISTINE SMITH AND RAY A. SMITH V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2000 Nissan Maxima struck a piece of concrete on the Route 15 bypass bridge in Mount Hope, Fayette County. Since there were no warning signs in place at the time of the incident, the Court finds respondent negligent.

AMOUNT CLAIMED: \$166.42

AMOUNT AWARDED: \$166.42

CC-05-0186 ALAN J. SPITZ V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2005 Dodge Grand Caravan struck a sign. The Court finds that respondent had, at the least, constructive notice of the sign that had been blown down due to the wind, and it 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: \$421.37

AMOUNT AWARDED: \$250.00

CC-07-0147 FRANK L. STARKS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1983 Volvo struck a rock as he was driving south on US Route 19 between Worthington and Enterprise in Marion County. The Court finds that under the limited circumstances in this case and in interests of equity and justice, the Court has determined that it is appropriate to make an award.

AMOUNT CLAIMED: \$363.46

AMOUNT AWARDED: \$100.00

CC-07-0297 REBECCA STEWART AND ROBERT D. STEWART V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when claimant's daughter, Brandi Stewart, was driving claimants' 2002 Mitsubishi Eclipse, and their vehicle struck a hole on U.S. Route 19, south of Sutton, in Braxton County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimants' vehicle struck and that it presented a hazard to the traveling public. Notwithstanding the negligence of the respondent, the Court is also of the opinion that the claimants' daughter was fifteen percent (15%) negligent since she was aware of the condition of the road.

AMOUNT CLAIMED: \$385.20

AMOUNT AWARDED: \$327.42

CC-07-0239 RICHARD W. SYDNOR V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 1996 Ford Taurus struck a piece of concrete on the Route 16 bypass bridge in Mount Hope, Fayette County. Claimant's son, Matthew David Sydnor, was driving from Beckley towards Oak Hill. As he was traveling across the bridge, his vehicle struck a piece of concrete that was protruding approximately six inches from a hole in the road. The Court opines that respondent had, at the least, constructive notice of the piece of concrete which claimant's vehicle struck, and it presented a hazard to the traveling public.

AMOUNT CLAIMED: \$1,253.95

AMOUNT AWARDED: \$1,253.95

CC-08-0001 JABBAR K. THOMAS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when his 2006 Chrysler 300 struck a hole while he was traveling east on I-64 in Charleston, Kanawha County. The testimony established that this portion of I-64, is of the highest priority in terms of maintenance. Despite respondent's attempts to patch the hole in this area, the patchwork was inadequate when this incident occurred. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$2,004.15

AMOUNT AWARDED: \$1,000.00

CC-04-0951 LARRY A. TICKLE AND SHARON MARJE TICKLE V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 1999 Dodge Stratus struck a hole while claimant, Sharon Marie Tickle, was driving on Route 20 in Mercer County. The Court is of the opinion 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.

AMOUNT CLAIMED: \$292.95

AMOUNT AWARDED: \$200.00

CC-08-0363 SHAWN RAE TOLPA AND EDWARD R. TOLPA JR. V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2001 Chrysler 300M struck a hole on the westbound lane near Exit 5 on I-70 in Elm Grove, Ohio County. Although respondent had performed maintenance along this particular portion of I-70, the attempts to fill the hole proved inadequate at the time of claimants' incident. Thus, the Court finds respondent negligent and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$210.60

AMOUNT AWARDED: \$100.00

CC-08-0097 THERESA M. TWIGG V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2002 PT Cruiser struck a hole on West Run Road, designated as County Route 67/1, in Morgantown, Monongalia County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public.

AMOUNT CLAIMED: \$169.43

AMOUNT AWARDED: \$169.43

CC-08-0172 ROBERTA VANNESS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2006 Ford Fusion struck a hole while she was driving on W.Va. Route 94 in Hernshaw, Kanawha County. The size of the hole and its location on the road lead the Court to conclude that respondent had notice of this hazardous condition. Thus, the Court finds respondent negligent and claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$78.03

AMOUNT AWARDED: \$78.03

CC-08-0105 DAWNE. WARFIELD AND THOMAS M. KNIGHT V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when their 2001 Subaru Legacy struck a hole on the berm while claimant, Dawn E. Warfield, was driving on the eastbound entrance ramp to I-64 in Charleston, Kanawha County. The Court finds that claimant was forced to use the berm in an emergency situation, and the berm was in an unsafe condition. Thus, the Court finds respondent negligent.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$250.00

CC-07-0203 WILLIAM J. WASKEVICH AND JESSICA WASKEVICH V. DIVISION OF HIGHWAYS

Claimants brought this action for vehicle damage which occurred when their 2006 Dodge Stratus struck a hole in the road when Mandy D. Waskevich, the daughter and sister of the respective claimants, was traveling on Route 88 in Wheeling, Ohio County. The Court concludes that respondent failed to properly maintain Route 88, which is a priority road, on the date of this incident. Thus, the Court finds respondent negligent and claimants may make a recovery for the damage to their vehicle.

AMOUNT CLAIMED: \$169.00

AMOUNT AWARDED: \$169.00

CC-07-0269 ANGELA R. WEIKLE V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when her 2007 Pontiac G6 struck a hole while she was traveling on Route 3 in Fosterville, Boone County. The size of the hole and the time of the year in which claimant's incident occurred leads the Court to conclude that respondent had notice of this hazardous condition and respondent had an adequate amount of time to take corrective action. Thus, the Court finds respondent negligent and claimant may make a recovery for the damage to her vehicle.

AMOUNT CLAIMED: \$837.84

AMOUNT AWARDED: \$837.84

CC-08-0050 KIMBERLY ANN WILCOX V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on December 10, 2007, claimant was traveling on the Teays Valley entrance ramp onto I-64 in Putnam County when her vehicle struck a hole in the road; respondent was responsible for the maintenance of the Teays Valley ramp onto I-64 which it failed to maintain properly on the date of this incident. The Court finds that the amount of damages agreed to by the parties is fair and reasonable.

AMOUNT CLAIMED: \$714.71

AMOUNT AWARDED: \$714.71

CC-08-0187 DAVID JOSH WILLIAMS V. DIVISION OF HIGHWAYS

Claimant brought this action for vehicle damage which occurred when claimant's sixteen-year-old brother, Zack Williams, was driving claimant's 2005 Toyota Scion, and it struck a hole on W.Va. Route 3, approximately four miles west of Beckley, in Raleigh County. The Court is of the opinion that respondent had, at the least, constructive notice of the hole which claimant's vehicle struck and that the hole presented a hazard to the traveling public on W.Va. Route 3.

AMOUNT CLAIMED: \$1,183.37

AMOUNT AWARDED: \$1,183.37

CC-07-0378 CARL W. WITHROW II V. DIVISION OF HIGHWAYS

The parties stipulated to the following: On November 5, 2007, claimant was delivering mail on Route 7 in South Charleston, Kanawha County, when his vehicle struck a sign post that was protruding from the paved surface of the road; respondent was responsible for the maintenance of Route 7 which it failed to maintain properly on the date of this incident; respondent agrees that the amount of \$61.37 for the damages put forth by the claimant is fair and reasonable. Thus, the Court finds that claimant may make a recovery for his loss.

AMOUNT CLAIMED: \$61.37

AMOUNT AWARDED: \$61.37

CC-08-0075 BRANDY WOMACK V. DIVISION OF HIGHWAYS

The parties stipulated to the following: on February 6, 2008, claimant was traveling on the Teays Valley entrance ramp onto I-64 in Putnam County, when her vehicle struck a hole in the road, damaging both passenger side tires and rims; respondent was responsible for the maintenance of the Teays Valley entrance ramp which it failed to maintain properly on the date of this incident. The Court finds that the amount of \$500.00 for the damages put forth by the claimant is fair and reasonable.

AMOUNT CLAIMED: \$2,374.69

AMOUNT AWARDED: \$500.00

CLAIM AGAINST DIVISION OF MOTOR VEHICLES

CC-08-0221 BRENDA F. HAYWORTH V. DIVISION OF MOTOR VEHICLES

Claimant seeks to recover an impoundment fee in the amount of \$164.00 which she incurred when her vehicle was improperly impounded due to an error made by respondent. In its Answer, respondent admits the validity of the claim as well as the amount. The Court made an award to the claimant.

AMOUNT CLAIMED: \$164.00

AMOUNT AWARDED: \$164.00

CLAIM AGAINST DIVISION OF PERSONNEL

CC-08-0463 DEBRA A. DANGERFIELD V. DIVISION OF PERSONNEL

Claimant seeks to recover \$600.00 for teaching a workshop. Since the invoice for the workshop was not submitted in time to be processed during the fiscal year, claimant did not receive payment. In its Answer, respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$600.00

AMOUNT AWARDED: \$600.00

CLAIMS AGAINST DIVISION OF TOURISM

CC-08-0511 CAMBRIDGE CENTER LLC V. DIVISION OF TOURISM

Claimant seeks to recover \$8,013.05 for an invoice that was not submitted by the required due date for reimbursement due to a billing error. In its Amended Answer, respondent admits the validity of the claim in the amount of \$7,638.08. Claimant has agreed to accept payment in the amount of \$7,638.08.

AMOUNT CLAIMED: \$8,013.05

AMOUNT AWARDED: \$7,638.08

CC-08-0514 CAMBRIDGE CENTER LLC V. DIVISION OF TOURISM

Claimant seeks to recover \$5,930.83 for an invoice that was not submitted by the required due date for reimbursement due to a billing error. In its Amended Answer, respondent admits the validity of the claim in the amount of \$4,834.34. Claimant has agreed to the amended amount of \$4,834.34.

AMOUNT CLAIMED: \$5,930.83

AMOUNT AWARDED: \$4,834.34

CLAIMS AGAINST INSURANCE COMMISSION

CC-08-0472 KONICA MINOLTA BUSINESS SOLUTIONS V. INSURANCE COMMISSION

Claimant seeks to recover from respondent the cost for six copy machines in the amount of \$13,885.21. In its Answer, respondent admits the validity of the claim in the amount of \$4,042.12, rather than the amount of \$13,885.21. Respondent states that only \$4,042.12 of the claimed \$13,885.21 in charges include invoices incurred during a period prior to the termination of the former Workers' Compensation Commission and the transfer of employees and certain assets to the Insurance Commission and charges for machines that were transferred to BrickStreet Insurance from the former Workers' Compensation Commission. These charges are not the responsibility of respondent. Claimant has agreed that the amount owed by respondent is \$4,042.12.

AMOUNT CLAIMED: \$13,885.21

AMOUNT AWARDED: \$4,042.12

CC-08-0021 SANDRA KOUTSUNIS d/b/a AAA COURT REPORTING V. INSURANCE COMMISSION

Claimant seeks to recover \$237.20 in court reporting services that were provided to respondent. On October 10, 2003, claimant was retained to report and produce a written transcript of a deposition in litigation pending before Workers' Compensation. However, the invoice for these services has not been paid. In its Answer, respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$237.20

AMOUNT AWARDED: \$237.20

CLAIMS AGAINST PUBLIC SERVICE COMMISSION

CC-07-0234 DAVID J. ELLIS V. PUBLIC SERVICE COMMISSION

Claimant seeks \$2,250.00 dollars for consulting services performed under a contract with the Public Service Commission of West Virginia. The documentation for these services was not processed for payment before the end of the Commission's fiscal year; therefore, claimant has not been paid. In its Answer, the respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$2,250.00

AMOUNT AWARDED: \$2,250.00

CC-08-0367 WILLIAM CARL FREEMAN V. PUBLIC SERVICE COMMISSION

Claimant seeks reimbursement in the amount of \$39.96 for the cost of dry cleaning services for his uniforms. The request for reimbursement was not received in the appropriate fiscal year. In its Answer, respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$39.96

AMOUNT AWARDED: \$39.96

CC-08-0475 POMEROY IT SOLUTIONS SALES COMPANY INC. V. PUBLIC SERVICE COMMISSION

This claim was submitted for decision based upon the allegations in the Notice of Claim and respondent's Answer. Claimant seeks to recover \$1,224.53 for five laser jet printers, twenty ink cartridges, and two toners, which it provided to respondent. Claimant did not receive payment for these items. In its Answer, respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$1,224.53

AMOUNT AWARDED: \$1,224.53

CC-08-0530 POMEROY IT SOLUTIONS SALES COMPANY INC. V. PUBLIC SERVICE COMMISSION

Claimant seeks to recover \$415.30 for computer-related services that were not paid because the invoice was lost in the mail. In its Answer, respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$415.30

AMOUNT AWARDED: \$415.30

CC-08-0523 ROYAL AUTOMOTIVE COMPANY V. PUBLIC SERVICE COMMISSION

This claim was submitted for decision based upon the allegations in the Notice of Claim and respondent's Answer. Claimant seeks to recover \$3,533.58 in expenses related to the repair of a 2003 Chevrolet Blazer that was assigned to respondent. In its Answer, respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$3,533.58

AMOUNT AWARDED: \$3,533.58

CC-09-0002 JAMES C. WEIMER V. PUBLIC SERVICE COMMISSION

Claimant seeks to recover \$145.39 from respondent for travel expenses. Since claimant submitted the expense report after the cut off date for submission, he was not reimbursed for the expenditures. In its Answer, respondent admits the validity of the claim as well as the amount.

AMOUNT CLAIMED: \$145.39

AMOUNT AWARDED: \$145.39

CLAIMS AGAINST REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

CC-08-0230 MARVIN D. ADAMS V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant seeks to recover \$277.00 in personal items that were entrusted to respondent. These items were misplaced when claimant was transferred between facilities. In its Answer, respondent admits the validity of the claim in the amount of \$150.00 rather than the amount of \$277.00. The Court has determined that \$150.00 is a fair and reasonable amount to compensate the claimant for his missing items.

AMOUNT CLAIMED: \$277.00

AMOUNT AWARDED: \$150.00

CC-08-0361 MARK A. HELD V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate, seeks \$1,061.00 for items of personal property that were entrusted to respondent. Claimant contends that his possessions were misplaced when he was transported between the facilities. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable. The Court finds that \$1,035.00 is a fair and reasonable amount to compensate the claimant for his lost items.

AMOUNT CLAIMED: \$1,061.00

AMOUNT AWARDED: \$1,035.00

CC-09-0020 JAIME NAVARRETE ORTIZ V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, an inmate at the Tygart Valley Regional Jail, seeks \$1,200.00 for a gold necklace that was entrusted to respondent but has been misplaced. In its Answer, respondent admits the validity of the claim and that the amount is fair and reasonable.

AMOUNT CLAIMED: \$1,200.00

AMOUNT AWARDED: \$1,200.00

CC-08-0474 PAUL TWYMAN V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant seeks to recover \$190.00 for a pair of shoes that were entrusted to respondent. Claimant realized that the shoes were misplaced on September 19, 2008. In its Answer, respondent admits the validity of the claim as well as the amount. Respondent further states that the amount claimed is fair and reasonable

AMOUNT CLAIMED: \$190.00

AMOUNT AWARDED: \$190.00

CC-06-0144 JOSH WEBSTER V. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Claimant, a former inmate at the Northern Regional Jail, brought this claim to recover the value of certain personal property items that he alleges were wrongfully taken by the respondent. Claimant seeks to recover the value of a wedding band and \$183.52 that was removed from his trust account. The Court finds that claimant is entitled to recover \$100.00 for the value of the gold wedding band which was disposed of by the respondent. However, claimant is not entitled to recover in the amount of \$183.52 because he was required to pay restitution when he was found guilty of a violation.

AMOUNT CLAIMED: \$183.52

AMOUNT AWARDED: \$100.00

CLAIM AGAINST STATE FIRE COMMISSION

CC-08-0399 POMEROY IT SOLUTIONS SALES COMPANY INC. V. STATE FIRE COMMISSION

Claimant seeks to recover \$154.81 for a color ink cartridge that respondent purchased from the claimant. Through an oversight, the invoice was lost in the mail. 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.

AMOUNT CLAIMED: \$154.81

AMOUNT AWARDED: \$154.81

