

WV LEGISLATIVE CLAIMS COMMISSION

ANNUAL REPORT

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Janet N. Kawash
Clerk of the Commission

2020

Annual Report

of the

West Virginia Legislative Claims Commission

Commissioners

J. David Cecil, Presiding Commissioner

J. Rudy Martin, Commissioner

Andrew B. Cooke, Commissioner

Janet N. Kawash, Clerk



West Virginia Legislative Claims Commission

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Presiding Commissioner
J. David Cecil
Commissioners
J. Rudy Martin
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Clerk
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Chief Deputy Clerk

Honorable Members of the
West Virginia State Legislature

It is my honor and privilege to present to you, in accordance with West Virginia Code §14-2-25, the Annual Report of the West Virginia Legislative Claims Commission. This Report covers the activities of the Commission for the calendar year 2019.

Respectfully submitted,

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

Janet N. Kawash
Clerk

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SUMMARY OF FUNDS

REGULAR CLAIMS BILL

GENERAL REVENUE FUNDS	\$1,675,329.92
SPECIAL REVENUE FUNDS	\$ 6,441.42
STATE ROADS FUNDS	\$ 844,163.42
TOTAL FOR REGULAR CLAIMS BILL	\$2,525,934.76

OVEREXPENDITURE CLAIMS BILL

GENERAL REVENUE FUNDS	\$14,000.00
TOTAL FOR OVEREXPENDITURE CLAIMS BILL	\$14,000.00

Claims presented to the 2020 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1554	Peak-Ryzek, Inc.	Department of Administration, Office of Technology	3,636.00	3,636.00	2/19/2019
18-1489	Verizon Business	Department of Administration, Office of Technology	8,000.00	8,000.00	3/5/2019
19-0229	Qlarion, Inc.	Department of Environmental Protection	215,145.02	215,145.02	6/10/2019
18-1332	Linda Adams-Doheny, et al.	Department of Health and Human Resources	4,500.00	2,778.48	12/19/2019
17-0462	WVARF, Inc.	Department of Health and Human Resources	305,183.34	76,222.82	12/19/2019
19-0086	Pitney Bowes, Inc.	Department of Health and Human Resources, Office of Environmental Health Services	3,226.56	2,419.92	9/26/2019
19-1213	Yasser Abdelhaq	Division of Corrections and Rehabilitation	63.49	22.28	12/10/2019
18-1693	Wendel K. Ash	Division of Corrections and Rehabilitation	29.99	11.90	12/10/2019
19-0566	Anthony Cartagena	Division of Corrections and Rehabilitation	1.50	1.50	12/10/2019
19-0568	Anthony Cartagena	Division of Corrections and Rehabilitation	18.53	18.53	12/10/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0569	Anthony Cartagena	Division of Corrections and Rehabilitation	18.77	18.77	12/10/2019
19-1094	Anthony Cartagena	Division of Corrections and Rehabilitation	30.26	9.97	12/19/2019
18-1587	Miguel Delgado	Division of Corrections and Rehabilitation	25.44	25.44	6/10/2019
19-0036	Miguel Delgado	Division of Corrections and Rehabilitation	2,333.50	403.67	12/19/2019
14-0923	Miguel Delgado	Division of Corrections and Rehabilitation	358.86	358.86	12/19/2019
19-0576	Troy Goodman	Division of Corrections and Rehabilitation		38.79	12/19/2019
18-1081	Larry Owens	Division of Corrections and Rehabilitation	108.17	108.17	9/26/2019
19-0293	Charles F. Plymail	Division of Corrections and Rehabilitation	250.00	119.80	12/9/2019
19-0393	William O. Robinson	Division of Corrections and Rehabilitation	910.00	520.00	12/19/2019
18-1592	Wexford Health Sources, Inc.	Division of Corrections and Rehabilitation	517,048.00	433,333.00	5/10/2019
18-1593	Wexford Health Sources, Inc.	Division of Corrections and Rehabilitation	814,301.00	433,333.00	5/10/2019
18-1594	Wexford Health Sources, Inc.	Division of Corrections and Rehabilitation	671,614.00	433,334.00	5/10/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0087	ZMM, Inc.	Division of Corrections and Rehabilitation	3,338.22	3,338.22	9/26/2019
19-1111	Matthew Barton	Division of Corrections and Rehabilitation/Eastern Regional Jail	300.00	300.00	12/10/2019
19-1336	Samantha D. Boyer	Division of Corrections and Rehabilitation/Eastern Regional Jail	140.84	90.94	12/10/2019
19-0759	Michael R. Hughes	Division of Corrections and Rehabilitation/Eastern Regional Jail	242.00	242.00	12/10/2019
19-1297	Robert Lanham	Division of Corrections and Rehabilitation/Eastern Regional Jail	350.00	350.00	12/10/2019
19-0144	Jack Guy	Division of Corrections and Rehabilitation/Regional Jail Authority	300.00	300.00	6/10/2019
18-1495	David McCarty	Division of Corrections and Rehabilitation/Regional Jail Authority	101.00	101.00	3/5/2019
18-1706	Julian Richardson	Division of Corrections and Rehabilitation/Regional Jail Authority	190.00	190.00	3/5/2019
18-0421	Joseph James Salmons	Division of Corrections and Rehabilitation/Regional Jail Authority	60.00	60.00	3/5/2019
18-1237	Christopher Shy	Division of Corrections and Rehabilitation/Regional Jail Authority	1,500.00	269.90	9/26/2019
19-0386	Clark F. Cooper	Division of Corrections and Rehabilitation/South Central Regional Jail	911.00	832.53	12/19/2019
19-0960	Tyrece Phillips	Division of Corrections and Rehabilitation/South Central Regional Jail	230.00	230.00	12/10/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
17-0049	Rommel Abella	Division of Highways	7,332.00	7,332.00	8/12/2019
19-0150	Sajith P. Abeyawickrama	Division of Highways	348.98	348.98	5/20/2019
18-1677	Cindy Ackerman	Division of Highways	138.00	138.00	8/12/2019
18-1550	David A. Adkins	Division of Highways	280.34	280.34	12/19/2019
19-0373	Gary C. Adkins	Division of Highways	103.03	103.03	9/18/2019
19-0840	Jacob Adkins	Division of Highways	202.93	202.93	12/9/2019
19-0264	Nyoka Adkins	Division of Highways	148.73	148.73	9/3/2019
19-0495	Richard Adkins	Division of Highways	312.70	312.70	6/18/2019
18-0504	Spencer Agnew and Danielle Agnew	Division of Highways	319.81	319.81	2/5/2019
18-1083	Gloria J. Ainsworth	Division of Highways	302.64	302.64	2/5/2019
18-1692	Gloria Jean Ainsworth	Division of Highways	348.79	348.79	10/28/2019
19-0582	Neoda Albright and Robert Albright	Division of Highways	604.32	604.32	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1192	William Scott Aley, Arika Foudray and Kristie Dawn Aley	Division of Highways	107.54	107.54	5/20/2019
16-0447	Abdullah Allawnha	Division of Highways	358.70	358.70	10/28/2019
19-0657	Clara Ruth Allen	Division of Highways	1,578.19	1,104.73	12/19/2019
18-1372	Christopher Allender	Division of Highways	1,062.69	500.00	9/11/2019
19-0518	Tina Marie Alley and Roscoe Hale	Division of Highways	228.38	228.38	6/18/2019
19-0542	Marcia Allman and Christopher Allman	Division of Highways	185.50	185.50	6/18/2019
19-0543	Marcia Allman and Christopher Allman	Division of Highways	259.65	259.65	5/21/2019
19-1022	Charles T. Alsup, Jr. and Julie K. Jividen	Division of Highways	500.00	500.00	9/3/2019
18-1591	Todd Alter, Sr. and Susan Julia Alter	Division of Highways	4,978.16	4,978.16	12/19/2019
19-0816	Lynette Anderson	Division of Highways	100.00	100.00	10/1/2019
19-0045	Tiffany Anderson	Division of Highways	138.02	138.02	9/18/2019
18-1338	Wendell L. Archer	Division of Highways	361.55	361.55	4/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1058	Benny Arlia	Division of Highways	49.95	49.95	10/8/2019
19-0094	Ronald D. Arnett and Donna Arnett	Division of Highways	407.62	250.00	7/17/2019
17-0741	Billy D. Arnolds	Division of Highways	492.50	492.50	4/2/2019
18-1487	Deloris Darlene Ash and Rodney S. Ash	Division of Highways	372.36	372.36	9/18/2019
19-1152	Sherri A. Ash	Division of Highways	278.00	278.00	11/8/2019
19-0137	Sherrie Ash	Division of Highways	252.90	252.90	5/20/2019
19-1172	Beverly A. Ashley and Richard L. Ashley	Division of Highways	533.72	500.00	12/10/2019
19-0810	Michele Atchison	Division of Highways	349.69	349.69	8/6/2019
19-0301	Michael Attfield and Hilary Attfield	Division of Highways	101.75	101.75	5/21/2019
19-0927	Alex Michael Austin	Division of Highways	1,011.93	900.00	11/26/2019
18-1004	Alan Ayala	Division of Highways	78.50	78.50	12/3/2019
19-0539	Eman Ayash and Osama Al-Omar	Division of Highways	257.57	257.57	5/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1092	Vincent Azzarello and Kimberly Azzarello	Division of Highways	387.23	387.23	10/8/2019
18-0986	Steven A. Baczuk, Jr. and Laura Adams	Division of Highways	498.96	498.96	4/30/2019
18-0305	Jackie Bailes and Amber Bailes	Division of Highways	125.08	125.08	2/5/2019
19-1308	Dennis Bailey	Division of Highways	95.50	95.50	11/8/2019
18-1462	Lisa A. Bailey	Division of Highways	212.60	212.60	4/3/2019
18-1472	Lisa A. Bailey	Division of Highways	208.65	208.65	4/3/2019
18-1060	Sue C. Baker	Division of Highways	125.00	125.00	6/3/2019
19-0936	Lisa Baker and Tyler Jarr	Division of Highways	254.24	254.24	10/8/2019
19-0935	Lisa Baker and Tyler Jarr	Division of Highways	500.00	500.00	10/8/2019
18-1391	Jerry Michael Baker, Jr.	Division of Highways	242.70	242.70	10/28/2019
18-1700	Barry Bales	Division of Highways	3,378.96	1,000.00	6/3/2019
18-1292	Derek E. Ball	Division of Highways	713.93	500.00	8/7/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1073	Jarrett Banks	Division of Highways	110.36	110.36	10/8/2019
19-1166	Patty Jo Barlow	Division of Highways	146.50	146.50	11/8/2019
19-0055	Thomas Barlow	Division of Highways	503.45	500.00	9/20/2019
18-1309	Chad E. Barnett	Division of Highways	171.30	171.30	10/21/2019
18-1636	Johnathan W. Barnett	Division of Highways	155.15	155.15	9/20/2019
19-0434	Richard B. Bartlett	Division of Highways	500.00	500.00	5/21/2019
19-0186	Linda Bartrug and Jack Bartrug	Division of Highways	485.18	485.18	8/7/2019
19-0391	Gerald Bastian	Division of Highways	495.22	495.22	9/18/2019
18-0944	Cole Riley Bates	Division of Highways	20,000.00	20,000.00	9/23/2019
19-0346	Judith Bath	Division of Highways	232.10	232.10	4/2/2019
19-0354	Virginia Batson	Division of Highways	504.51	500.00	10/28/2019
19-0882	Robert Baylor	Division of Highways	435.15	435.15	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1348	Beverly J. Beall and Charles D. Beall	Division of Highways	1,461.85	1,461.85	7/17/2019
18-1561	Maninder Bedi	Division of Highways	2,500.00	2,500.00	4/2/2019
19-0220	Connie M. Been	Division of Highways	262.36	262.36	7/17/2019
19-0822	Sylvia Belcher and Cassius Belcher	Division of Highways	129.95	129.95	9/3/2019
19-0310	David P. Belesky and Veronica L. Belesky	Division of Highways	90.10	90.10	5/21/2019
19-0631	Donna Belles-Hall	Division of Highways	25.00	25.00	6/18/2019
19-0347	William R. Bennett	Division of Highways	153.42	153.42	4/2/2019
19-0557	David D. Benson and Jamie L. Benson	Division of Highways	221.41	221.41	8/6/2019
19-0651	James Berger	Division of Highways	500.00	500.00	10/1/2019
19-0886	Charles Berry and Deborah Berry	Division of Highways	149.80	149.80	10/1/2019
19-0437	Sharon Best	Division of Highways	1,402.51	500.00	12/2/2019
19-0956	Jamie L. Betts	Division of Highways	250.00	250.00	10/8/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0099	Bonnie Bevins	Division of Highways	949.99	500.00	6/3/2019
19-0358	Stevie Don Biedenbach	Division of Highways	1,019.24	1,019.24	12/19/2019
19-0520	Mitchell Bievenour	Division of Highways	147.36	147.36	6/18/2019
19-1181	Lisa Bishop	Division of Highways	408.35	408.35	11/8/2019
19-0961	Pamela Blair	Division of Highways	153.63	153.63	12/6/2019
19-0707	Curtis A. Blaney, II	Division of Highways	90.10	90.10	6/18/2019
19-0838	Mark Blankenship	Division of Highways	407.70	407.70	11/14/2019
19-0902	Melissa Blankenship and Jeffrey Blankenship	Division of Highways	160.00	160.00	12/9/2019
19-1017	Rosalie M. Blaul	Division of Highways	747.50	747.50	9/3/2019
19-1161	Brenda K. Bleigh and James A. Bleigh	Division of Highways	229.34	229.34	10/15/2019
19-0218	Barbara Boardman	Division of Highways	93.81	93.81	12/2/2019
19-0790	Karen Bocsis	Division of Highways	145.49	145.49	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0210	Lisa D. Boling	Division of Highways	646.54	500.00	4/16/2019
19-0007	Deidra Bolton	Division of Highways	407.14	407.14	12/9/2019
19-0684	Shirlene Bolyard and Raymond Bolyard	Division of Highways	353.15	353.15	10/18/2019
19-0919	Timothy A. Bolyard	Division of Highways	127.99	127.99	10/8/2019
19-0740	Ronald E. Bonecutter, Jr.	Division of Highways	528.86	528.86	12/19/2019
18-1546	Robin Bonner	Division of Highways	316.24	316.24	4/16/2019
18-1133	Brenda G. Booker	Division of Highways	139.43	139.43	3/3/2019
18-1116	Kelly Boothe and First Security	Division of Highways	643.90	524.47	8/9/2019
19-0028	Ralph T. Bowles	Division of Highways	342.18	342.18	5/20/2019
19-0563	Shirley Bowman	Division of Highways	148.00	148.00	5/21/2019
19-0668	Grady M. Bowyer and Sharon A. Bowyer	Division of Highways	250.00	250.00	10/1/2019
18-1065	Barbara Branard and Roy Branard	Division of Highways	194.94	194.94	8/6/2019

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19-0515	Leah J. Braner	Division of Highways	517.00	517.00	7/10/2019
19-0143	Catherine Brenner, Nicole Brenner and Bob Brenner	Division of Highways	423.95	423.95	8/9/2019
18-0920	Scott A. Brodbeck	Division of Highways	194.84	194.84	7/10/2019
18-0876	Jeanette A. Brooks	Division of Highways	130.01	130.01	4/2/2019
19-0498	Khadajia Brooks and Shonda Brooks	Division of Highways	88.71	88.71	5/21/2019
18-1308	Jennette Brown	Division of Highways	465.99	465.99	5/20/2019
19-0742	Sarah J. Brown and Wesley Brown	Division of Highways	250.00	250.00	8/6/2019
18-1713	Arthetta Browning	Division of Highways	461.35	461.35	11/18/2019
19-0235	Quincy O. Bruton and Deborah J. Barker	Division of Highways	526.64	526.64	9/3/2019
19-1028	Sandra Taylor Budden and William Budden	Division of Highways	250.00	250.00	9/3/2019
18-1680	Floyd O. Bungard and Alice M. Bungard	Division of Highways	356.46	356.46	4/2/2019
19-0944	Brandi Burgess and Travis Burgess	Division of Highways	174.41	174.41	12/10/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0965	Mark S. Burnette and Deborah S. Burnette	Division of Highways	1,392.81	500.00	12/3/2019
18-1067	James L. Burrows, Jr. and Patricia Burrows	Division of Highways	309.85	309.85	5/20/2019
18-1719	Jennifer Busey	Division of Highways	248.44	248.44	4/2/2019
18-1551	Jan Bussey and Henry Bussey	Division of Highways	407.60	203.80	4/16/2019
19-0574	Karen Butler and Ocie Burgess	Division of Highways	2,996.95	250.00	12/19/2019
19-0914	Ashley Byrd	Division of Highways	208.61	208.61	10/1/2019
18-0976	Laura Cain	Division of Highways	415.43	171.72	9/20/2019
18-0977	Laura Cain	Division of Highways	177.55	177.55	9/20/2019
19-0805	Amanda Caja and Madison Caja	Division of Highways	212.30	212.30	8/6/2019
19-0372	Arlie Campbell and Tammy Campbell	Division of Highways	398.56	398.56	5/21/2019
16-0957	Donald Lou Canterbury	Division of Highways	17,145.00	2,000.00	2/19/2019
19-0511	Jeff D. Carpenter	Division of Highways	209.14	209.14	9/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0827	Marilyn Carpenter	Division of Highways	268.50	268.50	12/2/2019
19-1039	Shelli Carpenter	Division of Highways	500.00	500.00	10/8/2019
18-1476	Robin Carper	Division of Highways	282.07	282.07	12/2/2019
18-0852	Walter Carroll	Division of Highways	500.00	500.00	2/5/2019
19-0861	Craig Carter	Division of Highways	2,270.41	500.00	12/9/2019
18-1390	Michelle L. Carter	Division of Highways	113.95	113.95	11/18/2019
18-1682	Jonathan Carter and Tiffany Carter	Division of Highways	1,714.08	500.00	12/9/2019
18-0564	Rex Alan Caruthers	Division of Highways	500.00	500.00	7/10/2019
18-1063	Larry A. Casdorff	Division of Highways	120.00	120.00	3/3/2019
19-0131	Aaron Caserta	Division of Highways	500.00	500.00	8/6/2019
19-0059	Amanda Cash	Division of Highways	576.59	500.00	12/9/2019
19-0691	Damon Casseday	Division of Highways	1,917.59	500.00	10/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0308	David Castanon	Division of Highways	414.09	414.09	12/9/2019
18-1689	Sue A. Castin	Division of Highways	518.89	518.89	2/5/2019
19-0596	Kimberly Caudill and Ralph Caudill	Division of Highways	290.94	290.94	10/28/2019
19-0127	Kyle Cedar	Division of Highways	60.40	60.40	10/28/2019
19-0382	Lauren Cencula	Division of Highways	163.66	163.66	5/21/2019
18-1094	Butch Chaney and Morgan Chaney	Division of Highways	500.00	500.00	2/5/2019
19-1018	Lisa Marie Chaplin	Division of Highways	456.61	456.61	12/9/2019
18-1429	Richard A. Chaty and Leigh Chaty	Division of Highways	308.16	308.16	4/16/2019
19-0269	Sydney Cheesebraugh	Division of Highways	221.00	221.00	5/21/2019
19-0267	Bonnie Cheeseman and James Cheeseman	Division of Highways	286.20	250.00	7/17/2019
19-0266	Bonnie Cheeseman and James Cheeseman	Division of Highways	215.00	215.00	7/17/2019
17-0023	Rob L. Chisler, Jr.	Division of Highways	6,200.02	6,200.02	9/23/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0606	Joseph Cicchirillo	Division of Highways	519.70	250.00	10/28/2019
19-0199	William M. Clapham	Division of Highways	214.01	214.01	4/30/2019
19-0528	Chris Claqq	Division of Highways	152.03	152.03	5/21/2019
19-0155	Trina D. Clark	Division of Highways	353.11	250.00	8/12/2019
19-0652	David Classing	Division of Highways	332.73	332.73	12/19/2019
19-1189	Jeffrey Clemons	Division of Highways	13,000.00	12,950.00	12/9/2019
19-0299	Deborah C. Clever and Richard A. Clever	Division of Highways	281.43	281.43	6/18/2019
19-1009	John S. Clonch	Division of Highways	1,332.22	500.00	12/9/2019
19-0170	Amy Cochran	Division of Highways	634.09	500.00	9/18/2019
19-1089	Terry A. Coffman and Diana Coffman	Division of Highways	508.27	508.27	11/14/2019
18-1626	Anthony C. Cogar	Division of Highways	120.84	120.84	11/26/2019
19-0457	Jeremiah H. Cogar and Wendy D. Cogar	Division of Highways	1,110.95	1,110.95	6/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0645	William G. Cole	Division of Highways	250.43	250.43	3/5/2019
18-1460	Tabatha Collins	Division of Highways	662.00	500.00	12/2/2019
19-0368	Jesse Colon	Division of Highways	500.00	500.00	4/30/2019
19-0536	Danielle Linn Conaway	Division of Highways	170.81	170.81	5/21/2019
19-0721	Wayne E. Conaway	Division of Highways	84.90	84.90	6/18/2019
19-1093	Denise Conley	Division of Highways	118.05	118.05	12/9/2019
19-0018	Zachary A. Cook and Elisabeth Cook	Division of Highways	263.89	263.89	8/6/2019
19-1106	Susan D. Cooper	Division of Highways	891.45	891.45	11/18/2019
19-1107	Charles R. Copeland, Sr. and Penny Copeland	Division of Highways	250.00	250.00	10/8/2019
19-1184	Sandra K. Corbett	Division of Highways	250.16	250.16	11/8/2019
19-0934	Guy Cordonier	Division of Highways	500.00	500.00	10/8/2019
19-0021	Clayton D. Corwin	Division of Highways	501.96	100.00	10/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0664	Nancy C. Cox	Division of Highways	154.08	154.08	12/2/2019
19-0729	James Tim Coyne and Mary N. Coyne	Division of Highways	476.95	476.95	9/3/2019
18-0995	Gary D. Cremeans, Sr. and Kathleen Cremeans	Division of Highways	2,201.22	500.00	6/3/2019
18-1306	Gary D. Cremeans, Angela Cremeans Moore, Brady M. Moore and Ryan Williams	Division of Highways	68.25	68.25	4/16/2019
18-0747	John M. Criado	Division of Highways	256.80	250.00	7/17/2019
19-0286	Brenda Crisp	Division of Highways	164.30	164.30	9/3/2019
19-0351	Sandra Cronin and Wayne Cronin	Division of Highways	224.67	100.00	9/18/2019
19-0973	Hannah Crookshanks and Lisa Crookshanks	Division of Highways	250.00	250.00	11/14/2019
18-1566	Jeanine M. Cruey and William T. Cruey, Jr.	Division of Highways	691.20	500.00	8/9/2019
18-1126	Terry Cullen	Division of Highways	582.48	582.48	8/12/2019
19-0428	Sherry Cumberledge	Division of Highways	128.34	128.34	5/21/2019
19-0130	Stephanie K. Cummings and Keenan C. Cummings	Division of Highways	310.23	204.55	10/28/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1607	Lori B. Cunningham-Hutson and Darren Hutson	Division of Highways	263.34	263.34	10/18/2019
19-0686	Brenda S. Curry and Keith Curry	Division of Highways	152.71	152.71	10/18/2019
19-1171	George Dalecke	Division of Highways	399.99	399.99	11/8/2019
19-0768	Drake Dalton and Donald Dalton	Division of Highways	608.12	447.53	10/28/2019
19-0499	Eric Dalton and Jodi Dalton	Division of Highways	294.47	294.47	5/21/2019
19-0230	James S. Dalton	Division of Highways	880.70	880.70	9/3/2019
17-0298	Leslie Daniel and Gregory Daniel	Division of Highways	165.28	165.28	7/17/2019
18-1660	Alberta Daniels	Division of Highways	53.00	53.00	10/26/2019
18-1669	Alberta Daniels	Division of Highways	79.50	79.50	10/26/2019
18-1259	Hannah Daniels and Stephen Daniels	Division of Highways	110.00	110.00	12/9/2019
19-0644	Larry V. Dankmer	Division of Highways	81.09	81.09	9/3/2019
19-0643	Larry V. Dankmer	Division of Highways	87.45	87.45	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1534	Justin Robert Darby	Division of Highways	2,690.66	500.00	12/19/2019
19-0578	John David	Division of Highways	365.70	365.70	11/18/2019
19-0322	Brian M. Davis	Division of Highways	250.00	250.00	5/21/2019
18-1612	Chelsea Davis and Harley Davis	Division of Highways	315.16	315.16	4/16/2019
18-1461	Christa Davis and Allen Davis	Division of Highways	144.45	144.45	8/7/2019
18-1672	Earl D. Davis	Division of Highways	396.31	396.31	11/18/2019
19-0124	Jennifer Davis and Randy Davis	Division of Highways	151.39	151.39	6/3/2019
18-1718	Julie Davis	Division of Highways	315.97	315.97	5/20/2019
19-0915	Julie L. Davis	Division of Highways	239.95	239.95	12/9/2019
19-0531	Karen L. Davis	Division of Highways	500.00	500.00	5/21/2019
19-1241	Paul E. Davis and Nesta M. Davis	Division of Highways	500.00	500.00	12/3/2019
18-1159	Randy E. Davis	Division of Highways	1,161.53	1,161.53	12/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0493	Robert E. Davis and Malene J. Davis	Division of Highways	500.00	500.00	5/21/2019
18-1105	Susan Davis and Larry Davis	Division of Highways	148.40	148.40	10/21/2019
18-1184	Dwight Davisson and Jacqueline Davisson	Division of Highways	437.20	437.20	9/11/2019
19-1244	Wesley Deadrick	Division of Highways	69.17	69.17	12/3/2019
19-0453	Arthur Dean, Carolyn Dean and Kinslee Dean	Division of Highways	209.51	209.51	5/21/2019
19-1292	James Dean and Vickie Dean	Division of Highways	181.90	181.90	11/8/2019
19-0743	Deron L. Deem and Melissa A. Deem	Division of Highways	243.80	243.80	8/6/2019
19-0238	Mary Ann DeGarmo	Division of Highways	100.00	100.00	4/2/2019
19-0244	Rodney C. Demott and Lora Lamarre-Demott	Division of Highways	457.86	457.86	8/12/2019
19-0398	Rossana Denicola	Division of Highways	500.00	500.00	5/21/2019
18-0571	Christle Dennison	Division of Highways	2,125.02	2,000.00	7/17/2019
19-0084	Jenny Destefano	Division of Highways	1,104.44	1,000.00	8/12/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1032	Lan Deyerle and David Deyerle	Division of Highways	65.16	65.16	12/9/2019
19-0524	James R. Dice and Haley A. Dice	Division of Highways	145.00	145.00	10/28/2019
18-1345	Timothy D. Dillon and Amy D. Dillon	Division of Highways	485.32	485.32	9/23/2019
19-0852	Todd G. Dillon	Division of Highways	464.56	464.56	12/10/2019
19-1255	Jason Dingeldein	Division of Highways	250.00	250.00	12/3/2019
18-1517	Chelsey Dixon	Division of Highways	96.00	96.00	4/16/2019
19-0633	Logan Dobrovich	Division of Highways	127.98	127.98	9/3/2019
18-1662	Doddridge County Humane Society, Inc.	Division of Highways	423.97	423.97	4/30/2019
19-0484	Gabe D'ortenzio	Division of Highways	203.80	203.80	8/7/2019
19-1081	Rita J. Douglas	Division of Highways	965.25	500.00	12/9/2019
18-1397	David A. Dove	Division of Highways	265.00	265.00	4/2/2019
19-0030	Donna Drown	Division of Highways	97.37	97.37	9/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0032	Donna Drown	Division of Highways	105.93	105.93	9/18/2019
19-0031	Donna Drown	Division of Highways	69.55	69.55	9/18/2019
18-0912	Charles W. Dudley and Roberta Dudley	Division of Highways	699.02	500.00	8/7/2019
18-1679	Dales S. Dues	Division of Highways	652.64	500.00	8/12/2019
19-0125	John Duffy and Linda Duffy	Division of Highways	360.04	100.00	8/2/2019
19-0831	James W. Duke and Melanie A. Duke	Division of Highways	87.97	87.97	9/3/2019
18-1165	Jeffery L. Dulaney	Division of Highways	537.46	537.46	5/20/2019
19-0853	Pamela Dumire	Division of Highways	167.05	167.05	9/3/2019
19-0016	Linda L. Duncan	Division of Highways	706.24	250.00	12/9/2019
19-0650	Linda L. Duncan	Division of Highways	872.91	217.73	12/9/2019
19-0325	Jeffrey N. Durst	Division of Highways	106.75	106.75	5/21/2019
18-0816	Rachel Eades-Gill	Division of Highways	1,000.00	1,000.00	9/11/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0590	Michael Eakin	Division of Highways	474.86	474.86	6/18/2019
19-0207	Kathy E. Eddy	Division of Highways	646.00	646.00	8/12/2019
19-0503	Garnet D. Edwards	Division of Highways	3,599.76	200.00	12/2/2019
19-0755	John M. Efaw	Division of Highways	368.05	368.05	12/19/2019
19-1048	James Ellenbecker	Division of Highways	529.62	529.62	10/8/2019
19-0364	Julie Ellenwood and James Wojcik	Division of Highways	395.68	395.68	9/18/2019
19-0997	Nancy Eller and Randy Eller	Division of Highways	704.56	704.56	10/8/2019
18-0530	Karissa Ellis	Division of Highways	395.13	395.13	10/21/2019
18-1687	Lila C. Elms	Division of Highways	121.64	121.64	9/3/2019
18-1490	Sondra Elson and Jeremy Elson	Division of Highways	463.49	463.49	8/12/2019
18-0236	Albina M. Engler	Division of Highways	77.38	77.38	2/5/2019
19-1234	Jared Enoch	Division of Highways	231.76	231.76	12/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0024	Ken Enoch	Division of Highways	656.17	656.17	10/24/2019
19-0843	Molly S. Erlandson	Division of Highways	508.60	500.00	12/9/2019
19-0403	Phillip Eshenaur and Amber Eshenaur	Division of Highways	840.23	840.23	12/10/2019
19-0329	Scott D. Ethridge	Division of Highways	211.85	211.85	8/12/2019
19-1174	Richard A. Evans	Division of Highways	260.00	260.00	11/8/2019
18-1445	Miranda Ezzi and Matthew Ezzi	Division of Highways	259.00	259.00	5/20/2019
19-0079	Richard A. Facemire	Division of Highways	1,091.16	250.00	12/2/2019
19-0335	Phillip J. Faini	Division of Highways	274.54	274.54	5/21/2019
19-0161	Alyssa Fairbanks and Eric Fairbanks	Division of Highways	649.74	162.44	12/19/2019
19-0388	Nick Fantasia	Division of Highways	827.00	827.00	6/18/2019
19-0376	Jennifer Farley	Division of Highways	500.00	500.00	5/21/2019
19-0149	Ruby Farley	Division of Highways	283.32	283.32	6/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1418	Douglas Ray Farley and Dawn Renee Farley	Division of Highways	1,974.65	500.00	12/19/2019
19-0184	Leslie Farley and Thomas Farley	Division of Highways	793.62	793.62	12/19/2019
19-0160	Andrea Farnham and Jeremy Farnham	Division of Highways	897.93	448.97	10/28/2019
19-0593	Lillian Faulkner	Division of Highways	477.03	477.03	6/18/2019
19-0763	Amy J. Ferguson	Division of Highways	2,085.33	500.00	12/19/2019
19-1071	Betty Ferrell	Division of Highways	2,099.84	2,099.84	12/9/2019
18-0924	Carla Ferrell	Division of Highways	400.00	400.00	4/30/2019
19-0020	Joshua Fields	Division of Highways	486.33	486.33	12/3/2019
18-0656	Angie D. Fink	Division of Highways	141.19	141.19	5/20/2019
19-0828	Randa Finley and Tiffany Finley	Division of Highways	500.00	500.00	11/14/2019
19-1087	Ashley Fisher and Benjamin Fisher	Division of Highways	284.08	284.08	12/10/2019
19-0494	Jeffery S. Fisher and Brooke J. Fisher	Division of Highways	678.38	250.00	11/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1559	Jennifer R. Fisher	Division of Highways	537.68	286.58	12/19/2019
18-1323	Ryan Fitzwater and Ivy Fitzwater	Division of Highways	1,322.43	1,000.00	12/9/2019
18-0777	Eric L. Flevaris	Division of Highways	2,083.66	1,000.00	7/17/2019
19-0786	E. Jane Flohr	Division of Highways	96.26	96.26	12/9/2019
18-0989	June Y. Flohr	Division of Highways	90.95	90.95	10/18/2019
19-1266	Ashley D. Ford	Division of Highways	500.00	500.00	12/3/2019
19-0303	Karen B. Ford	Division of Highways	321.00	321.00	6/18/2019
19-0187	Dennis F. Foreman	Division of Highways	1,142.65	1,142.65	7/10/2019
19-0408	Kathie R. Forman	Division of Highways	584.98	500.00	12/19/2019
18-1514	James A. Fortner and Judy K. Fortner	Division of Highways	336.02	336.02	11/18/2019
19-0098	John Gaylord Forzetting, II and Paula Kay Forzetting	Division of Highways	407.23	407.23	12/10/2019
19-0662	Jacob Lee Foster	Division of Highways	148.73	148.73	12/3/2019

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18-1686	Darlene Fowler and Ewings Fowler	Division of Highways	500.00	500.00	4/2/2019
19-0440	Stacey L. Fox	Division of Highways	281.69	281.69	8/6/2019
19-0154	Trina J. Fox	Division of Highways	573.86	500.00	10/21/2019
18-1558	James F. Fraley and Tennis S. Fraley	Division of Highways	140.00	140.00	9/3/2019
18-1526	Tiffany Franco and Jody Franco	Division of Highways	456.84	456.84	6/3/2019
19-0821	Cathy Lynn Franks	Division of Highways	500.00	500.00	8/6/2019
17-0536	Michael Frazier	Division of Highways	430.31	430.31	10/24/2019
19-0307	William L. Freed	Division of Highways	100.70	100.70	12/2/2019
19-0802	James Freeman and Susan Freeman	Division of Highways	500.00	500.00	8/6/2019
19-0584	Michael A. Fridley	Division of Highways	296.50	296.50	10/24/2019
18-1291	Angela L. Fuhr	Division of Highways	195.02	195.02	2/5/2019
16-0827	Charlotte Furphy and George Furphy	Division of Highways	5,673.75	5,673.75	6/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
17-0263	G. M. McCrossin, Inc. as Subcontractor of R. K. Construction, Inc.	Division of Highways	89,455.30	41,000.00	12/2/2019
18-0982	Melissa J. Gaines	Division of Highways	164.54	164.54	10/18/2019
19-0219	Vincent A. Gala, Jr.	Division of Highways	181.85	181.85	8/12/2019
18-0360	Cynthia A. Gamblin	Division of Highways	779.95	779.95	12/2/2019
19-0577	Joshua Gant and Autumn Gant	Division of Highways	203.52	203.52	6/18/2019
19-0547	Jason R. Garnes	Division of Highways	382.39	250.00	12/10/2019
18-1223	Kelsey Garritano and Antonio Garritano	Division of Highways	132.10	132.10	3/3/2019
19-0128	Samuel W. Garvin	Division of Highways	616.00	500.00	11/18/2019
19-0006	Dana Gates	Division of Highways	840.00	500.00	7/17/2019
19-0010	James D. Gellner	Division of Highways	2,241.05	2,241.05	8/9/2019
19-0406	Brian Gillispie	Division of Highways	559.68	559.68	5/21/2019
19-0100	Patricia Giompalo	Division of Highways	1,306.99	500.00	11/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0969	Gino Gismondi and Amy Gismondi	Division of Highways	581.80	581.80	9/20/2019
18-0968	Gino Gismondi and Amy Gismondi	Division of Highways	661.87	661.87	9/20/2019
18-0967	Gino Gismondi and Amy Gismondi	Division of Highways	608.02	608.02	9/20/2019
19-0117	Todd Gookin	Division of Highways	140.17	140.17	10/21/2019
19-0392	Carlos Goss	Division of Highways	912.43	912.43	6/18/2019
19-0003	Roy Grass	Division of Highways	500.00	500.00	4/2/2019
18-1005	Larry D. Gray	Division of Highways	812.87	812.87	6/3/2019
19-0270	Roseanne Gray and James M. Gray	Division of Highways	377.95	377.95	7/17/2019
19-1240	Brandon Green	Division of Highways	370.90	370.90	11/8/2019
18-1059	Diana M. Green	Division of Highways	332.45	332.45	5/20/2019
19-1151	Dana Greenwood	Division of Highways	154.06	154.06	10/15/2019
19-0040	Lucas Greza and Anne Greza	Division of Highways	615.72	500.00	8/12/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1274	Debbi Griffith	Division of Highways	250.00	250.00	5/20/2019
19-0460	Heather Grimes and Philip Grimes	Division of Highways	198.02	198.02	10/28/2019
19-0883	Michael J. Groom	Division of Highways	318.00	318.00	12/9/2019
18-1394	Trevor Gum and Amanda Gum	Division of Highways	827.82	250.00	7/17/2019
18-1087	Claudia Gunnoe and Bonnie Bennett	Division of Highways	536.59	500.00	10/18/2019
19-0282	Shashi B. Gupta and Sukhdev Gupta	Division of Highways	355.96	355.96	8/9/2019
19-0121	David C. Gwinn	Division of Highways	386.24	386.24	8/9/2019
19-1315	Heather Haddon	Division of Highways	500.00	500.00	11/8/2019
18-0368	Riley Hager	Division of Highways	500.00	500.00	9/11/2019
19-0268	Samuel Hagley	Division of Highways	361.87	361.87	5/21/2019
19-0237	Whitney A. Hajdukovich	Division of Highways	258.10	250.00	8/12/2019
18-0703	Cassandra L. Hall	Division of Highways	134.29	134.29	2/5/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1286	Gary L. Hall and Chelsea M. Hall	Division of Highways	732.35	500.00	8/9/2019
19-0612	Jesse T. Hall	Division of Highways	808.96	404.48	10/26/2019
19-0589	William Hall and Betty Hall	Division of Highways	678.40	500.00	12/19/2019
18-0480	Jennifer M. Hall-Massey	Division of Highways	220.42	220.42	4/2/2019
18-1106	Linwood F. Hamilton	Division of Highways	651.96	651.96	2/19/2019
18-0786	Bonnie S. Hamm	Division of Highways	649.94	649.94	3/3/2019
18-0283	Kyle Hammond and Rachel Hammond	Division of Highways	658.39	500.00	8/12/2019
18-1271	Kyle Hammond and Rachel Hammond	Division of Highways	279.55	279.55	8/12/2019
19-0288	Leonard H. Hancock, Jr.	Division of Highways	107.00	107.00	6/18/2019
19-0648	Theresa Haney	Division of Highways	239.80	239.80	9/23/2019
18-0783	Leigh Ann Hannas	Division of Highways	536.69	500.00	3/5/2019
18-1620	Shannon P. Hapuarachy	Division of Highways	593.60	593.60	5/20/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1027	Kim Harbour and Kris Hall	Division of Highways	241.70	241.70	12/19/2019
18-1603	Billie Harding and Gatens-Harding Funeral Home	Division of Highways	666.68	500.00	8/12/2019
19-0988	John C. Hatless, Jr.	Division of Highways	664.24	664.24	10/8/2019
18-0808	Allen Harmon	Division of Highways	404.82	404.82	3/5/2019
18-0750	Anthony Harmon	Division of Highways	765.00	765.00	4/3/2019
19-0487	Eva Harmon	Division of Highways	267.79	267.79	5/21/2019
19-0510	Benny Harper and Patricia Harper	Division of Highways	500.00	500.00	5/21/2019
19-0995	Patricia Harris	Division of Highways	285.68	285.68	10/8/2019
19-0427	Robert Harris	Division of Highways	437.56	437.56	8/12/2019
18-0846	Stephon C. Harris	Division of Highways	1,288.81	100.00	3/5/2019
18-1384	Laura B. Harshbarger	Division of Highways	360.00	360.00	9/11/2019
19-0517	Barbara E. Hart	Division of Highways	500.00	500.00	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0367	Candace L. Hart	Division of Highways	250.43	250.43	8/12/2019
18-1115	Jack L. Hart, Sr.	Division of Highways	100.00	100.00	2/5/2019
18-1645	Mark Hartling and Belinda Hartling	Division of Highways	562.13	322.23	8/12/2019
18-1144	Kristie N. Hartsell and Allen Hartsell	Division of Highways	283.04	283.04	10/26/2019
19-0626	Joanne Hartzell	Division of Highways	163.45	163.45	9/3/2019
19-0300	Sean R. Hatcher	Division of Highways	148.73	148.73	5/21/2019
19-1062	Joseph Haun	Division of Highways	1,000.00	500.00	12/3/2019
19-0146	Melissa Hawkins	Division of Highways	99.49	99.49	8/12/2019
19-0415	Tanya Headley	Division of Highways	173.84	173.84	5/21/2019
18-1280	Rick Heasley and Valerie Heasley	Division of Highways	254.40	254.40	9/11/2019
19-0363	Dixie M. Heavener	Division of Highways	129.38	129.38	5/21/2019
19-0797	Kassidi Heavner and Paula Miley	Division of Highways	261.00	261.00	10/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0687	Gary Hebden	Division of Highways	1,095.52	245.52	12/9/2019
19-0352	Cindy Heilman	Division of Highways	616.77	250.00	8/9/2019
18-0736	Gregory A. Heiskell	Division of Highways	198.72	198.72	7/17/2019
18-0304	Belinda Henderson and Nick Henderson	Division of Highways	517.28	500.00	8/12/2019
18-0799	Mary Rose Hendricks	Division of Highways	291.70	291.70	7/10/2019
19-0231	Katie Hensel and Eli Hensel	Division of Highways	203.36	203.36	5/21/2019
19-0785	Robert Hephper	Division of Highways	250.00	250.00	11/14/2019
19-0112	Zachary Hercules	Division of Highways	249.54	249.54	8/2/2019
19-1088	Thaddeus Herman	Division of Highways	311.12	311.12	10/8/2019
18-0909	Wesley Herrick and Kathy Herrick	Division of Highways	500.00	500.00	4/30/2019
19-0696	Kyle Hess	Division of Highways	121.85	121.85	6/18/2019
19-0250	Cheryl M. Hicks	Division of Highways	130.38	130.38	5/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0731	James Hicks and Marva Hicks	Division of Highways	245.00	245.00	2/19/2019
18-1439	Bettie J. Hilbert	Division of Highways	727.02	727.02	12/3/2019
19-0558	William Scott Hill and Kathy Hill	Division of Highways	929.42	929.42	12/2/2019
18-0959	Carole L. Hinton	Division of Highways	303.90	303.90	10/28/2019
19-0854	Beth Hixenbaugh and Allen Hixenbaugh	Division of Highways	113.21	113.21	9/3/2019
18-1313	Deborah Hockensmith	Division of Highways	3,077.61	250.00	7/10/2019
19-0476	Melanie J. Hodges and John P. Hodges	Division of Highways	130.12	130.12	5/21/2019
18-1657	Adrian L. Hoffman	Division of Highways	250.00	250.00	4/2/2019
19-1097	Anita Hoffman	Division of Highways	601.00	601.00	12/19/2019
18-1276	Hazel Carolene Hoffman	Division of Highways	139.09	139.09	8/12/2019
18-1318	Kathleen Holden and Calvin Holden	Division of Highways	154.08	154.08	2/19/2019
19-0013	Carletta Hollandsworth	Division of Highways	561.82	500.00	12/9/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0689	James E. Holley and Jean A. Holley	Division of Highways	872.29	500.00	3/5/2019
19-0670	Karen L. Hollinger	Division of Highways	175.00	175.00	9/3/2019
19-0350	Wesley A. Holstein	Division of Highways	980.31	500.00	12/9/2019
18-1421	Margaret Holt and Tara L. Self	Division of Highways	62.54	62.54	4/2/2019
19-0591	Pamela Honaker and Stephen Honaker	Division of Highways	264.24	250.00	12/10/2019
19-1167	John Honhart	Division of Highways	175.68	175.68	11/8/2019
19-0263	Kendra Hoover and Charles Hoover	Division of Highways	231.08	231.08	10/21/2019
19-0260	Peter Joshua Hopkins	Division of Highways	267.60	267.60	6/18/2019
19-0575	Merrel Hopper	Division of Highways	1,241.03	500.00	12/3/2019
19-0001	Brittany Hornbeck	Division of Highways	1,158.33	250.00	10/18/2019
19-1036	Michal A. Hornyak and Karen Hornyak	Division of Highways	250.00	250.00	10/8/2019
19-0185	Charles Hoskins	Division of Highways	1,312.95	500.00	9/11/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0983	Bill House	Division of Highways	250.00	250.00	10/8/2019
19-1122	Lynn Housner	Division of Highways	500.00	500.00	11/8/2019
19-0692	Kenneth L. Howard	Division of Highways	318.00	318.00	10/1/2019
18-1284	Vernon G. Hudnall	Division of Highways	277.85	277.85	8/12/2019
19-0223	Tamy L. Huffman and Donald G. Huffman	Division of Highways	649.62	500.00	6/3/2019
19-0488	Linda Huffman and Robert Goodman	Division of Highways	201.35	201.35	5/21/2019
19-0200	Charles Hulett and Jennifer Hulett	Division of Highways	185.52	185.52	5/21/2019
19-0893	Beverly Hunter	Division of Highways	4,331.00	4,331.00	12/9/2019
19-0192	Richard Hurley	Division of Highways	87.93	87.93	5/20/2019
18-0605	Scott Hurley	Division of Highways	751.70	751.70	2/5/2019
19-1227	Tracee Husted	Division of Highways	500.00	500.00	11/8/2019
18-1266	Lonnie Daniel Izdepski and Melanie B. Izdepski	Division of Highways	536.92	536.92	5/20/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0933	Mistie Jackson and Mike Jackson	Division of Highways	508.63	508.63	12/10/2019
18-0515	William S. Jackson	Division of Highways	500.00	500.00	2/5/2019
19-1272	Kathleen Jarrell and Timothy Pridemore	Division of Highways	157.94	157.94	11/8/2019
19-0413	Noah Jarvis	Division of Highways	249.14	249.14	5/21/2019
18-1053	Jasper Engines and Transmissions, Inc.	Division of Highways	890.24	890.24	8/12/2019
19-0507	Dorris Jeffers and Charles Jeffers	Division of Highways	565.59	565.59	5/21/2019
18-1182	Joshua D. Jividen	Division of Highways	1,000.00	1,000.00	5/20/2019
18-0824	Sue Jividen	Division of Highways	327.40	327.40	3/5/2019
19-0201	Brandon Carter Johnson	Division of Highways	478.54	478.54	5/21/2019
19-1060	Garrett Isom Johnson	Division of Highways	82.34	82.34	10/8/2019
18-0820	James E. Johnson and Ethel R. Johnson	Division of Highways	640.92	500.00	6/3/2019
18-1555	Kaleena Johnson and Vernon Johnson	Division of Highways	1,000.00	1,000.00	5/20/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1708	Kathy J. Johnson	Division of Highways	182.09	182.09	8/6/2019
19-0750	Matthew H. Johnson and Denice G. Johnson	Division of Highways	483.90	483.90	10/28/2019
19-0938	Ross E. Johnson and Mountain State Insurance Agency	Division of Highways	2,566.07	500.00	12/10/2019
19-1245	Stuart Johnson and Virginia Moles	Division of Highways	1,509.21	250.00	12/19/2019
18-0850	Robert Johnson, The Sygma Network, Inc. and Sysco Corporation	Division of Highways	10,589.61	10,589.61	3/5/2019
18-1360	Scot B. Jonas and Jessica R. Proctor	Division of Highways	500.00	500.00	4/2/2019
18-1333	Rebecca R. Jones	Division of Highways	956.14	956.14	7/17/2019
19-0213	Shelly Jones	Division of Highways	210.21	210.21	5/21/2019
19-0399	Tammy L. Jones	Division of Highways	500.00	500.00	6/18/2019
18-1320	Ashley Surprise Jones and Aaron Surprise	Division of Highways	231.71	231.71	12/2/2019
19-0138	Gerald Jones and Katherine Jones	Division of Highways	66,933.71	14,000.00	12/3/2019
18-0653	Amy Jones and Ricky Jones	Division of Highways	500.00	500.00	12/9/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0881	Edgell James Jones, Jr.	Division of Highways	239.98	239.98	5/20/2019
19-1132	Hunter Joyce and Toby Joyce	Division of Highways	242.49	242.49	11/8/2019
19-0008	Mark Justice and Angela Justice	Division of Highways	500.00	500.00	5/20/2019
18-1289	Esmeralda M. Kaestner	Division of Highways	643.04	500.00	8/12/2019
18-1653	Mary H. Kahle	Division of Highways	272.85	272.85	8/12/2019
19-0228	John Karolicik	Division of Highways	143.63	143.63	5/21/2019
18-1588	Donald R. Keeney	Division of Highways	594.92	148.73	8/12/2019
19-0182	Regina Kelbaugh, Jeffrey Kelbaugh and Kaitlyn N. Kelbaugh	Division of Highways	212.00	212.00	4/2/2019
18-1401	Melvin R. Kerr, Sr. and Mary R. Kerr	Division of Highways	8,000.00	6,000.00	4/3/2019
19-1007	Tara Kester	Division of Highways	248.19	248.19	10/8/2019
18-0029	Tammy Ketchem and Henry Ketchem	Division of Highways	487.53	487.53	2/5/2019
19-1118	Delson Kiedaisch	Division of Highways	145.76	145.76	11/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0097	Marcus E. Kilburn	Division of Highways	221.95	221.95	9/3/2019
19-0043	Gabriel D. King	Division of Highways	273.48	273.48	8/9/2019
18-1664	Randy C. Kisner	Division of Highways	708.50	500.00	8/2/2019
18-1386	Britt Klandorf and Hillar Klandorf	Division of Highways	926.79	463.40	12/9/2019
19-0459	Charles H. Kline	Division of Highways	800.55	800.55	8/7/2019
18-1389	Dennis Klingensmith	Division of Highways	352.93	352.93	7/17/2019
18-0972	Susan Knauss	Division of Highways	286.31	286.31	9/20/2019
18-1003	Susan Knauss	Division of Highways	289.65	289.65	9/20/2019
19-0242	Joyce Knecht	Division of Highways	74.15	74.15	8/9/2019
19-0820	Angela M. Knotts and Kevin M. Knotts	Division of Highways	309.41	309.41	9/3/2019
18-1093	Kerrie L. Knotts	Division of Highways	172.78	172.78	10/26/2019
19-1169	Shelli Kobasko	Division of Highways	500.00	500.00	10/15/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0435	Jason A. Kociban	Division of Highways	181.00	181.00	9/11/2019
19-0628	Cynthia Koslik and Joseph R. Koslik	Division of Highways	274.45	274.45	8/6/2019
19-1015	Michael Kovach	Division of Highways	207.49	207.49	10/8/2019
19-0809	Chanin Krivonyak	Division of Highways	522.26	500.00	12/3/2019
19-0681	Lisa Krueger	Division of Highways	193.20	193.20	9/3/2019
19-0849	George Kurcaba	Division of Highways	74.15	74.15	8/6/2019
19-0369	William E. Kurczak	Division of Highways	354.58	354.58	6/18/2019
18-1702	John D. Kyle	Division of Highways	618.93	500.00	12/3/2019
19-1284	Frank Lambert	Division of Highways	229.18	229.18	12/3/2019
18-0627	Jerry Lambert and Cheryl Lambert	Division of Highways	707.04	707.04	10/18/2019
19-0226	Terry Lamm and State Equipment, Inc.	Division of Highways	890.68	890.68	5/21/2019
19-0848	Valerie Lamp	Division of Highways	104.86	104.86	12/9/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0513	Huey M. Land	Division of Highways	209.07	209.07	7/10/2019
19-0340	Jonathan Lane	Division of Highways	226.10	226.10	5/21/2019
18-1190	Michael Lane and Kathy Lane	Division of Highways	2,227.54	500.00	7/17/2019
18-1095	Keya Langmyer	Division of Highways	894.41	894.41	8/2/2019
19-0246	Tami L. Lanham	Division of Highways	158.36	158.36	12/9/2019
19-0865	Pamela Lavender	Division of Highways	268.01	268.01	11/14/2019
18-0472	Charlotte Lawler	Division of Highways	195.76	195.76	7/10/2019
18-1568	Tuanya Layton, Danielle B. Layton and Terry Layton	Division of Highways	189.96	189.96	8/9/2019
19-0479	Paul Lee and Linda Lee	Division of Highways	478.06	478.06	5/21/2019
19-0526	Tim Lefevre and Amy Lefevre	Division of Highways	158.40	158.40	10/18/2019
19-0075	Jessica P. Lemon and Christopher A. Lemon	Division of Highways	187.17	187.17	9/3/2019
19-0065	Bonny Lenz	Division of Highways	199.00	199.00	10/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1474	Jared Lepic	Division of Highways	1,267.87	500.00	9/11/2019
18-1402	Rachel Lester	Division of Highways	282.54	282.54	6/3/2019
19-0272	Hollie Lewis	Division of Highways	254.78	254.78	9/3/2019
19-1312	Matthew Lilly and Robin Lilly	Division of Highways	500.00	500.00	11/8/2019
18-1387	Ryan Lindy	Division of Highways	105.35	105.35	8/12/2019
18-1440	Christopher Lee Linger and Shawn Nicole Linger	Division of Highways	715.29	500.00	10/28/2019
18-0844	Rosanna M. Linton and William J. Hyman	Division of Highways	379.24	379.24	7/17/2019
18-0234	Jerry Linville and Gloria A. Linville	Division of Highways	706.32	706.32	3/5/2019
19-0608	Aaron H. Litman	Division of Highways	117.21	117.21	6/18/2019
18-1584	Clifford H. Lively, Jr. and Susan J. Lively	Division of Highways	653.41	500.00	10/21/2019
19-0111	Stephanie Loew	Division of Highways	645.30	500.00	8/2/2019
19-0738	James H. Long	Division of Highways	4,739.31	500.00	9/23/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1605	Robby Long and Amber Long	Division of Highways	313.21	313.21	12/19/2019
18-1648	Paul E. Long and Shirley A. Long	Division of Highways	3,217.35	3,217.35	12/9/2019
18-1029	Nick Lopetrone and Debra Lopetrone	Division of Highways	476.98	250.00	12/6/2019
18-1324	Carol Losh	Division of Highways	490.99	490.99	10/28/2019
19-0634	Brian K. Lough and Debra D. Lough	Division of Highways	377.44	377.44	9/3/2019
18-1179	Darrell Lovejoy	Division of Highways	1,131.67	500.00	4/16/2019
18-1194	Shasta M. Lowe	Division of Highways	135.68	135.68	11/18/2019
19-0562	Ashley Lucey and Clint Lucey	Division of Highways	477.00	477.00	8/6/2019
18-1582	Holli Ludtman and Jason Ludtman	Division of Highways	203.30	203.30	6/18/2019
19-0247	Janessa Lusk	Division of Highways	845.51	500.00	12/2/2019
19-0109	Jacob Eric Lyall	Division of Highways	1,975.77	1,000.00	6/3/2019
18-0782	David MacDonald	Division of Highways	290.30	290.30	12/9/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0474	John A. Macleod	Division of Highways	679.86	500.00	8/7/2019
19-0710	Justin Joseph Maggard	Division of Highways	235.02	235.02	8/6/2019
19-0855	Rodney S. Maher	Division of Highways	3,700.00	250.00	12/19/2019
18-1678	Catherine A. Maidens	Division of Highways	462.10	462.10	8/2/2019
19-0295	Richard C. Maier	Division of Highways	1,455.17	750.00	12/19/2019
18-1707	John Jay Malatinsky	Division of Highways	218.36	218.36	4/2/2019
19-0564	Dolores Malson	Division of Highways	391.63	391.63	6/18/2019
19-1083	Chris Manack-Stover	Division of Highways	91.95	91.95	10/8/2019
18-0882	Deborah Marcum and Noah Marcum	Division of Highways	95.40	95.40	4/16/2019
19-0339	Christopher Marcum and Stephanie Marcum	Division of Highways	1,477.69	886.62	12/19/2019
19-0151	Ronald L. Mares	Division of Highways	84.15	84.15	10/28/2019
19-0333	Richelle A. Marini	Division of Highways	399.64	399.64	5/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1082	Claude Marra and Sherry Marra	Division of Highways	500.00	500.00	2/5/2019
19-0907	Lillian Diane Martin	Division of Highways	500.00	500.00	10/1/2019
19-0458	Jeffrey Paul Massey	Division of Highways	249.58	249.58	5/21/2019
18-1044	Chris Mattox	Division of Highways	260.81	260.81	4/3/2019
19-0050	Karrie M. Mattox	Division of Highways	1,099.96	1,000.00	12/3/2019
18-1468	Ron May	Division of Highways	176.29	176.29	6/3/2019
19-1085	Ronald J. May and Debra May	Division of Highways	142.17	142.17	9/3/2019
18-1447	Theodore T. Mayberry	Division of Highways	624.63	624.63	9/11/2019
18-1367	Symia Mayfield and Joseph Moore	Division of Highways	500.00	500.00	3/3/2019
19-0249	Mynx Mayhew	Division of Highways	99.49	99.49	8/7/2019
18-1441	Billy J. Mays	Division of Highways	497.00	250.00	7/10/2019
19-0676	Charles Howard McCagg, Jr. and Connie Jackson McCagg	Division of Highways	173.46	173.46	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1635	Joetta McCallister	Division of Highways	105.00	105.00	8/9/2019
19-0049	Linda McCarthy	Division of Highways	2,303.43	500.00	9/23/2019
19-1142	Debra L. McClary and Lenny McClary	Division of Highways	265.29	265.29	10/15/2019
17-0594	Elsie McCloud	Division of Highways	97.78	97.78	4/30/2019
18-1382	Edwin K. McClure and Julie Ann McClure	Division of Highways	2,311.19	500.00	2/19/2019
19-0602	Lynette J. McCollum and Daniel McCollum	Division of Highways	94.20	94.20	6/18/2019
19-0041	Joseph C. McComas, II	Division of Highways	500.00	500.00	5/20/2019
19-0255	David McCormick	Division of Highways	337.07	337.07	5/21/2019
17-0610	Kerri Ann McCormick	Division of Highways	381.55	381.55	10/21/2019
18-1058	Steven R. McCoy and Dawn R. McCoy	Division of Highways	4,500.00	2,900.00	7/10/2019
19-0545	Stephen R. McDiffit and HP&E Corp.	Division of Highways	1,061.95	500.00	12/9/2019
19-1040	Michael O. McDonald	Division of Highways	399.23	399.23	12/9/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0660	Michael C. McGee	Division of Highways	152.10	152.10	6/18/2019
19-0922	Troy D. McGreevy and Denise R. McGreevy	Division of Highways	272.66	272.66	10/18/2019
19-0236	Timothy L. McHenry	Division of Highways	265.00	265.00	7/17/2019
18-1443	Samuel B. McKenney, Steven H. McKenney and Margaret A. McKenney	Division of Highways	1,000.00	1,000.00	4/2/2019
19-0489	Kenneth McMillion, Sherry McMillion and Anthony Shrewsberry	Division of Highways	1,000.00	1,000.00	9/3/2019
19-1091	Andrea McNeil	Division of Highways	303.98	303.98	10/8/2019
19-0835	Daniel McQuade	Division of Highways	446.85	446.85	10/28/2019
19-0113	Victor G. McQuiston	Division of Highways	1,156.50	736.81	10/28/2019
19-0273	Jane E. Meadows	Division of Highways	243.67	243.67	5/21/2019
18-1125	Roger S. Meadows, Roger Meadows and Karen Meadows	Division of Highways	900.00	500.00	9/11/2019
19-0532	Timothy D. Meadows	Division of Highways	432.30	432.30	12/6/2019
18-1455	Nyoka N. Merilic	Division of Highways	616.34	616.34	12/10/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0438	Deborah Micker	Division of Highways	361.20	361.20	8/12/2019
16-0872	Paul M. Mihelic	Division of Highways	2,308.00	2,308.00	9/11/2019
19-0609	Maleea Miker and Joseph Miker, III	Division of Highways	130.70	130.70	6/18/2019
18-0809	Kelly J. Miles and Tara J. Miles	Division of Highways	99.47	99.47	7/17/2019
19-0621	Rebecca A. Miles and Mark V. Miles	Division of Highways	193.25	193.25	10/18/2019
19-0585	Sarah Danielle Milgrim	Division of Highways	173.31	173.31	12/3/2019
18-1277	Fred Milhorn	Division of Highways	293.59	293.59	8/12/2019
19-0701	Amy Miller	Division of Highways	244.27	244.27	10/1/2019
19-0711	Derik J. Miller	Division of Highways	167.17	167.17	6/18/2019
18-1576	Martin L. Miller and Teresa Miller	Division of Highways	926.77	250.00	8/9/2019
18-0853	Sonya J. Miller and Shane A. Miller	Division of Highways	1,106.06	1,106.06	4/30/2019
19-0212	Tina M. Miller	Division of Highways.	250.00	250.00	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0975	Travis J. Miller and Sherry L. Miller	Division of Highways	105.47	105.47	9/20/2019
18-0974	Travis John Miller and Sherry L. Miller	Division of Highways	103.14	103.14	9/20/2019
19-0504	Waylon Keith Miller	Division of Highways	189.42	189.42	6/18/2019
19-0039	Willie Miller	Division of Highways	85.55	85.55	8/9/2019
19-0011	Willie Miller	Division of Highways	252.00	252.00	8/9/2019
19-0142	Dana A. Miller and Lisa Miller	Division of Highways	526.56	250.00	12/2/2019
19-0586	Connie Minnix and Daniel Minnix	Division of Highways	250.00	250.00	6/18/2019
19-0632	Brandon Minor and Leah A. Minor	Division of Highways	55.56	55.56	6/18/2019
18-1435	David K. Minturn and Sandra K. Minturn	Division of Highways	266.50	266.50	4/16/2019
18-1500	David K. Minturn and Sandra L. Minturn	Division of Highways	219.67	219.67	4/16/2019
19-0991	Preston Miske	Division of Highways	79.50	79.50	10/8/2019
19-0654	William F. Mitchell	Division of Highways	176.18	176.18	10/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0179	Tony R. Moles, Jr.	Division of Highways	609.50	609.50	12/2/2019
18-1649	Richard A. Monahan	Division of Highways	391.25	250.00	8/9/2019
19-0485	Charlene Moody	Division of Highways	178.93	178.93	5/21/2019
19-0931	Melissa J. Moody and Prentiss Moody	Division of Highways	357.90	357.90	9/3/2019
19-1024	Arun Kuma Moolchandani	Division of Highways	342.00	342.00	10/8/2019
19-0717	Erin Mooney	Division of Highways	171.18	171.18	6/18/2019
19-0645	Antoinette J. Moore	Division of Highways	500.00	500.00	9/3/2019
19-0702	Dale C. Moore and Lisa S. Moore	Division of Highways	503.39	503.39	6/18/2019
19-0076	Lisa M. Moore and Norman Moore	Division of Highways	500.00	500.00	4/2/2019
19-0597	Michele Moore and Jarrodd Moore	Division of Highways	765.61	500.00	10/21/2019
19-0620	Pamela Mae Moore	Division of Highways	151.50	151.50	10/1/2019
18-0996	Tyler Moore	Division of Highways	210.84	210.84	4/30/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1134	Zachary A. Moore	Division of Highways	818.82	818.82	10/28/2019
19-0068	Ronald A. Moore, Jr.	Division of Highways	1,735.22	1,000.00	10/18/2019
19-0699	Amy B. Morehead and Christopher E. Morehead	Division of Highways	297.46	297.46	6/18/2019
18-1142	Wayne K. Moreland	Division of Highways	250.00	250.00	5/20/2019
19-0455	Wanda K. Moren	Division of Highways	557.60	500.00	8/7/2019
19-0544	Elijah C. Moreno	Division of Highways	264.93	264.93	6/18/2019
19-0290	Aubrey A. Morgan and Jennifer L. Morgan	Division of Highways	215.14	215.14	12/19/2019
17-0012	Mark A. Morgan, Jr.	Division of Highways	2,000.00	2,000.00	3/5/2019
19-0297	Connie Morris	Division of Highways	53.00	53.00	10/26/2019
19-0296	Connie Morris	Division of Highways	142.05	142.05	10/26/2019
18-1609	Rita F. Morris	Division of Highways	8,867.88	1,730.34	12/19/2019
19-0480	Mahalia D. Morris and Donna J. Oliver	Division of Highways	148.40	148.40	5/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0900	David Moser and Mary Jane Moser	Division of Highways	143.59	143.59	9/3/2019
19-1095	William J. Moser	Division of Highways	232.08	232.08	11/14/2019
19-0834	Steven A. Mossor	Division of Highways	2,804.95	250.00	9/23/2019
18-1100	William R. Mott	Division of Highways	859.08	859.08	7/17/2019
19-0859	Matthew Mousadis and Ashley Mousadis	Division of Highways	309.41	309.41	8/6/2019
19-1158	Karen Mudry and Ryan Mudry	Division of Highways	255.60	255.60	11/8/2019
19-1108	Brandon Mullins	Division of Highways	136.74	136.74	11/14/2019
19-0803	Neatta Mullins	Division of Highways	132.44	132.44	11/14/2019
18-1226	Connie L. Murray and James P. Murray	Division of Highways	100.00	100.00	3/3/2019
18-1080	James Murray	Division of Highways	743.75	500.00	7/17/2019
18-1610	Jason Murray	Division of Highways	270.28	270.28	12/19/2019
19-1305	Anna M. Music	Division of Highways	250.00	250.00	11/8/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1463	Michael A. Muto	Division of Highways	323.92	323.92	4/30/2019
18-1681	Nathan Myers	Division of Highways	227.91	227.91	5/20/2019
19-0615	Grethe A. Myles and Tom Witt	Division of Highways	799.96	177.54	10/26/2019
19-0265	Patrick A. Naples	Division of Highways	500.00	500.00	8/12/2019
19-0958	Jeff Nass	Division of Highways	217.98	217.98	10/8/2019
19-0870	Steven Neff	Division of Highways	207.34	207.34	9/18/2019
19-0905	Lloyd L. Neilson	Division of Highways	250.00	250.00	10/1/2019
18-1068	Eric Nelson	Division of Highways	500.00	500.00	2/5/2019
18-0987	Sheryl Nelson and Daniel Mahaney	Division of Highways	522.85	522.85	4/30/2019
18-1385	Howard E. Nelson, Sr.	Division of Highways	254.66	254.66	3/3/2019
18-1357	Eric T. Newell and Martha Newell	Division of Highways	261.69	250.00	12/2/2019
19-0225	John Newell	Division of Highways	350.00	350.00	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0911	Michael C. Newhouse	Division of Highways	157.50	157.50	10/1/2019
19-1146	Pamela G. Newlon	Division of Highways	293.95	250.00	12/3/2019
19-1212	Alan Newman	Division of Highways	451.23	451.23	12/9/2019
19-0070	Kent E. Newman	Division of Highways	176.11	176.11	12/3/2019
18-1374	Valori Newman and Leroy Newman	Division of Highways	422.68	266.25	7/10/2019
18-1378	Michelle Nichols and Roger Nichols	Division of Highways	229.60	229.60	6/18/2019
19-0166	Dustin Nicholson	Division of Highways	71.02	71.02	10/26/2019
18-1319	Renee K. Nicholson and Matthew K. Bauman	Division of Highways	310.58	310.58	10/28/2019
18-1619	Ray Paul Nicololoan	Division of Highways	542.24	500.00	9/11/2019
19-0206	Robert E. Nolan, Jr.	Division of Highways	190.80	190.80	9/20/2019
18-1010	Dakota Norris	Division of Highways	575.23	575.23	12/9/2019
18-1066	Larry F. Nutter and Trena M. Nutter	Division of Highways	595.51	595.51	6/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1119	Barbara S. Oakes	Division of Highways	500.00	500.00	10/15/2019
19-0054	Jason Oates	Division of Highways	906.30	500.00	10/18/2019
18-1650	Nina O'Connor and Steven O'Connor	Division of Highways	100.00	100.00	3/3/2019
18-1451	John W. O'Dell	Division of Highways	276.06	250.00	4/3/2019
18-1214	Russell J. Offutt and Glafre L. Offutt	Division of Highways	500.00	500.00	5/20/2019
18-1611	Robert B. Opperman and Carol J. Opperman	Division of Highways	556.45	500.00	12/19/2019
19-0640	Jennifer Orlofske and Sean A. Orlofske	Division of Highways	500.00	500.00	8/6/2019
18-1293	James D. Orr, Richard J. Orr and Sara A. Orr	Division of Highways	85.07	85.07	8/9/2019
18-1663	Shirley Osborne	Division of Highways	444.70	444.70	4/30/2019
19-1418	Jim Ostrander and Shelly Ostrander	Division of Highways	44.99	44.99	12/3/2019
19-0801	William Park and Bryanna Park	Division of Highways	200.00	200.00	8/6/2019
19-0830	Austin Parker and Tasha Parker	Division of Highways	277.68	277.68	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1054	Mitchell P. Parlett	Division of Highways	115.50	115.50	11/14/2019
19-0165	Nancy O. Parsons	Division of Highways	85.48	85.48	9/18/2019
18-0941	Clarence D. Patton	Division of Highways	248.64	248.64	9/20/2019
19-0825	David Pauley	Division of Highways	500.00	500.00	10/1/2019
19-0261	Randy Pavalok and Tracy Pavalok	Division of Highways	250.00	250.00	5/21/2019
19-0277	Ellen Payne and James R. Payne	Division of Highways	402.76	402.76	10/18/2019
19-0920	Jackie R. Payne	Division of Highways	135.00	135.00	12/2/2019
19-0746	Carol Ann Peacock	Division of Highways	1,492.48	1,000.00	12/19/2019
19-0505	Lauren Peddicord and Jason Peddicord	Division of Highways	500.00	500.00	6/18/2019
18-1017	Shawn R. Pennybacker	Division of Highways	662.47	250.00	8/12/2019
19-0409	Misty Perkins and Brittany Perkins	Division of Highways	504.00	504.00	9/3/2019
18-1585	Carmen Melissa Perry and Aubrey S. Perry	Division of Highways	233.44	233.44	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1218	Dolphus J. Perry	Division of Highways	83.74	83.74	11/18/2019
19-0400	Herbert Perry	Division of Highways	39.22	39.22	5/21/2019
18-1459	Sherry L. Perry and Donald H. Perry	Division of Highways	288.86	288.86	9/3/2019
18-1541	Maureen M. Persons	Division of Highways	133.69	133.69	12/19/2019
19-0881	Anna Petitto and Karen Petitto	Division of Highways	83.54	83.54	8/6/2019
19-0895	Allison Petonic	Division of Highways	250.00	250.00	9/3/2019
18-1213	Jeremy Pevahouse	Division of Highways	1,475.00	300.00	9/11/2019
19-0693	Donald B. Phillips and Beverly A. Phillips	Division of Highways	263.88	263.88	10/18/2019
19-1000	Timmy Phonesavanh	Division of Highways	500.00	500.00	11/14/2019
18-1243	Ernest J. Pierce	Division of Highways	341.00	341.00	5/20/2019
18-0938	Lora Pierce	Division of Highways	89.16	89.16	4/3/2019
19-0765	Alan E. Piercy	Division of Highways	500.00	500.00	10/1/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0190	Cynthia Pinson and Matt Pinson and Pinson Mobile Medicine	Division of Highways	573.15	573.15	5/20/2019
19-0343	Kent Pirlo	Division of Highways	217.55	217.55	5/21/2019
18-0634	Michael J. Pitek, III	Division of Highways	471.49	471.49	4/30/2019
17-0688	Yuenan S. Pitrolo and Joe E. Pitrolo	Division of Highways	393.96	393.96	7/17/2019
19-0291	Jon Pittman and Darla Pittman	Division of Highways	338.34	338.34	12/10/2019
19-1035	Jeanne M. Pizatella	Division of Highways	103.78	103.78	10/8/2019
19-0447	Christopher A. Pletcher	Division of Highways	2,127.88	1,000.00	10/28/2019
18-1056	Benjamin Plunkert	Division of Highways	1,000.00	1,000.00	2/5/2019
17-0607	Roger Plymale	Division of Highways	85,000.00	85,000.00	9/23/2019
18-1478	William Ponceroff	Division of Highways	927.79	927.79	12/19/2019
19-1186	Shawn Poore	Division of Highways	3,436.02	3,000.00	12/19/2019
19-0598	Michael Porter and Arlie Dalton	Division of Highways	500.00	500.00	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1007	Mark S. Posten	Division of Highways	598.71	500.00	7/17/2019
19-0104	Kathryn Powell and Jarod Hooten	Division of Highways	498.20	498.20	10/28/2019
19-0381	Janet C. Power	Division of Highways	376.35	376.35	8/12/2019
18-1654	Wayne H. Powers and Brenda Powers	Division of Highways	232.54	232.54	12/3/2019
19-0529	April M. Pratt	Division of Highways	162.99	162.99	5/21/2019
18-1578	Premier Bank, Inc. and Michael L. Allen	Division of Highways	203.01	203.01	8/9/2019
19-0559	Darlene Presley	Division of Highways	1,355.60	250.00	12/3/2019
19-0878	Brien C. Price	Division of Highways	779.50	779.50	12/9/2019
18-1637	Jeffrey Ivan Price	Division of Highways	1,206.24	1,000.00	8/9/2019
19-0793	John Prusa	Division of Highways	943.63	943.63	8/6/2019
18-1032	Lisa D. Raber and Bryan L. Raber	Division of Highways	127.20	127.20	10/29/2019
18-1424	Jeffery T. Racer and Joann Racer	Division of Highways	872.29	500.00	3/5/2019

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19-0355	Johnny L. Radcliff	Division of Highways	636.00	500.00	10/28/2019
18-1089	Dale Richard Radcliffe	Division of Highways	6,608.56	1,000.00	9/23/2019
19-1247	Timothy Raines and April Manypenny-Raines	Division of Highways	500.00	500.00	11/8/2019
18-1240	John C. Ramirez, Jr. and Elizabeth A. Jones Ramirez	Division of Highways	537.55	229.89	4/16/2019
19-0732	Randall C. Rapp and Shelly Rapp Davis	Division of Highways	250.00	250.00	6/18/2019
18-1714	Jeanette Ratcliffe	Division of Highways	210.94	210.94	4/2/2019
18-1448	Randy Ratcliffe and Paul Ratcliffe	Division of Highways	406.07	406.07	8/12/2019
18-0913	Christina Raynes and Jared Raynes	Division of Highways	140.95	90.95	4/3/2019
19-0747	Lyndsay Redden	Division of Highways	129.71	129.71	6/18/2019
19-0141	Kevin D. Renick	Division of Highways	9,977.61	1,000.00	6/3/2019
19-0254	Joseph Reynolds, II and Rachel Higgins	Division of Highways	500.00	500.00	4/2/2019
19-0556	Debra L. Richards and Robert M. Richards	Division of Highways	387.30	250.00	9/23/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0706	Doris Richardson and Nathan Richardson	Division of Highways	349.75	349.75	12/10/2019
19-1113	Richard Richmond and JoAnn Richmond	Division of Highways	250.00	250.00	11/8/2019
18-1264	David E. Ridenour	Division of Highways	364.41	364.41	7/10/2019
19-0397	Russell F. Riggins	Division of Highways	2,504.23	500.00	10/28/2019
19-0283	Nicole D. Riley and James F. Riley	Division of Highways	184.03	184.03	12/2/2019
19-0285	Nicole D. Riley and James F. Riley	Division of Highways	181.09	181.09	12/6/2019
19-0752	Michael L. Rittenhouse	Division of Highways	321.45	321.45	8/6/2019
19-1021	Todd C. Roatsey	Division of Highways	306.91	306.91	12/9/2019
18-1632	Amy Robertson and Raymond Robertson	Division of Highways	142.54	142.54	9/3/2019
19-0873	Andrew Robinson and Nancy Robinson	Division of Highways	100.00	100.00	10/1/2019
19-1409	Glenda M. Robison	Division of Highways	500.00	500.00	12/3/2019
19-0592	Claude E. Rodriguez	Division of Highways	154.94	154.94	10/28/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
17-0638	William Rogers and Cherry Rogers	Division of Highways		35,000.00	12/19/2019
18-1557	Nathaniel T. Romino	Division of Highways	722.47	314.98	12/19/2019
19-0402	Jason Rooper	Division of Highways	241.63	241.63	5/21/2019
18-1543	Beth Ross	Division of Highways	224.97	224.97	8/12/2019
18-1484	Karl Ross	Division of Highways	1,403.06	1,000.00	4/3/2019
18-1398	Lisa Dianne Roth	Division of Highways	88.18	88.18	10/28/2019
19-0114	Elmer R. Roth, Jr.	Division of Highways	1,827.56	100.00	8/7/2019
19-0416	Timothy R. Rounds and Melissa Rounds	Division of Highways	500.00	500.00	5/21/2019
19-0680	Ellen E. Rowan	Division of Highways	153.70	153.70	10/28/2019
18-1475	James E. Rowan	Division of Highways	148.28	148.28	9/20/2019
19-0669	James Gregory Rowsey	Division of Highways	1,307.44	500.00	12/2/2019
19-0051	Christie L. Rucker and Joshua M. Rucker	Division of Highways	230.05	230.05	9/3/2019

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19-0754	Kimberly Runion	Division of Highways	406.87	406.87	8/6/2019
18-1189	Joshua Thomas Ruppert	Division of Highways	336.85	250.00	2/19/2019
19-0535	Broaddus Rutledge	Division of Highways	958.68	500.00	12/2/2019
18-1575	Gregory A. Sabak	Division of Highways	796.52	796.52	9/20/2019
18-1717	Craig Sabol and Tina Sabol	Division of Highways	541.61	500.00	7/10/2019
19-0194	James P. Salakovich	Division of Highways	700.18	700.18	4/2/2019
19-0318	Niccole Lynn Salvatore and Roberta Carter	Division of Highways	250.00	250.00	5/21/2019
18-0836	Dustin Scott Samms	Division of Highways	321.59	321.59	3/5/2019
18-1334	Joseph A. Samples	Division of Highways	937.68	250.00	2/19/2019
19-0191	Russell W. Sandy and Cheri S. Sandy	Division of Highways	890.00	500.00	12/10/2019
18-0861	Keith Roy Santagata	Division of Highways	1,295.88	500.00	7/17/2019
19-1084	Gina P. Satterfield	Division of Highways	222.60	222.60	12/3/2019

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18-1446	Ernest G. Sauers and Iva L. Sauers	Division of Highways	200.83	200.83	9/20/2019
18-0778	Christie Saunders	Division of Highways	500.00	500.00	8/6/2019
19-0380	Samara D. Saunders	Division of Highways	476.95	476.95	5/21/2019
19-0177	Paula Saver	Division of Highways	143.18	143.18	8/7/2019
19-0778	Michael Sayre and Rhonda Sayre	Division of Highways	89.04	89.04	11/14/2019
19-0411	Lisa Sayre and Jordan Page	Division of Highways	143.53	143.53	8/12/2019
18-1052	Patricia A. Scadden	Division of Highways	562.83	250.00	7/17/2019
19-0550	Malena Scalise	Division of Highways	910.53	500.00	12/2/2019
18-0389	Karen Scarbro	Division of Highways	210.79	210.79	9/3/2019
19-0561	Sherri Schambach	Division of Highways	278.85	278.85	8/6/2019
19-0324	Roger L. Schnegg and Brenda L. Schnegg	Division of Highways	1,505.48	250.00	8/12/2019
19-0924	Josh Schramm	Division of Highways	291.50	291.50	10/8/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-1175	David Schroeder	Division of Highways	197.05	197.05	12/19/2019
19-0745	Christopher Schubert	Division of Highways	264.46	264.46	9/3/2019
18-1112	Enid J. Schultz	Division of Highways	306.80	306.80	8/12/2019
19-0534	Lance E. Schultz	Division of Highways	1,038.00	1,038.00	11/18/2019
18-1358	Richard Scott	Division of Highways	3,929.45	3,929.45	9/11/2019
19-0245	Scott Properties and Heidi Metheny	Division of Highways	604.48	500.00	10/28/2019
19-0984	Richard D. Seaman and Mary R. Seaman	Division of Highways	280.90	280.90	10/8/2019
19-0975	Rita S. Searls and Paul Searls	Division of Highways	163.62	163.62	12/10/2019
18-0772	Amber Sears	Division of Highways	1,000.00	1,000.00	4/2/2019
19-0739	Rosemary Sergakis and Nap Farms, LLC	Division of Highways	214.21	214.21	8/6/2019
16-0848	Cindy Settle and Mindy Settle, Her Daughter	Division of Highways	40,000.00	40,000.00	8/2/2019
19-0501	Michael F. Sewock	Division of Highways	165.88	165.88	6/18/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0196	Jennifer M. Shahan and Michael R. Shahan	Division of Highways	162.18	162.18	5/21/2019
19-0240	Aaron C. Shall	Division of Highways	187.66	187.66	8/12/2019
19-0875	Patricia Shamblyn and Terri Pauley	Division of Highways	121.90	121.90	12/10/2019
19-0876	Patricia Shamblyn and Terri Pauley	Division of Highways	292.07	292.07	12/10/2019
19-0877	Patricia Shamblyn and Terri Pauley	Division of Highways	126.09	126.09	12/10/2019
18-1008	Mike Shay	Division of Highways	1,237.97	250.00	12/19/2019
18-1499	David R. Sheets	Division of Highways	340.26	250.00	6/3/2019
18-1362	Deborah Shell and Luther D. Shell	Division of Highways	1,352.67	500.00	7/10/2019
19-0929	Johnna Shelton Hunter	Division of Highways	142.04	142.04	12/9/2019
18-0528	Catherine E. Shepherd	Division of Highways	435.06	435.06	3/5/2019
19-0126	David Shepherd	Division of Highways	138.28	138.28	7/17/2019
18-1096	James M. Sheppard	Division of Highways	1,020.14	622.39	12/19/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1235	Robert H. Sherman, Jr. and Helen Jean Sherman	Division of Highways	340.88	340.88	7/17/2019
19-0336	Robert L. Shields	Division of Highways	120.42	120.42	8/9/2019
18-1117	Michelle Shirley	Division of Highways	948.99	250.00	12/19/2019
18-1673	Tami Shrout	Division of Highways	932.56	500.00	10/28/2019
19-0603	Sandra Shultz and Kathleen Ertz	Division of Highways	512.56	500.00	9/18/2019
19-0600	Catherine Simmons	Division of Highways	600.00	500.00	10/26/2019
18-1521	Brian Simpson and Kerry Simpson	Division of Highways	500.00	500.00	2/5/2019
19-0904	David P. Simpson and Sharon Simpson	Division of Highways	334.96	334.96	12/10/2019
19-0753	Rachel Sims and Samuel Sims	Division of Highways	250.00	250.00	9/3/2019
19-0583	Randall R. Sims and Nancy Sims	Division of Highways	1,049.68	500.00	12/19/2019
19-1096	Robert Sine	Division of Highways	100.27	100.27	11/14/2019
18-1486	Seth Sirbaugh and Denver Sirbaugh	Division of Highways	525.00	525.00	4/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1049	Donetta Sisler	Division of Highways	171.72	171.72	10/21/2019
19-1053	Sandra Sisler	Division of Highways	500.00	500.00	9/3/2019
19-0102	Jacob M. Skeens	Division of Highways	286.00	286.00	9/3/2019
19-1013	Okey M. Slate, Sr.	Division of Highways	63.60	63.60	10/8/2019
18-1520	Michelle Slaughter	Division of Highways	508.70	476.58	9/20/2019
18-0894	Edward W. Sloan	Division of Highways	323.14	323.14	7/17/2019
19-0314	Allison J. Smith and Eric B. Smith	Division of Highways	104.41	104.41	5/21/2019
19-0417	Felicia L. Smith	Division of Highways	250.00	250.00	5/21/2019
18-0562	Franklin K. Smith	Division of Highways	250.00	250.00	6/18/2019
19-1047	Gary L. Smith	Division of Highways	163.24	163.24	10/8/2019
18-1631	Kenneth R. Smith	Division of Highways	1,777.55	500.00	11/18/2019
19-0799	Mary L. Smith	Division of Highways	250.00	250.00	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0241	Amy Smith and Allison Mullins	Division of Highways	266.15	266.15	8/12/2019
19-0978	Jeffrey L. Smith, Jr.	Division of Highways	278.20	278.20	10/8/2019
18-1373	Christopher C. Smith, Kendra Smith and Kaylan Smith	Division of Highways	408.84	408.84	12/19/2019
18-1627	James M. Smoot	Division of Highways	500.00	500.00	3/3/2019
19-0993	Patricia Smyth	Division of Highways	92.99	92.99	10/8/2019
18-1450	Bonnie S. Snodgrass and Coy Snodgrass	Division of Highways	192.60	192.60	4/2/2019
19-0486	Elaine Snodgrass	Division of Highways	228.41	228.41	12/9/2019
19-0323	Steve Snodgrass	Division of Highways	1,379.60	1,379.60	8/12/2019
18-1473	Velma Snyder and John J. Snyder	Division of Highways	500.00	500.00	4/2/2019
19-0698	Stephanie A. Sobolewski	Division of Highways	640.32	640.32	12/19/2019
18-1567	Mathew Sokos and Jamie Sokos	Division of Highways	549.01	500.00	8/9/2019
18-1355	Helen Sollars	Division of Highways	1,028.15	500.00	10/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
16-0543	Ryan E. Sommerkorn	Division of Highways	2,088.82	500.00	2/19/2019
19-0315	David L. Sommers	Division of Highways	261.22	261.22	8/12/2019
18-0466	Danielle V. South	Division of Highways	689.63	500.00	12/19/2019
19-0549	Thomas Sloan Sowers	Division of Highways	785.42	785.42	12/9/2019
19-0548	Thomas Sloan Sowers	Division of Highways	1,235.22	1,000.00	12/10/2019
19-0311	Pamela Spangler	Division of Highways	402.80	402.80	6/18/2019
19-0085	Jennifer Michelle Sparks	Division of Highways	467.44	467.44	6/3/2019
14-1222	Greg Specht	Division of Highways	5,000.00	5,000.00	7/17/2019
19-0987	William Spencer and Dorothy Spencer	Division of Highways	500.00	500.00	10/8/2019
19-0638	Diana Spiker	Division of Highways	500.00	500.00	6/18/2019
19-1173	Willa Spradling	Division of Highways	118.29	118.29	12/9/2019
19-0257	Rita Sprouse	Division of Highways	552.07	500.00	7/17/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-0992	St. Paul's Episcopal Church	Division of Highways		170,000.00	12/9/2019
19-0436	Bobby Stacy	Division of Highways	155.68	155.68	5/21/2019
18-1239	Robert Benjamin Stahler	Division of Highways	189.62	189.62	4/2/2019
19-0892	Amber Indigo Stanley	Division of Highways	139.65	139.65	12/9/2019
18-1012	Charlotte L. Stanley	Division of Highways	283.54	283.54	4/3/2019
18-0503	Chelsey E. Stanley	Division of Highways	500.00	500.00	2/5/2019
19-0610	Mark A. Starcher	Division of Highways	265.87	265.87	6/18/2019
18-1057	Frank L. Starks, Jr.	Division of Highways	1,253.86	500.00	12/2/2019
19-0316	Lori C. Stas	Division of Highways	551.15	551.15	5/21/2019
19-0305	Robert Statton	Division of Highways	500.00	500.00	8/6/2019
18-0510	Donna S. Statts and Joann Thompson	Division of Highways	230.74	230.74	7/17/2019
19-0216	Bryan Stealey	Division of Highways	193.24	193.24	10/28/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1579	Loretta J. Steele	Division of Highways	275.60	275.60	9/3/2019
18-0933	Derek Stemple and Lesley Stemple	Division of Highways	250.00	250.00	9/3/2019
19-1313	Ciara Stewart	Division of Highways	144.69	144.69	11/8/2019
18-1705	Lucille Stewart	Division of Highways	312.35	312.35	10/24/2019
19-0954	Chelsea M. Stillman	Division of Highways	500.00	500.00	10/8/2019
19-0385	Robert B. Stollings	Division of Highways	100.00	100.00	5/21/2019
19-0842	Robert B. Stollings	Division of Highways	149.69	100.00	12/9/2019
19-0841	Robert B. Stollings	Division of Highways	26.73	26.73	12/9/2019
18-1156	Erin M. Stone and Mike Stone	Division of Highways	834.00	500.00	7/10/2019
18-1055	Lorraine H. Stout and Samuel E. Stout	Division of Highways	250.00	250.00	4/2/2019
19-1263	Bryan H. Stricklin and Ranny L. Stricklin	Division of Highways	500.00	500.00	11/8/2019
18-1506	Francis Stump and Richard Stump	Division of Highways	931.17	500.00	7/10/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1691	Eva Rene Stutler	Division of Highways	548.54	250.00	9/20/2019
19-0387	Sarah C. Sullivan	Division of Highways	107.67	107.67	5/21/2019
18-0274	Melissa Summers and Mark Summers	Division of Highways	733.47	279.15	7/10/2019
19-0972	Lindsey Swank Meili	Division of Highways	240.56	240.56	10/8/2019
19-0683	Christopher Swires	Division of Highways	98.50	98.50	9/3/2019
19-0530	Otmer W. Tanner and Luella Tanner	Division of Highways	500.00	500.00	5/20/2019
19-0572	Anthony David Tartell and Mark Demary	Division of Highways	383.40	383.40	10/18/2019
19-0092	Brittany Taylor	Division of Highways	220.25	220.25	8/12/2019
19-1269	George D. Taylor	Division of Highways	291.17	291.17	11/8/2019
19-0953	Larry D. Taylor and Lydotta Taylor	Division of Highways	651.68	651.68	10/8/2019
19-0289	Matthew C. Taylor	Division of Highways	123.82	123.82	7/17/2019
19-0667	Spencer Taylor and George Taylor	Division of Highways	210.74	210.74	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1406	Heather Teel	Division of Highways	455.75	455.75	4/16/2019
19-1192	Carol A. Tennant and Roy Neil Tennant	Division of Highways	459.67	459.67	11/8/2019
19-0210	Karen Tennant	Division of Highways	486.19	486.19	10/28/2019
19-0383	Michael D. Tennant and Renae Tennant	Division of Highways	157.28	157.28	5/21/2019
19-0080	Cheryl A. Terrano and Michael Terrano	Division of Highways	731.56	250.00	7/17/2019
19-0775	Jeffrey Testement and Faith Testement	Division of Highways	160.39	160.39	10/21/2019
19-1197	Thomas Teter and Patricia Teter	Division of Highways	177.02	177.02	10/15/2019
18-0871	James Thacker	Division of Highways	88.49	88.49	3/5/2019
17-0001	Curtis L. Thomas, Jocelyn F. Thomas and Diana B. Thomas	Division of Highways	5,881.00	500.00	10/18/2019
19-1162	John A. Thomas	Division of Highways	500.00	500.00	11/8/2019
19-0342	Michelle Thomas	Division of Highways	1,162.11	250.00	12/19/2019
19-0514	Ralph W. Thomas	Division of Highways	1,827.29	500.00	12/19/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1646	Brian H. Thompson	Division of Highways	343.97	343.97	5/20/2019
19-0122	Jill Robin Thompson	Division of Highways	243.80	243.80	8/9/2019
19-0224	Mary K. Thompson	Division of Highways	568.37	100.00	8/7/2019
18-1538	Terry L. Thompson and Linda Thompson	Division of Highways	655.32	250.00	6/3/2019
19-0063	Paul D. Thompson and PP&J Structures and General Contracting, LLC	Division of Highways	500.00	500.00	5/20/2019
18-1388	Joette Thorn and Tara Johnson	Division of Highways	6,914.68	500.00	8/12/2019
19-0009	Kristi Tingler	Division of Highways	294.25	294.25	8/12/2019
18-1122	Sandra Toney	Division of Highways	65.22	65.22	10/21/2019
18-1625	Corey Tornes	Division of Highways	924.48	500.00	12/19/2019
19-0947	Ashley Torres and Adolfo Torres	Division of Highways	538.68	500.00	12/10/2019
18-0579	Michael J. Travis and Barbara J. Travis	Division of Highways	180.15	180.15	7/17/2019
19-0579	Patsy S. Trecost, II and Jennifer Trecost	Division of Highways	517.23	517.23	8/6/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0525	Carl Trosper and Joy Trosper	Division of Highways	404.87	404.87	12/3/2019
19-0443	Nancy E. Trudel	Division of Highways	182.85	182.85	5/21/2019
19-0271	Alan Tucker and Myrtle Liva Tucker	Division of Highways	500.00	500.00	6/18/2019
18-0681	Ira T. Turner	Division of Highways	1,434.00	500.00	12/19/2019
18-1413	Jeffrey K. Twigg and Lisa R. Twigg	Division of Highways	424.00	424.00	7/10/2019
18-1185	William Twyman and Patricia Twyman	Division of Highways	316.47	316.47	7/17/2019
19-1033	Kenneth E. Tyree, Jr. and Leona E. Tyree	Division of Highways	730.14	500.00	12/10/2019
19-0824	Chris Ullman and Chris Ullman Pre-Owned Autos, LLC	Division of Highways	1,280.00	1,280.00	9/20/2019
18-1150	Rodney O. Underwood and Dustin N. Underwood	Division of Highways	459.36	459.36	7/17/2019
18-1419	Carolyn Urbanek	Division of Highways	385.74	385.74	8/9/2019
18-0867	Debbie Vac and Dennis Vac	Division of Highways	3,197.07	500.00	10/29/2019
19-0756	Shelly Vaczy	Division of Highways	250.00	250.00	9/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0072	John T. Vannatter and Melody Vannatter	Division of Highways	587.92	587.92	8/12/2019
18-0862	Cheryl Frank Vega	Division of Highways	1,528.99	250.00	2/19/2019
18-1496	Francis Veon	Division of Highways	216.01	216.01	7/17/2019
19-0784	Robert Vickers and Bernice Vickers	Division of Highways	415.55	415.55	9/3/2019
19-0552	Annette M. Viola	Division of Highways	500.00	500.00	5/21/2019
19-1177	Peter J. Vrotsos and Gretchen J.G. Vrotsos	Division of Highways	500.00	500.00	10/15/2019
18-1170	Ivan Vujic	Division of Highways	2,776.54	2,776.54	12/19/2019
19-1154	Mark L. Wallace	Division of Highways	390.11	390.11	11/8/2019
18-1464	Christopher D. Waller	Division of Highways	470.00	470.00	9/3/2019
19-0678	Jerry L. Walls	Division of Highways	317.78	317.78	10/1/2019
19-1100	Jerry Lee Walters, Jr. and Carmella Walters	Division of Highways	250.00	250.00	11/14/2019
18-0447	Ryan L. Walton and Melinda J. Walton	Division of Highways	106.00	106.00	7/17/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0056	Nichole Ward and William Ward	Division of Highways	91.50	91.50	9/3/2019
18-1724	Woodrow Ward	Division of Highways	500.00	500.00	9/3/2019
19-1226	Diann Ware	Division of Highways	500.00	500.00	11/8/2019
18-1545	Stacy R. Warren	Division of Highways	626.09	500.00	12/19/2019
18-0160	Warwood Armature Repair Co. and R.V. Thalman, III	Division of Highways	341.20	341.20	8/12/2019
19-1045	Sheila Washington and David Washington	Division of Highways	176.96	176.96	11/18/2019
19-0955	Marcia Watson	Division of Highways	41.18	41.18	12/3/2019
19-0869	Robert A. Watterson	Division of Highways	83.46	83.46	11/18/2019
18-1011	Robert Watts	Division of Highways	213.91	213.91	2/5/2019
18-1311	Jeffrey Waugh and Dell Beth Waugh	Division of Highways	567.07	567.07	9/23/2019
19-1135	Chuck Waybright	Division of Highways	482.30	482.30	10/15/2019
19-0004	Thomas D. Waybright and Christie L. Waybright	Division of Highways	2,932.01	1,000.00	12/19/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0658	Evelyn L. Webb	Division of Highways	100.00	100.00	10/1/2019
19-0666	Tonya M. Webber-Miller and Molly M. Miller	Division of Highways	340.90	340.90	6/18/2019
18-1183	Barton R. Weese and Julia A. Weese	Division of Highways	269.24	269.24	3/5/2019
18-1633	Amy Wehrle	Division of Highways	992.87	250.00	8/9/2019
18-1683	Richard Weinberger and Lori Weinberger	Division of Highways	332.07	332.07	5/20/2019
19-0412	Kimberley L. Welch	Division of Highways	207.98	207.98	7/10/2019
19-0795	Ronald Welch and Brenda Welch	Division of Highways	116.49	116.49	8/6/2019
18-1479	Brenda L. Wells	Division of Highways	97.86	97.86	4/2/2019
19-1385	Heather Hagens Welsh	Division of Highways	229.51	229.51	12/3/2019
19-0916	Amy Lynn West	Division of Highways	197.95	197.95	9/18/2019
19-0022	Doreen Wheatley	Division of Highways	93.28	93.28	4/30/2019
18-0849	Bobby W. Whetzel and Mary E. Whetzel	Division of Highways	753.40	500.00	7/17/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0396	Karen L. Whipkey	Division of Highways	532.86	532.86	10/28/2019
18-0753	Beatrice J. White and Rodney White	Division of Highways	214.12	214.12	6/3/2019
18-1034	Benjamin A. White	Division of Highways	159.00	159.00	10/18/2019
18-0902	Charles W. White	Division of Highways	425.76	425.76	7/17/2019
19-0258	David A. White	Division of Highways	288.21	288.21	10/30/2019
19-0641	Todd R. White	Division of Highways	924.31	924.31	12/2/2019
19-0394	Kaylee Whitlatch	Division of Highways	224.45	224.45	9/18/2019
19-0193	John Whitmore	Division of Highways	91.62	91.62	5/21/2019
18-1485	James E. Whitt	Division of Highways	1,556.08	534.20	12/19/2019
19-0464	Joni Lee Whitt and John Whitt	Division of Highways	500.00	500.00	5/21/2019
18-0979	Carol Wiles and Kevin Wiles	Division of Highways	111.64	111.64	9/20/2019
19-0423	Charles Wiles	Division of Highways	250.00	250.00	5/21/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1234	Krista A. Wilkins	Division of Highways	250.00	250.00	2/5/2019
18-0533	Dolores Williams	Division of Highways	347.09	347.09	4/16/2019
19-1168	Ted M. Williams and Karen Williams	Division of Highways	374.50	374.50	11/8/2019
18-1437	Alysha Nicole Williams and Patricia Holcomb	Division of Highways	397.87	397.87	4/2/2019
19-0777	Larry Williams and Tamara Williams	Division of Highways	1,500.00	750.00	12/19/2019
19-0636	Krissie Williamson	Division of Highways	546.91	500.00	11/18/2019
19-0456	Angela K. Willman	Division of Highways	110.77	110.77	5/21/2019
19-0491	Deadra D. Wills and Eddie Wills	Division of Highways	288.47	288.47	8/7/2019
18-1670	Deadra Wills and Eddie R. Wills	Division of Highways	486.85	486.85	9/11/2019
19-0965	Mary Ann Wilmoth and Mark Wilmoth	Division of Highways	343.06	343.06	10/8/2019
18-0964	Brenda D. Wilson	Division of Highways	106.00	106.00	5/20/2019
19-0183	Dennis A. Wilson	Division of Highways	277.29	277.29	8/12/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0616	James P. Wilson and Susan M. Wilson	Division of Highways	500.00	500.00	6/18/2019
19-0996	Mark Allen Wilson and Beverly Rae Wilson	Division of Highways	500.00	500.00	10/8/2019
19-0274	Wayne Wilson and Sandra Wilson	Division of Highways	216.96	216.96	5/21/2019
19-0035	Nicole Wilson-Carr	Division of Highways	5,074.79	500.00	12/9/2019
18-0951	Bradley Wilton and Danielle N. Rossi	Division of Highways	500.00	500.00	5/20/2019
19-0377	Stephen C. Winslow	Division of Highways	4,575.00	1,500.00	12/9/2019
19-0614	Richard Winters	Division of Highways	399.54	399.54	6/18/2019
19-0871	Kala Withrow	Division of Highways	259.80	250.00	12/19/2019
18-1690	Kala Withrow	Division of Highways	262.11	250.00	12/3/2019
19-0625	Kala Withrow	Division of Highways	250.00	250.00	9/3/2019
19-0819	Kala Withrow	Division of Highways	275.28	250.00	12/3/2019
18-1542	Vernon L. Withrow	Division of Highways	409.53	409.53	8/12/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
19-0655	Robert Wolfe and Kristie Wolfe	Division of Highways	144.22	144.22	6/18/2019
18-1251	Susan C. Wolfe	Division of Highways	4,457.42	500.00	10/28/2019
19-0119	W. Nathan Wolfe	Division of Highways	1,148.34	1,000.00	12/9/2019
18-0955	Tracy A. Wolfe and James Wolfe, III	Division of Highways	106.13	106.13	9/20/2019
19-1055	Betty J. Woodall	Division of Highways	199.00	199.00	9/3/2019
18-0940	Christina Woods and Josh Woods	Division of Highways	977.45	250.00	7/17/2019
19-0044	Brenda Workman	Division of Highways	2,838.32	1,000.00	9/18/2019
19-0553	Larry T. Workman and Alex M. Workman	Division of Highways	664.58	664.58	10/21/2019
19-0804	Melissa Wright	Division of Highways	340.26	340.26	8/6/2019
19-0275	Robert W. Wright and Denise A. Wright	Division of Highways	1,360.02	500.00	8/7/2019
19-0034	Amber Wroblewski and Ron Wroblewski	Division of Highways	395.51	395.51	9/18/2019
19-0209	Shauntell Yerkey and Justin Yerkey	Division of Highways	250.86	250.86	7/10/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Amount Awarded	Date of Opinion
18-1570	Robert S. Young, Jr. and Willa Jeanne Young	Division of Highways	202.23	100.00	8/9/2019
18-1250	Paula Susan Zaharko	Division of Highways	658.50	500.00	12/19/2019
18-1491	Stacie L. Zelkowski	Division of Highways	64.35	64.35	8/12/2019
19-0168	Alicia Y. Ziman and Matthew Ziman	Division of Highways	99.95	99.95	4/2/2019
19-1126	Connie Everhart	Division of Motor Vehicles	270.00	270.00	10/29/2019
19-1159	Travis L. Castle and Christine N. Castle	Division of Natural Resources	136.83	136.83	12/10/2019
19-0675	Frontier WV, Inc.	WV Army National Guard	65,200.00	65,200.00	9/26/2019
			\$3,546,025.68	\$2,525,934.76	

**Over-Expenditure Claims
Presented to the 2020 Legislature**

Claims Against the Department of Health and Human 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- 19-1200	Affordable Cremations of WV, LLC	indigent burial	1,250.00	9/24/2019
CC- 19-1204	Affordable Cremations of WV, LLC	indigent burial	1,250.00	9/24/2019
CC- 19-1202	Affordable Cremations of WV, LLC	indigent burial	1,250.00	9/24/2019
CC- 19-1203	Affordable Cremations of WV, LLC	indigent burial	1,250.00	9/24/2019
CC- 19-1201	Affordable Cremations of WV, LLC	indigent burial	1,250.00	9/24/2019
CC- 19-1481	Altmeyer Funeral Home	indigent burials	7,000.00	12/13/2019
CC- 19-0429	Chambers and James Funeral Home	indigent burial	1,250.00	9/24/2019

Agency total: **\$14,500.00**

Grand total: **\$14,500.00**

Disallowed Claims Presented to the 2020 Legislature

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
18-1466	Verizon Business	Department of Administration/Ofc. of Technology	16,000.00	Disallowed	12/19/2019
18-0896	Gwen Christian	Department of Health and Human Resources	686.83	Disallowed	12/19/2019
18-1655	Steven Dukes	Division of Corrections and Rehabilitation	44.19	Disallowed	9/24/2019
18-0517	Aron Freeland	Division of Corrections and Rehabilitation	5.98	Disallowed	6/10/2019
18-0800	Charles Lively	Division of Corrections and Rehabilitation	2,300.00	Disallowed	6/10/2019
18-1498	Jesse James Nelson	Division of Corrections and Rehabilitation	150.00	Disallowed	9/26/2019
18-0831	Matthew W. Reed	Division of Corrections and Rehabilitation	242.42	Disallowed	9/26/2019
18-1129	Matthew W. Reed	Division of Corrections and Rehabilitation	100.00	Disallowed	9/26/2019
18-1615	Matthew W. Reed	Division of Corrections and Rehabilitation	45.00	Disallowed	9/26/2019
18-1307	Tina Angelozzi	Division of Highways	837.52	Disallowed	12/19/2019
19-0788	Cory J. Bash	Division of Highways	601.55	Disallowed	12/19/2019
16-0277	Dana R. Beavers	Division of Highways	2,609.38	Disallowed	3/5/2019
18-1028	Michael Lee Beverage	Division of Highways	8,000.00	Disallowed	3/5/2019
18-1641	Beverly Bisbee	Division of Highways	79.51	Disallowed	12/19/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
18-1349	Jettie Burkett	Division of Highways	188.28	Disallowed	12/19/2019
14-1506	Kimberly A. Cecil	Division of Highways	25,000.00	Disallowed	8/19/2019
18-1246	Shirley D. Call and Locie Taylor	Division of Highways	604.34	Disallowed	6/3/2019
19-0808	Nancy Davidson	Division of Highways	771.35	Disallowed	12/19/2019
14-1327	Monty R. Davis and Cynthia J. Davis	Division of Highways	31,172.52	Disallowed	7/10/2019
17-0633	Susan S. Dietrich and Stephen Dietrich	Division of Highways	2,169.12	Disallowed	8/12/2019
19-0313	Leo Emerson Dobbins	Division of Highways	4,946.20	Disallowed	12/9/2019
19-0796	Nancy L. Dowdy	Division of Highways	781.87	Disallowed	12/19/2019
19-1188	Saba Ellis	Division of Highways	952.33	Disallowed	12/19/2019
18-0698	Princess Fogus and Marshall Fogus	Division of Highways	621.25	Disallowed	6/3/2019
19-0120	Susan Jill Fox	Division of Highways	255.95	Disallowed	9/12/2019
17-0014	Benjamin Freeman	Division of Highways	400.00	Disallowed	2/19/2019
19-0410	Gregory M. Griffith and Sandra P. Griffith	Division of Highways	3,200.00	Disallowed	9/11/2019
18-1597	Kathy D. Jarrell	Division of Highways		Disallowed	12/19/2019
19-1070	Sean Keeney	Division of Highways	854.91	Disallowed	12/19/2019
18-1212	Michael S. Keiffer and Erica Keiffer	Division of Highways	1,964.71	Disallowed	6/3/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
17-0726	Mary C. Kessler and Hank Kessler	Division of Highways	3,746.65	Disallowed	12/19/2019
19-1031	Andrew Kirsch and Jennifer Kirsch	Division of Highways	499.00	Disallowed	12/19/2019
17-0136	Katie F. Lapp	Division of Highways	422.37	Disallowed	3/5/2019
19-0312	Billy Leftwich and Cynthia Leftwich	Division of Highways	1,033.57	Disallowed	12/19/2019
18-1314	Brenden Long	Division of Highways	1,205.66	Disallowed	7/10/2019
19-0909	Diane McCallister	Division of Highways	4,801.12	Disallowed	12/19/2019
19-0445	Emily Monti, Tom Monti and Tina Monti	Division of Highways	750.44	Disallowed	9/11/2019
10-0218	Gereinda Moore	Division of Highways	26,685.00	Disallowed	6/10/2019
18-1164	Katherine Pennington, Nicholas Pennington and Randy O'Neal	Division of Highways	5,214.93	Disallowed	12/19/2019
19-0950	Charlotte E. Plantz	Division of Highways	260.61	Disallowed	12/19/2019
16-0408	Tyler W. Price	Division of Highways	80,000.00	Disallowed	12/19/2019
18-1684	Jordan D. Ray, John D. Ray and Carrie S. Ray	Division of Highways	1,204.31	Disallowed	12/19/2019
19-0164	Susan K. Reed	Division of Highways	1,945.47	Disallowed	12/19/2019
19-0811	Marian E. Richardson	Division of Highways	229.97	Disallowed	12/19/2019
18-1647	Stanley Matthew Seekford	Division of Highways	1,900,000.00	Disallowed	8/7/2019
18-1339	Lisa Simone	Division of Highways	482.19	Disallowed	12/19/2019

Number	Name of Claimant	Name of Respondent	Amount Claimed	Final Disposition	Date of Opinion
18-0937	Bradley S. Smith	Division of Highways	187.87	Disallowed	3/5/2019
19-0002	Dewey T. Smith	Division of Highways	745.13	Disallowed	12/19/2019
19-0019	Dennis L. Snider, Jr. and Donna R. Snider	Division of Highways	3,680.86	Disallowed	12/19/2019
18-0589	Robert B. Stollings	Division of Highways	380.00	Disallowed	12/19/2019
18-1048	Latausha Taylor	Division of Highways	2,990.92	Disallowed	6/3/2019
15-2058	William A. Taylor, II	Division of Highways	2,112.81	Disallowed	8/12/2019
19-1109	Anita West	Division of Highways	334.34	Disallowed	12/19/2019
15-1284	Ruby Powell and Donna Wimmer	Division of Highways	20,000.00	Disallowed	12/19/2019

\$2,164,498.43

WEST VIRGINIA LEGISLATIVE CLAIMS COMMISSION
ABSTRACTS OF AWARDED CLAIMS

CLAIMS AGAINST THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY

CC-18-1489 VERIZON BUSINESS v. DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY

The Claimant brought this claim to recover \$8,000.00 for professional consulting services rendered pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$8,000.00.

AMOUNT CLAIMED: \$8,000.00

AMOUNT AWARDED: \$8,000.00

CC-18-1554 PEAK-RYZEK INC. v. DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY

The Claimant brought this claim to recover \$3,636.00 for professional services rendered pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$3,636.00.

AMOUNT CLAIMED: \$3,636.00

AMOUNT AWARDED: \$3,636.00

CLAIM AGAINST THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

CC-19-0229 QLARION, INC. v. DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Claimant brought this claim to recover \$215,145.02 for providing professional software updates and maintenance to the Respondent's SAP software licenses pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$215,145.02.

AMOUNT CLAIMED: \$215,145.02

AMOUNT AWARDED: \$215,145.02

CLAIMS AGAINST THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES

CC-18-1332 LINDA ADAMS-DOHENY, DANNY L. BOYCE, ANN E. BOYCE, JANEY I. WIGAL AND AMY B. THOMAS v. DEPARTMENT OF HEALTH AND HUMAN RESOURCES

The Claimants filed this claim seeking to recover \$4,500.00, plus interest, for outstanding lease payments pursuant to a lease between the Claimants' parents and the Respondent. The lease allowed the Respondent to install a medical/law enforcement communications tower on real property owned by the Claimants' parents. The land was deeded to the Claimants in 2008 and no lease payments had been received since then as documented by unpaid invoices and the accompanying lease agreement. The Respondent admitted the validity of the claim as to \$2,778.48 and further stated that there were sufficient monies expired in the appropriate fiscal years from which the invoices could have been paid. The Respondent denied the validity of the claim as to \$1,721.52, asserting that those invoices had already been paid by the Respondent. The Respondent further asserted that any payments sought for the lease period of January 1, 2000 through May 20, 2004 were for a time period prior to the Respondent's Office of Emergency Health Services assuming the lease from the West Virginia Technical Support Network, Inc. and assuming responsibility for the lease payments. The Claims Commission recommended an award in the amount of \$2,778.48

AMOUNT CLAIMED: \$4,500.00

AMOUNT AWARDED: \$2,778.48

CC-17-0462 WEST VIRGINIA ASSOCIATION OF REHABILITATION FACILITIES, INC. (WVARF) v. DEPARTMENT OF HEALTH AND HUMAN RESOURCES

The Claimant brought this claim to recover \$305,183.34 for professional services provided to the Respondent throughout the State of West Virginia pursuant to contracts with the Respondent as documented by 186 unpaid invoices. These services included janitorial services, courier services, hand soap, programming fees, document imaging services, mail services, temporary services, water services, data management and document destruction. The Respondent asserted that it had already paid \$208,623.50 of the total amount claimed. The Respondent further admitted that it owed the Claimant \$75,451.23 but did not have a mechanism available to effectuate the payment. The Respondent denied the validity of the claim as to \$21,250.65 because there was either no contract in place or the invoices lacked the appropriate certification or documentation to permit payment. Following a lengthy and thorough investigation, the parties determined that the amount in controversy was \$78,493.82.

The Legislative Claims Commission found that there was no documentation as to the completion of work for 34 invoices totaling \$2,271.00 and deducted that sum from the amount in controversy. The Claims Commission recommended an award in the amount of \$76,222.82

AMOUNT CLAIMED: \$305,183.23

AMOUNT AWARDED: \$76,222.82

CLAIM AGAINST THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES, OFFICE OF ENVIRONMENTAL HEALTH SERVICES

CC-19-0086 PITNEY BOWES, INC. v. WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, OFFICE OF ENVIRONMENTAL HEALTH SERVICES

The Claimant brought this claim to recover \$3,226.56 for the rental of digital mailing systems and a postage machine for use in the Respondent's Phillipi District Office pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim as to the sum of \$2,419.92 and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Respondent denied the validity of the claim as to the sum of \$806.64, asserting that these invoices were duplicate invoices from a prior billing period. The Claimant did not submit any additional documentation to dispute the Respondent's position. The Claims Commission recommended an award in the amount of \$2,419.92.

AMOUNT CLAIMED: \$3,226.56

AMOUNT AWARDED: \$2,419.92

CLAIM AGAINST THE DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY, WEST VIRGINIA ADJUTANT GENERAL'S OFFICE

CC-19-0675 FRONTIER WEST VIRGINIA, INC. v. WEST VIRGINIA ARMY NATIONAL GUARD

The Claimant brought this claim to recover \$65,200.00 for providing professional constructions services pertaining to the Respondent's facilities in Kenova, Bridgeport and St. Albans pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$65,200.00.

AMOUNT CLAIMED: \$65,200.00

AMOUNT AWARDED: \$65,200.00

CLAIMS AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION

CC-19-1213 YASSER ABDELHAQ v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated as follows: On September 20, 2018, the Claimant was incarcerated at Mount Olive Correctional Complex when the Respondent's officers conducted a shakedown of his cell and confiscated his personal property, including several religious items. The Claimant alleged that he did not receive any inventory or seizure reports for the confiscated religious items. The Claimant placed a value of \$63.49 on his lost property but did not submit any supporting documentation as to the value of the property. Following an investigation, the Respondent admitted to liability and stipulated to damages in the amount of \$22.28, which represented the replacement value of items verified to be in the Claimant's possession at the time of the shakedown. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment

situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$22.28 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$63.49

AMOUNT AWARDED: \$22.28

CC-18-1693 WENDEL K. ASH v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated as follows: On September 18, 2018, the Claimant was incarcerated at Mount Olive Correctional Center when the Respondent's officers conducted a shakedown of the Claimant's housing unit. The Claimant alleged that the officers damaged his Walkman during the shakedown; he placed a value of \$29.99 on his lost property but did not submit any supporting documentation. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$11.90 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$29.99

AMOUNT AWARDED: \$11.90

CC-19-0566 ANTHONY CARTAGENA v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated to the following: On August 3, 2018, the Claimant was incarcerated at Mount Olive Correctional Complex. During a shakedown, the Respondent's officers confiscated the Claimant's personal property, including a pair of scissors. The Claimant later learned that the scissors had been destroyed; he placed a value of \$1.50 on the destroyed scissors. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation had been created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$1.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1.50

AMOUNT AWARDED: \$1.50

CC-19-0568 ANTHONY CARTAGENA v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated as follows: The Claimant was incarcerated at Mount Olive Correctional Complex on August 7, 2018 when the Respondent's officer conducted a search of the Claimant's cell. During the search, the Claimant's wall calendar was damaged; the Claimant placed a value of \$18.53 on the calendar. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation had been created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$18.53 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$18.53

AMOUNT AWARDED: \$18.53

CC-19-0569 ANTHONY CARTAGENA v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated to the following: On July 6, 2018, the Claimant was incarcerated at Mount Olive Correctional Complex. The Claimant ordered a stereo which contained two different wall adapters. One of the adapters was accidentally thrown away in the Respondent's State Shop while the package was being processed for inventory and delivery to the Claimant. The Claimant placed a value of \$18.77 on his lost property. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation had been created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$18.77 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$18.77

AMOUNT AWARDED: \$18.77

CC-19-1094 ANTHONY CARTAGENA v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant, an inmate at Mount Olive Correctional Complex, sought to recover \$30.26 for the loss and damage of personal property following a cell search at the facility. The Claimant testified that a correctional officer dropped one of the Claimant's CD's on the floor damaging it while a second CD was damaged during an inspection of the CD case. The Claimant placed a value of \$30.26 on the two CD's.

The Respondent denied the validity of the claim but offered to replace the paper CD case that had been damaged with a sturdier plastic jewel case, which the Claimant accepted.

The Legislative Claims Commission found that a bailment situation existed between the Claimant and the Respondent and that the Respondent had a duty to exercise due care with respect to the Claimant's property and failed to do so on the date of the incident. The Claims Commission recommended an award of \$9.97.

AMOUNT CLAIMED: \$30.26

AMOUNT AWARDED: \$9.97

CC-14-0923 MIGUEL DELGADO v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this claim to recover the value of personal property that he alleged was lost while under the care of the Respondent. Prior to the hearing on this claim, the Claimant's claim was dismissed based upon the availability of insurance coverage to cover the Claimant's loss. The availability of insurance coverage prevented the former Court of Claims from asserting jurisdiction over the claim. The Claimant challenged the dismissal and filed a Petition for a Writ of Mandamus with the West Virginia Supreme Court, which was ultimately denied. Upon the denial of the Claimant's Petition, his Motion for Reconsideration was granted by the Legislative Claims Commission to allow for a full hearing on the merits of the claim.

At the hearing, the Claimant testified that on March 5, 2014, he was incarcerated at Mount Olive Correctional Complex when the Respondent's officers conducted a shakedown on his pod. Following the shakedown, he discovered that numerous personal property items were strewn

about his cell and on the floor. He testified that he did not receive the proper property seizure reports from the Respondent. His missing property included personal hygiene items, photos, adult magazines, crime scene evidence photos, a collection of pages from miscellaneous magazines, a poster and a highlighter. The Claimant placed a value of \$358.86 on his missing property.

The Respondent denied the validity of the claim in its pleadings and at the hearing. No witnesses testified on behalf of the Respondent.

The Legislative Claims Commission found that a bailment situation existed between the Claimant and the Respondent and that the Respondent had a duty to exercise due care with respect to the Claimant's property and failed to do so on the date of the incident. The Claims Commission recommended an award of \$358.86.

AMOUNT CLAIMED: \$358.86

AMOUNT AWARDED: \$358.86

CC-18-1587 MIGUEL DELGADO v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated to the following: The Claimant was incarcerated at Mount Olive Correctional Complex on September 18, 2018 when the Respondent's officers conducted a shakedown. The Claimant's beard and mustache trimmer were confiscated; he learned later that these items had been thrown away. The Claimant placed a value of \$25.44 on his lost property. The Respondent admitted liability in its pleadings and agreed to the amount of \$25.44. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$25.44 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$25.44

AMOUNT AWARDED: \$25.44

CC-19-0036 MIGUEL DELGADO v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this claim to recover the value of personal property that he alleged was lost. At the hearing, the Claimant testified that he was incarcerated at Mount Olive Correctional Center and transferred to the segregation unit on October 4, 2018. Following the Claimant's return to general population on October 31, 2018, he discovered that some of his personal property was missing and other items had been damaged. The missing and damaged property included religious books, magazines, CD's, other adult magazines, religious items and drawings, a law dictionary, photographs and a pair of shorts. The Claimant testified that some of the items, including the religious books and the law dictionary had been provided to him by his attorneys; he had crafted some of the religious items himself and did not have documentation to support their value. The Claimant placed a value of \$2,330.50 on his lost property.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent asserted that some of the Claimant's property was not included on his personal property card as required and other items lacked any identification as required. The Respondent further challenged the purported monetary value of the claim and submitted evidence that the

book valued by the Claimant at \$2,000.00 could be purchased at a much lower price from other sources available to the Claimant.

The Legislative Claims Commission found that a bailment situation existed between the Claimant and the Respondent and that the Respondent had a duty to exercise due care with respect to the Claimant's property and failed to do so on the date of the incident. The Claims Commission recommended an award of \$403.67.

AMOUNT CLAIMED: \$2,330.50

AMOUNT AWARDED: \$403.67

CC-19-0576 TROY GOODMAN v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated to the following: In February, 2019, the Claimant was incarcerated at Mount Olive Correctional Complex and transferred to St. Mary's Correctional Center. Shortly thereafter, he was transferred back to Mount Olive Correctional Center. At that time, he learned that several items of his personal property, including a remote and personal hygiene items, had been lost. The Claimant placed a value range of \$1.00 to \$10,000.00 on his lost property. The Respondent admitted liability in its pleadings and agreed to the amount of \$38.79. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$38.79 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1.00-\$10,000.00

AMOUNT AWARDED: \$38.79

CC-18-1081 LARRY OWENS v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this claim alleging that his personal property was lost, stolen or destroyed while in the care of the Respondent. At the hearing, the Claimant testified that he was incarcerated at Huttonsville Correctional Center on June 12, 2018 when the facility conducted a shakedown on his pod. Following the shakedown, he discovered that his Reebok tennis shoes and his Skullcandy earbuds were missing from his personal property. The Claimant did not receive a property seizure form for these items; he place a value of approximately \$100.00 on the missing items.

The Respondent admitted the validity of the claim as to liability. The Respondent agreed to stipulate to the value of the Claimant's claim if he could provide receipts to verify the value of the lost items.

At the request of the Legislative Claims Commission, the Claimant submitted invoices and receipts that showed the Claimant had paid \$108.17 for the replacement Reebok tennis shoes and the Skullcandy earbuds.

The Legislative Claims Commission found that bailment situation was created between the Claimant and the Respondent and that the Respondent had a duty to exercise reasonable and ordinary care with respect to the Claimant's property and failed to do so on the day of the incident. The Claims Commission recommended an award of \$108.17.

AMOUNT CLAIMED: \$108.17

AMOUNT AWARDED: \$108.17

CC-19-0293 CHARLES F. PLYMAIL v. DIVISION OF CORRECTIONS AND REHABILITATION

The parties stipulated to the following: In August, 2018, the Claimant was incarcerated at South Central Regional Jail. During his intake, he advised the Respondent's staff that he wore a colostomy bag and would be in need of supplies while incarcerated. The Respondent initially provided the Claimant with the necessary medical supplies but encountered a shortage of supplies several weeks later. The Claimant was forced to use his current supplies for longer than medically recommended and eventually his family provided him with new and clean supplies for the colostomy bag. The Claimant placed a value of \$250.00 on the cost of the new colostomy bag supplies that had been provided to him by his family and other individuals. The Claimant alleged that the Respondent breached its duty to provide him with medical care and necessary medical supplies during his incarceration. The Respondent admitted liability in its pleadings and agreed to the amount of \$119.80. The Legislative Claims Commission found that the Respondent was responsible for the Claimant and his medical care while he was in the custody of the Respondent and that the Respondent was negligent in its delivery of necessary medical supplies to the Claimant. The sum of \$119.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$250.00

AMOUNT AWARDED: \$119.80

CC-19-0393 WILLIAM O. ROBINSON v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant, an inmate at the Western Regional Jail at the time this incident occurred, was released on furlough to attend a family funeral. At that time, he learned that the clothing he had been wearing at his intake at the facility had been lost. The Claimant testified that he was wearing a hoodie sweatshirt, designer jeans, athletic shoes and a designer belt, which he valued at \$910.00. The Claimant did not submit any receipts in support of his valuation of his clothing items, but the parties were able to adequately document an appropriate range of value for the missing property.

The Respondent disputed the validity of the claim.

The Legislative Claims Commission found that a bailment situation existed between the Claimant and the Respondent and that the Respondent had a duty to exercise due care with respect to the Claimant's property and failed to do so on the date of the incident. The Claims Commission recommended an award of \$520.00.

AMOUNT CLAIMED: \$910.00

AMOUNT AWARDED: \$520.00

CC-18-1592 WEXFORD HEALTH SOURCES, INC. v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant brought this claim to recover \$517,048.00 for providing professional medical services to inmates incarcerated at the Respondent's facilities pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The parties have agreed that the sum of \$433,333.00 is fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$517,048.00

AMOUNT AWARDED: \$433,333.00

CC-18-1593 WEXFORD HEALTH SOURCES, INC. v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant brought this claim to recover \$814,301.00 for providing professional medical services to inmates incarcerated at the Respondent's facilities pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The parties have agreed that the sum of \$433,333.00 is fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$814,301.00

AMOUNT AWARDED: \$433,333.00

CC-18-1594 WEXFORD HEALTH SOURCES, INC. v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant brought this claim to recover \$671,614.00 for providing professional medical services to inmates incarcerated at the Respondent's facilities pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The parties have agreed that the sum of \$433,334.00 is fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$671,614.00

AMOUNT AWARDED: \$433,334.00

CLAIMS AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION/EASTERN REGIONAL JAIL

CC-19-1111 MATTHEW BARTON v. DIVISION OF CORRECTIONS AND REHABILITATION/EASTERN REGIONAL JAIL

The parties stipulated to the following: On March 19, 2019, the Claimant was arrested and taken to Eastern Regional Jail. The Respondent's officers inventoried and stored the Claimant's personal property. Several months later, he learned that his personal property, which he valued at \$300.00, had been lost. The Respondent admitted liability in its pleadings and agreed to the amount of \$300.00. The Respondent was responsible for the Claimant and his

property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$300.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$300.00

AMOUNT AWARDED: \$300.00

CC-19-1336 SAMANTHA D. BOYER v. DIVISION OF CORRECTIONS AND REHABILITATION/EASTERN REGIONAL JAIL

The parties stipulated as follows: On August 14, 2019, the Claimant was incarcerated at Eastern Regional Jail and was taken to lockdown. The Claimant alleged that the Respondent's officers failed to properly pack and inventory her personal property and it was lost while she was in lockdown. The Claimant placed a value of \$140.84 on her lost property. Following an investigation, the Respondent admitted to liability and stipulated to damages in the amount of \$90.94, which represented the replacement value of items verified to be in the Claimant's cell at the time she was taken to lockdown. The Respondent was responsible for the Claimant and her property while she was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$90.94 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$140.84

AMOUNT AWARDED: \$90.94

CC-19-0759 MICHAEL R. HUGHES v. DIVISION OF CORRECTIONS AND REHABILITATION/EASTERN REGIONAL JAIL

The parties stipulated to the following: On December 24, 2018, the Claimant was incarcerated at Eastern Regional Jail. Upon the Claimant's arrival at the Respondent's facility, the Respondent's officers inventoried and stored the Claimant's personal property. When the Claimant was transferred to another facility, he learned that his personal property had been lost. He placed a value of \$242.00 on his lost property. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation had been created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$242.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$242.00

AMOUNT AWARDED: \$242.00

CC-19-1297 ROBERT LANHAM v. DIVISION OF CORRECTIONS AND REHABILITATION/EASTERN REGIONAL JAIL

The parties stipulated as follows: On April 25, 2019, the Claimant was arrested and taken to Eastern Regional Jail. The Respondent's officers inventoried and stored the Claimant's personal property. When the Claimant was released on July 20, 2019, he learned that his personal property, which he valued at \$350.00, had been lost. The Respondent admitted liability in its pleadings and agreed to the amount of \$350.00. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims

Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$350.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$350.00

AMOUNT AWARDED: \$350.00

CC-18-1706 JULIAN RICHARDSON v. DIVISION OF CORRECTIONS AND REHABILITATION/EASTERN REGIONAL JAIL

The parties stipulated as follows: On November 4, 2018, the Claimant was incarcerated at the Eastern Regional Jail. The Respondent's officers inventoried and stored the Claimant's personal property, including his Timberland boots. During his incarceration, the Claimant learned that his boots had not been placed in his property bag and had instead been given to another inmate who was being released from the facility and needed boots. The Claimant valued his boots at \$190.00. The Respondent admitted liability in its pleadings and agreed to the amount of \$190.00. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$190.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$190.00

AMOUNT AWARDED: \$190.00

CC-18-1237 CHRISTOPHER SHY v. DIVISION OF CORRECTIONS AND REHABILITATION/EASTERN REGIONAL JAIL

The Claimant was originally incarcerated at Western Regional Jail. In December, 2017, the Claimant's wife delivered the Claimant's prescription eyeglasses to one of the Respondent's officers, who arranged to have the eyeglasses delivered to the Claimant. Approximately one month later, the Claimant was transferred to Eastern Regional Jail; he had his prescription eyeglasses when he went through the intake process at Eastern. Shortly after his arrival, the Claimant was placed in segregation; his property was packed up and stored. When the Claimant requested that his prescription eyeglasses be brought to him in segregation, the eyeglasses could not be located. The Claimant placed a value of \$1,500.00 on the lost eyeglasses. The Claimant's wife appeared at the hearing under subpoena; she testified that she hand delivered the eyeglasses to the Respondent's officers at Western. She also produced a copy of the receipt for the Claimant's eyeglasses, with a purchase price was \$269.90.

The Respondent admitted the validity of the claim only as to liability. The Respondent contested the Claimant's alleged value of the eyeglasses in his Notice of Claim. The Respondent's witness testified that the Claimant was eligible for replacement glasses but he refused to attend the required eye appointment on three different occasions.

The Legislative Claims Commission found that bailment situation was created between the Claimant and the Respondent and that the Respondent had a duty to exercise reasonable and ordinary care with respect to the Claimant's property and failed to do so on the day of the incident. The Claims Commission recommended an award of \$269.90.

AMOUNT CLAIMED: \$1,500.00

AMOUNT AWARDED: \$269.90

CLAIM AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION/NORTH CENTRAL REGIONAL JAIL

CC-18-1495 DAVID MCCARTY v. DIVISION OF CORRECTIONS AND REHABILITATION/NORTH CENTRAL REGIONAL JAIL AND CORRECTIONAL FACILITY

The parties stipulated to the following: On or before October 11, 2018, the Claimant was incarcerated at the North Central Regional Jail. During the Claimant's intake, he surrendered \$101.00 in cash that was to be deposited into his inmate account. However, the monies were never deposited into his account. The Respondent admitted liability in its pleadings and agreed to the amount of \$101.00. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$101.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$101.00

AMOUNT AWARDED: \$101.00

CLAIMS AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION/SOUTH CENTRAL REGIONAL JAIL

CC-19-1111 CLARK F. COOPER v. DIVISION OF CORRECTIONS AND REHABILITATION/SOUTH CENTRAL REGIONAL JAIL

The parties stipulated to the following: On February 20, 2019, the Claimant was released from the South Central Regional Jail. At the time of his initial incarceration, the Respondent's officers inventoried and stored the Claimant's personal property. Upon his release, he learned that his personal property, including an iPhone, had been lost. He placed a value of \$911.00 on his lost property. The Respondent admitted liability in its pleadings and agreed to the amount of \$832.53. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$832.53 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$911.00

AMOUNT AWARDED: \$832.53

CC-18-0421 JOSEPH JAMES SALMONS v. DIVISION OF CORRECTIONS AND REHABILITATION/SOUTH CENTRAL REGIONAL JAIL AND CORRECTIONAL FACILITY

The parties stipulated to the following: On February 27, 2018, the Claimant was arrested by United States Marshalls and taken to South Central Regional Jail. During the Claimant's intake, he surrendered \$60.00 in cash. The cash was inadvertently placed in another inmate's personal property who was being processed at the same time as the Claimant. The Respondent admitted liability in its pleadings and agreed to the amount of \$60.00. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation was created and that the

Respondent was responsible for the lost property of the Claimant. The sum of \$60.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$60.00

AMOUNT AWARDED: \$60.00

CC-19-0087 ZMM, INC. v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant brought this claim to recover \$3,338.22 for providing professional architectural services pertaining to the South Central Regional Jail pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent admitted the validity of the claim and stated that there were sufficient funds expired in the appropriate fiscal year from which the invoices could have been paid. The Claims Commission recommended an award in the amount of \$3,338.22.

AMOUNT CLAIMED: \$3,338.22

AMOUNT AWARDED: \$3,338.22

CLAIM AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION/SOUTHERN REGIONAL JAIL

CC-19-0144 JACK GUY v. DIVISION OF CORRECTIONS AND REHABILITATION/SOUTHERN REGIONAL JAIL AUTHORITY

The parties stipulated to the following: On December 28, 2018, the Claimant was incarcerated at Southern Regional Jail when he was attacked by another inmate and transported to the hospital. The Respondent's officers inventoried and stored the Claimant's personal property. However, his property, including his glasses, were lost or misplaced before his property could be delivered to the Claimant in another section of the facility. He placed a value of \$300.00 on his lost property. The Respondent was responsible for the Claimant and his property while he was in the custody of the Respondent. The Legislative Claims Commission found that a bailment situation had been created and that the Respondent was responsible for the lost property of the Claimant. The sum of \$300.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$300.00

AMOUNT AWARDED: \$300.00

CLAIMS AGAINST THE DIVISION OF HIGHWAYS

CC-17-0049 ROMMEL ABELLA v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 14, 2017, the Claimant was driving his 2004 Toyota 4Runner on US Route 35 South near Tuckers Creek and Fraziers Bottom, Putnam County, when his vehicle struck a large rock situated in the traveling portion of the roadway. The Claimant's vehicle crossed the median, spun around and came to rest next to the guardrail. The Claimant alleged that the Respondent failed to properly maintain US Route 35 South. His vehicle was deemed a total loss; he also incurred medical bills in the amount of \$438.00. The Claimant did not carry collision insurance on his vehicle. The Respondent denied any negligence but acknowledged that the Claimant sustained some injuries and damage to his vehicle and that it

may have some culpability for the damages sustained by the Claimant. The parties agreed to settle the claim for the sum of \$7,332.00, which is a fair and reasonable amount.

AMOUNT CLAIMED: \$15,009.19

AMOUNT AWARDED: \$7,332.00

CC-18-1677 CINDY ACKERMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Ford Fiesta over the wooden bridge on Claylick Road in Ravenswood, Jackson County, on November 23, 2018 when her vehicle struck several loose bolts that had become exposed. The Claimant's vehicle sustained damages in the amount of \$138.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of the wooden bridge on Claylick Road on the date of the incident and failed to do so properly. The sum of \$138.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$138.00

AMOUNT AWARDED: \$138.00

CC-18-1550 DAVID A. ADKINS v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on September 15, 2018, he was driving his new 2018 Ford Escape on Interstate 64 near Cross Lanes, Kanawha County, during construction, when he changed lanes to exit the Interstate. He testified that as he maneuvered from a milled lane to a newly paved lane, his vehicle struck the sharp edges of the new layer of asphalt and sustained damage to the tire. The Claimant submitted invoices in the amount of \$280.34; his collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$280.34.

AMOUNT CLAIMED: \$280.34

AMOUNT AWARDED: \$280.34

CC-19-0373 GARY C. ADKINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 22, 2019, the Claimant was driving his 2001 Pontiac Grand Am on Adams Avenue at the Wayne-Cabell Bridge in Huntington, Cabell County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$103.03; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Adams Avenue and failed to do so properly

on the date of the incident. The sum of \$103.03 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$103.03

AMOUNT AWARDED: \$103.03

CC-19-0840 JACOB ADKINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 10, 2019, the Claimant was driving his 2005 Chevrolet Cobalt on West Virginia Route 20 in Hinton, Summers County, when his vehicle struck a large rock situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$202.93; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 20 and failed to do so properly on the date of the incident. The sum of \$202.93 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$202.93

AMOUNT AWARDED: \$202.93

CC-18-1692 GLORIA JEAN AINSWORTH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2007 Subaru Legacy in the intersection of Chestnut Ridge Road and Falling Run Road in Morgantown, Monongalia County, on November 9, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$348.79; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of the intersection of Chestnut Ridge Road and Falling Run Road on the date of the incident and failed to do so properly. The sum of \$348.79 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$348.79

AMOUNT AWARDED: \$348.79

CC-16-0447 ABDULLAH ALLAWNHA v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 16, 2016, the Claimant was driving his 2011 Ford Fiesta SE on Irwin Street in Morgantown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$358.70; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Irwin Street and failed to do so properly on the date of the incident. The sum of \$358.70 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$358.70

AMOUNT AWARDED: \$358.70

CC-19-0657 CLARA RUTH ALLEN v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the roads was the cause of damage to her vehicle. At the hearing, the Claimant testified that on March 17, 2019, she was driving her 2006 Subaru Impreza on Brookhaven Road in Morgantown,

Monongalia County, when she observed a large pothole in her lane of travel. She attempted to avoid striking the pothole by straddling it with her vehicle. The Claimant testified that the pothole was too large and her vehicle struck the pothole, which was full of water. She further testified that because the pothole was so deep, her vehicle dropped into it and she had difficulty getting her vehicle out of the pothole. The front end of her vehicle struck the interior edges of the pothole causing additional damage to her vehicle. She submitted invoices in the amount of \$1,578.19; she did not carry collision insurance on her vehicle. The Claimant's mechanic testified that the damage to the Claimant's vehicle was consistent with a front end collision. He further testified that the front bumper on her vehicle was "pretty flimsy" and once the bumper was damaged, other parts of the vehicle were damaged because of the impact of a collision with a pothole or other object.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Brookhaven Road on the date of the Claimant's incident and that such negligence was the cause of damage to the Claimant's vehicle. The Claims Commission recommended an award in the amount of \$1,104.73.

AMOUNT CLAIMED: \$1,578.19

AMOUNT AWARDED: \$1,104.73

CC-18-1372 CHRISTOPHER ALLENDER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 18, 2017, the Claimant was driving his 2007 BMW 335i on Interstate 470 in Wheeling, Ohio County, when his vehicle struck a large pothole in the roadway. Again, on March 16, 2018, the Claimant was driving the same vehicle on West Virginia Route 2 near Moundsville, Marshall County when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,062.69; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 470 and West Virginia Route 2 and failed to do so properly on the dates of the Claimant's incidents. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,062.69

AMOUNT AWARDED: \$500.00

CC-18-1591 TODD ALTER, SR. AND SUSAN JULIA ALTER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the failure of the Respondent to properly maintain the storm drains and ditches along Old Mill Crossing was the cause of damage to their rental property. At the hearing, the Claimant testified that he built his rental properties at the same time the Respondent was adding a third lane to Interstate 81. He worked with the Respondent's engineer to secure an agreement that the drain ditches along Old Mill Crossing would be dug deeper than normal to prevent any flooding. Although the storm drains were dug to a deeper depth, the Claimants have still experienced flooding damage because the drains are not cleaned out and maintained on a regular basis. The Claimant testified that following a heavy rainstorm on August 21, 2018, the ditches overflowed into the front yards of his rental properties and into one

of the units. He incurred damages in the amount of \$4,978.16, cleaning up and repairing his rental properties that were flooded.

The Respondent denied the validity of the claim, asserting that the ditches were sufficient to meet standards for one hundred year floods.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of the storm drains and ditches on Old Mills Crossing in Martinsburg, Berkeley County, on the date of the Claimants' incident and that such negligence was the cause of the Claimants' damage. The Claims Commission recommended an award of \$4,978.16.

AMOUNT CLAIMED: \$4,978.16

AMOUNT AWARDED: \$4,978.16

CC-19-0045 TIFFANY ANDERSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 4, 2018, the Claimant was driving her 2017 Kia Forte on the ramp of Exit 1 on Interstate 64 in Ceredo, Wayne County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$138.02; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 64 and failed to do so properly on the date of the incident. The sum of \$138.02 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$138.02

AMOUNT AWARDED: \$138.02

CC-18-1338 WENDELL L. ARCHER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2012 BMW 328i on Greenbrier Street at the intersection of Greenbrier Street, Rutledge Road and Coonskin Drive in Charleston, Kanawha County, on March 7, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$361.55; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Greenbrier Street, Rutledge Road and Coonskin Drive on the date of the incident and failed to do so properly. The sum of \$361.55 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$361.55

AMOUNT AWARDED: \$361.55

CC-19-0094 RONALD D. ARNETT AND DONNA ARNETT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2002 Pontiac Grand Prix on County Route 50/34, Glendale Road, in Ellenboro, Ritchie County, on January 16, 2019 when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$407.62; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of County Route

50/34 on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$407.62

AMOUNT AWARDED: \$250.00

CC-18-1487 DELORIS DARLENE ASH AND RODNEY S. ASH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 17, 2018, the Claimant was driving her 2004 Pontiac Grand Prix on Sandhill Road in Point Pleasant, Mason County, when her vehicle struck a large area of broken pavement in the roadway. The Claimants' vehicle sustained damages in the amount of \$372.36; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Sandhill Road and failed to do so properly on the date of the incident. The sum of \$372.36 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$372.36

AMOUNT AWARDED: \$372.36

CC-19-1172 BEVERLY A. ASHLEY AND RICHARD L. ASHLEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Cadillac XTS on Mount Hope Road in Pinch, Kanawha County, on July 24, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$533.73; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Mount Hope Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$533.73

AMOUNT AWARDED: \$500.00

CC-19-0927 ALEX MICHAEL AUSTIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 9, 2019, the Claimant was driving his 2008 Toyota Camry on West Virginia Route 2 in Lesage, Cabell County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,011.93; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The parties agreed that the sum of \$900.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,011.93

AMOUNT AWARDED: \$900.00

CC-18-1004 ALAN AYALA v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Hyundai Sonata on Baker Ridge Road in Morgantown, Monongalia County, on March 12, 2018 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$78.50; his collision insurance required a deductible of \$500.00. The

Respondent was responsible for the maintenance of Baker Ridge Road on the date of the incident and failed to do so properly. The sum of \$78.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$78.50

AMOUNT AWARDED: \$78.50

CC-18-1462 LISA A. BAILEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2009 Nissan Maxima on Dairy Road, Poca River Road, in Poca, Putnam County, on February 19, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$212.60; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Dairy Road, Poca River Road, on the date of the incident and failed to do so properly. The sum of \$212.60 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$212.60

AMOUNT AWARDED: \$212.60

CC-18-1472 LISA A. BAILEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 27, 2018, the Claimant was driving her 2009 Nissan Maxima on Silver Street in Poca, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$208.65; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Silver Street and failed to do so properly on the date of the incident. The sum of \$208.65 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$208.65

AMOUNT AWARDED: \$208.65

CC-18-1391 JERRY MICHAEL BAKER, JR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2009 Subaru Legacy on Zeb Haught Road in Blacksville, Monongalia County, on September 9, 2018 when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$242.70; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Zeb Haught Road on the date of the incident and failed to do so properly. The sum of \$242.70 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$242.70

AMOUNT AWARDED: \$242.70

CC-18-1060 SUE C. BAKER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 17, 2018, the Claimant was driving her 2007 PT Cruiser on West Virginia Route 63 in Alderson, Greenbrier County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of

\$125.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 63 and failed to do so properly on the date of the incident. The sum of \$125.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$125.00

AMOUNT AWARDED: \$125.00

CC-18-1700 BARRY BALES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 19, 2018, the Claimant was driving his 2015 Dodge Ram and towing his 2003 Big Tex trailer on West Virginia Route 12 in Red Sulphur Springs, Monroe County, when his vehicle struck several large washed out sections of roadway. The Claimant's vehicle sustained damages in the amount of \$2,356.06; his trailer sustained damages in the amount of \$1,022.90. The Claimant's collision insurance on his vehicle required a deductible of \$500.00; the collision insurance on his trailer also required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 12 and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,378.96

AMOUNT AWARDED: \$1,000.00

CC-18-1292 DEREK E. BALL v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the proximate cause of damages to his vehicle. At the hearing, the Claimant testified that on July 29, 2018, he was driving his 2018 Ram 3500 on Fudges Creek Road near Ona, Cabell County, when his vehicle struck a large metal warning sign at the edge of the white line of the roadway. The Claimant testified that the sign was situated in the ground so that it extended outwards into the traveling portion of the roadway. When his vehicle struck the sign, the mirror on the passenger side of the vehicle was damaged and fell off. The Claimant's vehicle sustained damages in the amount of \$713.93; his collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Fudges Creek Road, including the signage alongside the traveling portion of the roadway, on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$500.00.

AMOUNT CLAIMED: \$713.93

AMOUNT AWARDED: \$500.00

CC-19-0055 THOMAS BARLOW v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Hyundai Sonata on Kingwood Pike in Morgantown, Monongalia County, on December 26, 2018 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$503.45; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Kingwood Pike on the date of the incident

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

AMOUNT CLAIMED: \$503.45

AMOUNT AWARDED: \$500.00

CC-18-1309 CHAD E. BARNETT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 20, 2018, the Claimant was driving his 2016 Nissan Altima SL on the entrance ramp to Interstate 79 South near Westover, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$171.30; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 South and failed to do so properly on the date of the incident. The sum of \$171.30 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$171.30

AMOUNT AWARDED: \$171.30

CC-18-1636 JOHNATHAN W. BARNETT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Mazda CX-5 on Chestnut Ridge Road in Morgantown, Monongalia County, on November 15, 2018 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$155.15; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Chestnut Ridge Road on the date of the incident and failed to do so properly. The sum of \$155.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$155.15.

AMOUNT AWARDED: \$155.15

CC-19-0186 LINDA BARTRUG AND JACK BARTRUG v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Buick Encore on Interstate 70 East in Wheeling, Ohio County, on February 9, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$485.18; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 East on the date of the incident and failed to do so properly. The sum of \$485.18 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$485.18

AMOUNT AWARDED: \$485.18

CC-19-0391 GERALD BASTIAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 21, 2019, the Claimant was driving his 2014 Ford Escape on West Virginia Route 16 in St. Mary's, Pleasants County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount

of \$495.22; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 16 and failed to do so properly on the date of the incident. The sum of \$495.22 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$495.22

AMOUNT AWARDED: \$495.22

CC-18-0944 COLE RILEY BATES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 1990 Chevrolet K1500 on West Virginia Route 20 near Jacksonburg, Wetzel County, on April 17, 2017 when his vehicle struck a large amount of residual dirt and other debris allegedly left in the traveling portion of the roadway following the Respondent's cleanup of a mudslide. The Claimant suffered injuries as a result of this accident requiring medical treatment. The Respondent denied any negligence but does acknowledge some culpability for the Claimant's incident. The Respondent was responsible for the maintenance of on the date of the incident and failed to do so properly. The sum of \$20,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$20,000.00+

AMOUNT AWARDED: \$20,000.00

CC-19-0354 VIRGINIA BATSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2013 Honda Accord on Stewartstown Road in Morgantown, Monongalia County, on February 21, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$504.51; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Stewartstown Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$504.51

AMOUNT AWARDED: \$500.00

CC-18-1348 BEVERLY J. BEALL AND CHARLES D. BEALL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 7, 2018, the Claimant was driving her 2014 Jeep Compass on West Virginia Route 15, Greenbrier Road, in Salem, Doddridge County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$1,461.85; they did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of West Virginia Route 15, Greenbrier Road, and failed to do so properly on the date of the incident. The sum of \$1,461.85 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,461.85

AMOUNT AWARDED: \$1,461.85

CC-19-0220 CONNIE M. BEEN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Toyota Avalon on Old Route 50/16 in Ellenboro, Ritchie County, on February 6, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$262.36; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Route 50/16 on the date of the incident and failed to do so properly. The sum of \$262.36 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$262.36

AMOUNT AWARDED: \$262.36

CC-19-0437 SHARON BEST v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Dodge Journey on US Route 119 in Clendenin, Kanawha County, on February 7, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,402.51; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 119 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,402.51

AMOUNT AWARDED: \$500.00

CC-19-0099 BONNIE BEVINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 24, 2018, the Claimant was driving her 2017 Mitsubishi Mirage on County Route 65/3, Elk Creek Road, in Delbarton, Mingo County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$949.99; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 65/3, Elk Creek Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$949.99

AMOUNT AWARDED: \$500.00

CC-19-0358 STEVIE DON BIEDENBACH v. DIVISION OF HIGHWAYS

The Claimant alleged the Respondent's negligent maintenance of the roadways in her area was the proximate cause of damages to her vehicle. At the hearing, the Claimant testified that on February 16, 2019, she was driving her 2009 Mitsubishi Galant on West Run Road in Morgantown, Monongalia County, when her vehicle struck an unavoidable pothole. She testified that this particular road was riddled with potholes and following her incident, her vehicle began making grinding noises. She learned that the impact with the pothole damaged the rotors and calipers on her vehicle. The Claimant submitted invoices in the amount of \$1,019.24; she did not carry collision insurance on her vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Run Road on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$1,019.24.

AMOUNT CLAIMED: \$1,019.24

AMOUNT AWARDED: \$1,019.24

CC-19-0961 PAMELA BLAIR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 11, 2019, the Claimant was driving her 2009 Chevrolet Impala on County Route 17/1, Pond Run Road, in Chloe, Calhoun County, when her vehicle struck a large uneven section of deteriorated pavement in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$153.63; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of County Route 17/1 and failed to do so properly on the date of the incident. The sum of \$153.63 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$153.63

AMOUNT AWARDED: \$153.63

CC-19-0902 MELISSA BLANKENSHIP AND JEFFREY BLANKENSHIP v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 12, 2019, the Claimant was driving her 2018 Hyundai Elantra GT on Courthouse Road in Princeton, Mercer County, when her vehicle struck the sharp edge of a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$160.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Courthouse Road and failed to do so properly on the date of the incident. The sum of \$160.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$160.00

AMOUNT AWARDED: \$160.00

CC-19-0218 BARBARA BOARDMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 31, 2018, the Claimant was driving her 2019 Toyota Avalon on US Route 21 North near Sandyville, Jackson County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$93.81; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 21 and failed to do so properly on the date of the incident. The sum of \$93.81 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$93.81

AMOUNT AWARDED: \$93.81

CC-18-0210 LISA D. BOLING v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2013 Kia Optima on West Virginia Route 10, Salt Rock Hill, in Salt Rock, Cabell County, on February 20, 2018, when her vehicle struck rocks and other debris from a rock fall situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$646.54; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 10, Salt Rock Hill, on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$646.54

AMOUNT AWARDED: \$500.00

CC-19-0007 DEIDRA BOLTON v. DIVISION OF HIGHWAYS

The Claimant alleged that the failure of the Respondent to properly maintain the road was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2006 Buick Terraza on County Route 7/1, Cedar Run Road, in Kenova, Wayne County, on July 20, 2018, when her vehicle struck a large pothole. Several months later, on November 20, 2018, the Claimant was driving the same vehicle on the same road when her vehicle struck the same pothole. She testified that she had her vehicle repaired after each incident, incurring total damages in the amount of \$407.14. Her collision insurance required a deductible of \$500.00 per each occurrence.

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

The Legislative Claims Commission found that the Respondent was responsible for the maintenance of County Route 7/1, Cedar Run Road, on the date of the Claimant's incidents and that such negligence was the proximate cause of the damages to her vehicle. The Claims Commission recommended an award of \$407.14.

AMOUNT CLAIMED: \$407.14

AMOUNT AWARDED: \$407.14

CC-19-0684 SHIRLENE BOLYARD AND RAYMOND BOLYARD v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Chevrolet Equinox on US Route 250, Trap Springs Road, in Grafton, Taylor County, on August 16, 2018 when her vehicle struck a large rectangular pothole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$353.15; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 250, Trap Springs Road, on the date of the incident and failed to do so properly. The sum of \$353.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$353.15

AMOUNT AWARDED: \$353.15

CC-19-0470 RONALD E. BONECUTTER, JR. v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on April, 8, 2019, he was driving his 2008 Ford Taurus on West Virginia Route 2 near Henderson, Mason County, when his vehicle struck a large pothole in the roadway. He heard something snap followed by rattling noises but attempted to continue to his destination. He testified that the strut on the driver's side of his vehicle had been damaged from the impact with the pothole. The Claimant submitted invoices in the amount of \$528.86; his collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 2 on the date of the Claimant's incident and that such negligence was the cause of the Claimant's damages. The Claims Commission recommended an award of \$528.86.

AMOUNT CLAIMED: \$528.86

AMOUNT AWARDED: \$528.86

CC-18-1546 ROBIN BONNER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 17, 2017, the Claimant was driving her 2016 Acura ILX on Interstate 64 East near Cross Lanes, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$316.24; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$316.24 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$316.24

AMOUNT AWARDED: \$316.24

CC-18-1116 KELLY BOOTHE AND FIRST SECURITY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Subaru Outback on Poplar Fork Road, Scott Depot Road, in Scott Depot, Putnam County, on April 18, 2018 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$643.90; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Poplar Fork Road, Scott Depot Road, on the date of the incident and failed to do so properly. The sum of \$643.90 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$643.90

AMOUNT AWARDED: \$643.90

CC-19-0515 LEAH J. BRANER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 27, 2019, the Claimant was driving her 2004 Jaguar X-Type AWD on County Route 15, Tuscarora Pike, in Martinsburg, Berkeley County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained

damages in the amount of \$517.00; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of County Route 15, Tuscarora Pike, and failed to do so properly on the date of the incident. The sum of \$517.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$517.00

AMOUNT AWARDED: \$517.00

CC-19-0143 CATHERINE BRENNER, NICOLE BRENNER AND BOB BRENNER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Hyundai Elantra on US Route 22 in Weirton, Brooke County, on January 23, 2018 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$423.95; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 22 on the date of the incident and failed to do so properly. The sum of \$423.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$423.95

AMOUNT AWARDED: \$423.95

CC-18-0920 SCOTT A. BRODBECK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On or about April 15, 2018, the Claimant was driving his 2015 Ford Focus on Nancy Jack Road in Gerrardstown, Berkeley County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$194.84; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Nancy Jack Road and failed to do so properly on the date of the incident. The sum of \$194.84 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$194.84

AMOUNT AWARDED: \$194.84

CC-19-0944 BRANDI BURGESS AND TRAVIS BURGESS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Dodge Dart on West Virginia Route 62, Cross Lanes Drive, near Poca, Putnam County, on June 16, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$174.41 their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 62, Cross Lanes Drive, on the date of the incident and failed to do so properly. The sum of \$174.41 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$174.41

AMOUNT AWARDED: \$174.41

CC-18-0965 MARK S. BURNETTE AND DEBORAH S. BURNETTE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2010 Chevrolet Malibu on US Route 19 in Spanishburg, Mercer County, on June 3, 2018 when his vehicle struck a large section of loose guardrail situated in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$1,392.81; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,392.81

AMOUNT AWARDED: \$500.00

CC-18-1551 JAN BUSSEY AND HENRY BUSSEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 6, 2018, the Claimant was driving her 2017 Volkswagen Golf GTI on Interstate 64 East in Cross Lanes, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$407.60; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$407.60 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$407.60

AMOUNT AWARDED: \$407.60

CC-19-0574 KAREN BUTLER AND OCIE BURGESS v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on March 19, 2019, she was driving her mother's 2018 Buick Encore on Interstate 79 North at the split between Interstate 77 North and Interstate 79 North in Charleston, Kanawha County. As she was driving, traffic began to slow down and swerve to avoid debris in the roadway. She looked up at the large, overhead green road sign indicating the route to Clarksburg and noticed a swinging cable hanging down from the road sign. She testified that she then saw the light fixture from the overhead sign fall from the road sign and strike the vehicle in front of her. The remaining section of cable fell and struck her vehicle causing significant dents and scratches to the frame. The Claimant submitted invoices in the amount of \$2,996.95; their collision insurance required a deductible of \$250.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 77 North and Interstate 79 North on the date of the Claimants' incident and that such negligence was the cause of the Claimants' damages. The Claims Commission recommended an award of \$250.00.

AMOUNT CLAIMED: \$2,996.95

AMOUNT AWARDED: \$250.00

CC-18-0976 LAURA CAIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 26, 2018, the Claimant was driving her 2016 Lexus IS 300 on West Virginia Route 7 near Blacksville, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$415.43, which included the cost of a rental vehicle; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of and failed to do so properly on the date of the incident. The parties agreed that the sum of \$171.72 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$415.43

AMOUNT AWARDED: \$171.72

CC-18-0977 LAURA CAIN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Lexus IS 300 on Monongahela Boulevard in Star City, Monongalia County, on April 19, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$177.55; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Monongahela Boulevard on the date of the incident and failed to do so properly. The sum of \$177.55 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$177.55

AMOUNT AWARDED: \$177.55

CC-16-0957 DONALD LOU CANTERBURY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 1990 GMC R3500 on Interstate 64 East near the 35th Street Bridge in Kanawha City, Kanawha County, on June 28, 2016, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle was deemed a total loss and the Claimant sought recovery in the amount of \$17,145.00. The Claimant did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Interstate 64 East near the 35th Street Bridge on the date of the incident and failed to do so properly. The parties agreed that the sum of \$2,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$17,145.00

AMOUNT AWARDED: \$2,000.00

CC-19-0511 JEFF D. CARPENTER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2008 Toyota 4Runner in the intersection of White Oak Road and West Virginia Route 16 in Chloe, Calhoun County, on March 21, 2019 when his vehicle struck the stub of a roadway signpost that was protruding from the ground at the edge of the roadway. The Claimant's vehicle sustained damages in the amount of \$209.14; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of White Oak Road and West Virginia Route 16 on the date of

the incident and failed to do so properly. The sum of \$209.14 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$209.14

AMOUNT AWARDED: \$209.14

CC-19-0827 MARILYN CARPENTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 15, 2019, the Claimant was driving her 2012 Chrysler Town and Country on Interstate 64 West near Kenova, Wayne County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$268.50; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$268.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$268.50

AMOUNT AWARDED: \$268.50

CC-18-1478 ROBIN CARPER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Mercedes Benz CL250 on Walkers Branch Road in Ceredo, Wayne County, on September 30, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$282.07; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Walkers Branch Road on the date of the incident and failed to do so properly. The sum of \$282.07 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$282.07

AMOUNT AWARDED: \$282.07

CC-19-0861 CRAIG CARTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 30, 2019, the Claimant was driving his 2013 Mercedes SL550 on US Route 60 East near Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$2,270.41; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60 East and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,270.41

AMOUNT AWARDED: \$500.00

CC-18-1682 JONATHAN CARTER AND TIFFANY CARTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 15, 2018, the Claimant was driving his 2007 Nissan Maxima on West Virginia Route 817 in St. Albans, Kanawha County, when his vehicle struck a series of large potholes in the roadway. The Claimants' vehicle sustained damages in the amount of \$1,714.08; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 817 and failed to do so

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

AMOUNT CLAIMED: \$1,714.08

AMOUNT AWARDED: \$500.00

CC-18-0564 REX ALAN CARUTHERS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 31, 2018, the Claimant was driving his 2017 Harley Davidson Road Glide on West Virginia Route 61 in Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$500.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 61 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-19-0059 AMANDA CASH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 2, 2018, the Claimant was driving her 2010 Toyota Prius on Glenwood Park Road in Glenwood, Mercer County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$576.59; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Glenwood Park Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$576.59

AMOUNT AWARDED: \$500.00

CC-19-0691 DAMON CASSEDAY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Dodge Dart on West Virginia Route 7 in Morgantown, Monongalia County, on October 6, 2018 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,917.59; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,917.59

AMOUNT AWARDED: \$500.00

CC-19-0308 DAVID CASTANON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 15, 2019, the Claimant was driving his 2014 Ford Fiesta on Teays Valley Road in Scott Depot, Putnam County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$414.09; his collision insurance required a deductible of \$500.00. The Respondent was

responsible for the maintenance of Teays Valley Road and failed to do so properly on the date of the incident. The sum of \$414.09 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$414.09

AMOUNT AWARDED: \$414.09

CC-19-0596 KIMBERLY CAUDILL AND RALPH CAUDILL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 GMC Yukon on Stringtown Road in Hico, Fayette County, on February 22, 2019, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$290.94; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Stringtown Road on the date of the incident and failed to do so properly. The sum of \$290.94 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$290.94

AMOUNT AWARDED: \$290.94

CC-19-0127 KYLE CEDAR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 31, 2018, the Claimant was driving his 1998 Honda Civic on US Route 33 in Ravenswood, Jackson County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$60.40; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 33 and failed to do so properly on the date of the incident. The sum of \$60.40 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$60.40

AMOUNT AWARDED: \$60.40

CC-19-1018 LISA MARIE CHAPLIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 9, 2019, the Claimant was driving her 2019 Jeep Cherokee on County Route 857, Fairchance Road, in Cheat Lake, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$456.61; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of County Route 857, Fairchance Road, and failed to do so properly on the date of the incident. The sum of \$456.61 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$456.61

AMOUNT AWARDED: \$456.61

CC-18-1429 RICHARD A. CHATY AND LEIGH CHATY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 3, 2018, the Claimant was driving his 2014 Audi A-4 on Chestnut Road in South Charleston, Kanawha County, when his vehicle struck several large potholes in the roadway. The Claimants' vehicle sustained damages in the amount of \$308.16; they did not carry collision insurance on their vehicle. The Respondent was

responsible for the maintenance of Chestnut Road and failed to do so properly on the date of the incident. The sum of \$308.16 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$308.16

AMOUNT AWARDED: \$308.16

CC-19-0266 BONNIE CHEESEMAN AND JAMES CHEESEMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Ford Escape on West Virginia Route 47 in Macfarlan, Ritchie County, on February 15, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$215.00; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 47 on the date of the incident and failed to do so properly. The sum of \$215.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$215.00

AMOUNT AWARDED: \$215.00

CC-19-0267 BONNIE CHEESEMAN AND JAMES CHEESEMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 15, 2018, the Claimant was driving her 2016 Ford Escape on Dutchman Road in Macfarlan, Ritchie County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$286.20; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Dutchman Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$286.20

AMOUNT AWARDED: \$250.00

CC-17-0023 ROB L. CHISLER, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: The Claimant alleged that the Respondent's failure to properly maintain the culverts and ditches on Wadestown Road in Wana, Monongalia County, was the proximate cause of flooding and damages to his residence and surrounding property. The Claimant submitted invoices in the amount of \$6,200.02. The Respondent denied any negligence. However, it did acknowledge that the Claimant sustained damage to his property and further acknowledged that it may have some culpability for the damages sustained by the Claimant. The parties agreed to settle the claim for the sum of \$6,200.02, which is a fair and reasonable amount.

AMOUNT CLAIMED: \$6,200.02

AMOUNT AWARDED: \$6,200.02

CC-19-0606 JOSEPH CICCHIRILLO v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2011 Cadillac CTS on County Route 857, Cheat Road, in Morgantown, Monongalia County, on February 25, 2019 when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimant's

vehicle sustained damages in the amount of \$519.70; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of County Route 857, Cheat Road, on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$519.70

AMOUNT AWARDED: \$250.00

CC-19-0155 TRINA D. CLARK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 23, 2019, the Claimant was driving her 2018 Ford Escape on West Virginia Route 2 in Weirton, Hancock County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$353.11; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$353.11

AMOUNT AWARDED: \$250.00

CC-19-0652 DAVID CLASSING v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on March 24, 2019, he was driving his 2015 Chevrolet SS on Miller Road in Huntington, Cabell County, when an oncoming vehicle veered over the center line. The Claimant testified that he moved as far right as possible to avoid a collision with the oncoming vehicle. As a result, his vehicle struck an obstruction that was situated on the shoulder of the road. The Claimant testified that the obstruction appeared to be built up curbing situated within the Respondent's right of way. The Claimant's vehicle sustained damage to its tire after striking the obstruction. The Claimant submitted invoices in the amount of \$332.73; his collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim. The Respondent's investigator testified that the obstruction was asphalt curbing that was situated on the edge of the roadway. At the time of the Claimant's incident, the investigator testified that the curbing had been moved with most sections having chips and chunks missing.

The Legislative Claims Commission found that the asphalt curbing was situated within the Respondent's right of way, that the Respondent was negligent in its maintenance of Miller Road and the adjacent right of way on the date of the Claimant's incident and that such negligence was the cause of the Claimant's damages. The Claims Commission recommended an award of \$332.73

AMOUNT CLAIMED: \$332.73

AMOUNT AWARDED: \$332.73

CC-19-1189 JEFFREY CLEMONS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 22, 2019, the Claimant returned to his residence on Rustic Hill Drive in Princeton, Mercer County, to discover that a tree had fallen on

both his 2004 Dodge Dakota and his residence. The Claimant had called the Respondent on several occasion to notify it of the tree's condition and its location on the Respondent's right of way. The Claimant's vehicle sustained damages in the amount of \$6,500.00; his residence sustained damages in the amount of \$6,950.00. The Respondent was responsible for the maintenance of Rustic Hill Drive and failed to do so properly on the date of the incident. The parties agreed that the sum of \$12,950.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$13,450.00

AMOUNT AWARDED: \$12,950.00

CC-19-1009 JOHN S. CLONCH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Cadillac CTS on Interstate 64 West in Charleston, Kanawha County, on June 22, 2019 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,332.22; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,332.22

AMOUNT AWARDED: \$500.00

CC-19-0170 AMY COCHRAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 19, 2018, the Claimant was driving her 2014 Ford Fusion on Guyan River Road in Huntington, Cabell County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$634.09; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Guyan River Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$634.09

AMOUNT AWARDED: \$500.00

CC-18-1626 ANTHONY C. COGAR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 31, 2018, the Claimant was driving his 2017 Ford Fusion on US Route 50 West in Clarksburg, Harrison County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$120.84; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 50 West and failed to do so properly on the date of the incident. The sum of \$120.84 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$120.84

AMOUNT AWARDED: \$120.84

CC-18-0645 WILLIAM G. COLE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2011 Chevy Equinox on Big Tyler Road in Cross Lanes, Kanawha County, on March 28, 2018 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$250.43; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Big Tyler Road on the date of the incident and failed to do so properly. The sum of \$250.43 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$250.43

AMOUNT AWARDED: \$250.43

CC-18-1460 TABATHA COLLINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Nissan Pathfinder on Pleasant View Road in Huntington, Cabell County, on September 17, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$662.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Pleasant View Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$662.00

AMOUNT AWARDED: \$500.00

CC-19-1093 DENISE CONLEY v. DIVISION OF HIGHWAYS

The Claimant alleged that the failure of the Respondent to properly maintain the road was the cause of damage to her vehicle. At the hearing, the Claimant testified that on May 28, 2019, she was driving a 2018 Jeep Cherokee which was a loaner vehicle from Northside Chevrolet while her own vehicle was in their shop for repairs. She testified that she was driving on Sugar Tree Ridge Road in Dille, Nicholas County, when her vehicle struck a large pothole in the traveling portion of the vehicle. The tire was damaged from the impact with the pothole; she submitted invoices in the amount of \$118.05. Her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was responsible for the maintenance of Sugar Tree Ridge Road and failed to properly maintain Sugar Tree Road on the date of the Claimant's incident. The Claims Commission further found that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$118.05.

AMOUNT CLAIMED: \$118.05

AMOUNT AWARDED: \$118.05

CC-19-0021 CLAYTON C. CORWIN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Chevrolet Silverado on US Route 19 in Morgantown, Monongalia County, on December 17, 2018 when his

vehicle was struck by a large airborne chunk of loose concrete that came from a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$501.96; his collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of US Route 19 on the date of the incident and failed to do so properly. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$501.96

AMOUNT AWARDED: \$100.00

CC-19-0664 NANCY C. COX v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2019 Hyundai Accent SE on 28th Street in Huntington, Cabell County, on March 28, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$154.08; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of 28th Street on the date of the incident and failed to do so properly. The sum of \$154.08 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$154.08

AMOUNT AWARDED: \$154.08

CC-18-0995 GARY D. CREMEANS, SR. AND KATHLEEN CREMEANS v. DIVISION OF HIGHWAYS

The Claimants alleged that the Respondent failed to properly maintain the road which was the cause of damage to their vehicle. At the hearing, the Claimant testified that he was driving his 2011 Toyota Sienna on Millers Fork Road and Blankenship Fork Road in Wayne, Wayne County, over the course of several weeks beginning on May 4, 2018. He further testified that the potholes on these two roads were too numerous to specifically identify one offending pothole; these potholes had been present so long that a paint crew painted a set of double yellow lines through at least one pothole. The Claimants submitted photographs of the roads in addition to invoices in the amount of \$2,201.22. Their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was responsible for the maintenance of Millers Fork Road and Blankenship Fork Road, was negligent in its maintenance of the roadways on the dates of the Claimants' incidents and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$2,201.22

AMOUNT AWARDED: \$500.00

CC-18-1306 GARY D. CREMEANS, ANGELA CREMEANS MOORE, BRADY M. MOORE AND RYAN WILLIAMS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2005 Ford Focus on Millers Fork Road in Wayne, Wayne County, on August 13, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the

amount of \$68.25; the Claimants did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of Millers Fork Road on the date of the incident and failed to do so properly. The sum of \$68.25 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$68.25

AMOUNT AWARDED: \$68.25

CC-18-0747 JOHN M. CRIADO v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 4, 2018, the Claimant was driving his 2017 Lincoln MKZ on West Virginia Route 131 in Bridgeport, Harrison County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$256.80; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 131 and failed to do so properly on the date of the incident. The sum of \$256.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$256.80

AMOUNT AWARDED: \$256.80

CC-19-0351 SANDRA CRONIN AND WAYNE CRONIN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2010 Ford Fusion on West Virginia Route 16 in St. Mary's, Pleasants County, on February 22, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$224.67; their collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of West Virginia Route 16 on the date of the incident and failed to do so properly. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$224.67

AMOUNT AWARDED: \$100.00

CC-18-1566 JEANINE M. CRUEY AND WILLIAM T. CRUEY, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 25, 2018, the Claimant was driving her 2015 Hyundai Sonata on Falls Creek Road near Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$691.20; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Falls Creek Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$691.20

AMOUNT AWARDED: \$500.00

CC-18-1126 TERRY CULLEN v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the proximate cause of damage to his vehicle. At the hearing, the Claimant testified that on July 12, 2018, he was driving his 2008 Ford F350 in a curve known as "Dead Man's Curve" on West Virginia Route 62 near

Point Pleasant, Mason County, when the mirror on the passenger side of his vehicle struck a large metal warning sign that extended into the traveling portion of the roadway. As a result of striking the sign, the passenger side mirror broke off the vehicle. The Claimant submitted numerous photographs of the roadway and the sign; he also brought the damaged mirror to the hearing as an exhibit. The Claimant incurred damages in the amount of \$582.48; his collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that slippage along the roadway required that the sign be placed on the inside of the guardrail in that location of West Virginia Route 62. Moreover, the signs in that area are placed fairly close together to warn motorists of the sharp curves.

The Legislative Claims Commission found that the Respondent was responsible for the maintenance of West Virginia Route 62, was negligent in its maintenance of the roadway on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$582.48.

AMOUNT CLAIMED: \$582.48

AMOUNT AWARDED: \$582.48

CC-19-0130 STEPHANIE K. CUMMINGS AND KEENAN C. CUMMINGS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2013 Chevrolet Traverse on Kingwood Pike near Sabraton, Monongalia County, on December 17, 2018 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$310.23; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Kingwood Pike on the date of the incident and failed to do so properly. The sum of \$310.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$310.23

AMOUNT AWARDED: \$310.23

CC-18-1607 LORI B. CUNNINGHAM-HUTSON AND DARREN HUTSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 12, 2018, the Claimant was driving her 2015 Toyota Sienna on County Route 8, Cunningham Run Road, in Shinnston, Harrison County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$263.34; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 8, Cunningham Run Road, and failed to do so properly on the date of the incident. The sum of \$263.34 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$263.34

AMOUNT AWARDED: \$263.34

CC-19-0686 BRENDA S. CURRY AND KEITH CURRY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 22, 2019, the Claimant was driving her 2013 Lexus GS on US Route 19 in Shinnston, Harrison County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$152.71; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 and failed to do so properly on the date of the incident. The sum of \$152.71 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$152.71

AMOUNT AWARDED: \$152.71

CC-19-0768 DRAKE DALTON AND DONALD DALTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Chevrolet Camaro on West Virginia Route 705 in Morgantown, Monongalia County, on February 12, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$608.12; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 705 on the date of the incident and failed to do so properly. The parties agreed that the sum of \$447.53 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$608.12

AMOUNT AWARDED: \$447.53

CC-17-0298 LESLIE DANIEL AND GREGORY DANIEL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On or about May 31, 2015, the Claimant was driving her 2008 Lincoln MKX on US Route 50 East near Grafton, Taylor County, when her vehicle struck several large potholes in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$165.28; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 50 East and failed to do so properly on the date of the incident. The sum of \$165.28 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$165.28

AMOUNT AWARDED: \$165.28

CC-18-1660 ALBERTA DANIELS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 21, 2018, the Claimant was driving her 2006 Ford Focus on West Virginia Route 61 in Kincaid, Fayette County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$53.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 61 and failed to do so properly on the date of the incident. The sum of \$53.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$53.00

AMOUNT AWARDED: \$53.00

CC-18-1660 ALBERTA DANIELS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2006 Ford Focus on West Virginia Route 61 in Oak Hill, Fayette County, on October 19, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$79.50; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 61 on the date of the incident and failed to do so properly. The sum of \$79.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$79.50

AMOUNT AWARDED: \$79.50

CC-18-1259 HANNAH DANIELS AND STEPHEN DANIELS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 28, 2018, the Claimant was driving her 2006 Chevrolet Cobalt on West Virginia Route 20 South near Tennerton, Upshur County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$110.00; they did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of West Virginia Route 20 South and failed to do so properly on the date of the incident. The sum of \$110.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$110.00

AMOUNT AWARDED: \$110.00

CC-18-1534 JUSTIN ROBERT DARBY v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that he traveled Swinging Bridge Road on a daily basis. The road is a poorly maintained gravel road with numerous potholes. In inclement weather, rainwater runs across the roadway, creating little rivulets and ditches in the roadway, ultimately exposing the bedrock. The Claimant testified that his 2002 Dodge Ram 1500 has sustained damage as a result of the deteriorating roadway. He further testified that he had notified the Respondent of his concerns regarding the safety of Swinging Bridge Road on several occasions to no avail. The Claimant submitted invoices in the amount of \$2,690.66; his collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim. The Highway Administrator for Berkeley County testified that Swinging Bridge Road is an extremely narrow gravel road. While the road is maintained with new gravel and re-graded on a regular schedule, the options to improve the road, including paving the road, are rather limited due to the dimensions of the road. Additionally, it is not possible to install guardrails as there is no room to anchor the guardrails due to the steepness of the road on one side.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Swinging Bridge Road on the dates of the Claimant's incidents, that the Respondent had sufficient prior notice of the road conditions and that the Respondent's negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the sum of \$500.00.

AMOUNT CLAIMED: \$2,690.66

AMOUNT AWARDED: \$500.00

CC-18-1612 CHELSEA DAVIS AND HARLEY DAVIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 14, 2018, the Claimant was driving her 2010 Volkswagen Jetta on 5th Street in Huntington, Cabell County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$315.16; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of 5th Street and failed to do so properly on the date of the incident. The sum of \$315.16 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$315.16

AMOUNT AWARDED: \$315.16

CC-18-1461 CHRISTA DAVIS AND ALLEN DAVIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 28, 2018, the Claimant was driving her 2016 Honda HRC on Dixon Run Road in Wheeling, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$144.45; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Dixon Run Road and failed to do so properly on the date of the incident. The sum of \$144.45 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$144.45

AMOUNT AWARDED: \$144.45

CC-19-0124 JENNIFER DAVIS AND RANDY DAVIS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2009 Pontiac G6 on Buffalo Creek Road in Kistler, Logan County, on January 24, 2019 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$151.39; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Buffalo Creek Road on the date of the incident and failed to do so properly. The sum of \$151.39 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$151.39

AMOUNT AWARDED: \$151.39

CC-19-0915 JULIE L. DAVIS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 BMW 230xi on Teays Valley Road in Scott Depot, Putnam County, on June 4, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$239.95; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Teays Valley Road on the date of the incident and failed to do so properly. The sum of \$239.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$239.95

AMOUNT AWARDED: \$239.95

CC-18-1159 RANDY E. DAVIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 21, 2017, the Claimant was driving his 2013 Cadillac XTS on County Route 71/12, Wright Mountain Road, near Rock, Mercer County, when his vehicle struck a sharp edge of the asphalt pavement that had been exposed due to a washed out shoulder of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,161.53; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of County Route 71/12, Wright Mountain Road, and failed to do so properly on the date of the incident. The sum of \$1,161.53 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,161.53

AMOUNT AWARDED: \$1,161.53

CC-18-1105 SUSAN DAVIS AND LARRY DAVIS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2010 Pontiac Vibe on Flat Rock Road in Independence, Preston County, on June 27, 2018 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$148.40; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Flat Rock Road on the date of the incident and failed to do so properly. The sum of \$148.40 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$148.40

AMOUNT AWARDED: \$148.40

CC-18-1184 DWIGHT DAVISSON AND JACQUELINE DAVISSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 3, 2018, the Claimant was driving his 2015 Hyundai Sonata on Old Route 50 West near Clarksburg, Harrison County, when his vehicle struck a large pothole in the roadway. On July 12, 2018, the Claimant was driving the same vehicle again on Old Route 50 West when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$187.20 following the May 3, 2018 incident. After the July 12, 2018 incident, the Claimants' vehicle sustained damages in the amount of \$395.88. Their collision insurance required a deductible of \$250.00 for each incident. The Respondent was responsible for the maintenance of Old Route 50 West and failed to do so properly on the dates of the incidents. The sum of \$437.20 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$583.08

AMOUNT AWARDED: \$437.20

CC-19-0244 RODNEY C. DEMOTT AND LORA LAMARRE-DEMOTT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Mini Cooper Countryman on Interstate 77 South near Fairplain, Jackson County, on February 8, 2019 when

his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$457.86; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 77 South on the date of the incident and failed to do so properly. The sum of \$457.86 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$457.86

AMOUNT AWARDED: \$457.86

CC-18-0571 CHRISTLE DENNISON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2000 Chevrolet Monte Carlo SS on US Route 19 North between Rivesville, Marion County, and Arnettville, Monongalia County, on April 4, 2018 when her vehicle was struck by a large dead tree branch which fell from a tree overhanging the roadway. The Claimant's vehicle sustained damages in the amount of \$2,125.02; she did not carry either collision insurance or comprehensive insurance on her vehicle. The Respondent was responsible for the maintenance of US Route 19 North on the date of the incident and failed to do so properly. The parties agreed that the sum of \$2,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,125.02

AMOUNT AWARDED: \$2,000.00

CC-19-0084 JENNY DESTEFANO v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 17, 2018, the Claimant was driving a rented 2017 Dodge Caravan on West Virginia Route 34 near Winfield and Teays Valley, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimant's rental vehicle sustained damages in the amount of \$1,104.44; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,104.44

AMOUNT AWARDED: \$1,000.00

CC-19-1032 LAN DEYERLE AND DAVID DEYERLE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 19, 2019, the Claimant was driving her 2017 Chevrolet Cruze on Interstate 64 near Scott Depot, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$65.16; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 and failed to do so properly on the date of the incident. The sum of \$65.16 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$65.16

AMOUNT AWARDED: \$65.16

CC-19-0524 JAMES R. DICE AND HALEY A. DICE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Hyundai Sonata on Chestnut Ridge Road in Morgantown, Monongalia County, on February 6, 2019 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$145.00; their collision insurance required a deductible of \$2,000.00. The Respondent was responsible for the maintenance of Chestnut Ridge Road on the date of the incident and failed to do so properly. The sum of \$145.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$145.00

AMOUNT AWARDED: \$145.00

CC-18-1345 TIMOTHY D. DILLON AND AMY D. DILLON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 2, 2018, the Claimant was driving his 2014 Nissan Altima on Hubbards Branch Road in Huntington, Cabell County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$485.32; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Hubbards Branch Road and failed to do so properly on the date of the incident. The sum of \$485.32 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$485.32

AMOUNT AWARDED: \$485.32

CC-19-0852 TODD G. DILLON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 9, 2019, the Claimant was driving his 2018 Toyota Sienna on Hurricane Creek Road in Hurricane, Putnam County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$464.56; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Hurricane Creek Road and failed to do so properly on the date of the incident. The sum of \$464.56 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$464.56

AMOUNT AWARDED: \$464.56

CC-18-1517 CHELSEY DIXON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Ford Focus SE on West Virginia Route 21 near Sissonville, Kanawha County, on September 18, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$96.00; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 21 on the date of the incident and failed to do so properly. The sum of \$96.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$96.00

AMOUNT AWARDED: \$96.00

CC-19-0484 GABE D'ORTENZIO v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 24, 2019, the Claimant was driving his 2014 Lincoln MKZ on US Route 22 in Weirton, Hancock County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$203.80; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 22 and failed to do so properly on the date of the incident. The sum of \$203.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$203.80

AMOUNT AWARDED: \$203.80

CC-19-1081 RITA J. DOUGLAS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Jaguar XF on Interstate 64 West in South Charleston, Kanawha County, on June 6, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$965.25; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$965.25

AMOUNT AWARDED: \$500.00

CC-19-0030 DONNA DROWN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 4, 2018, the Claimant was driving her 2010 Chevrolet Impala on West Virginia Route 75 in Kenova, Wayne County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$97.37; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 75 and failed to do so properly on the date of the incident. The sum of \$97.37 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 97.37

AMOUNT AWARDED: \$97.37

CC-19-0031 DONNA DROWN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 7, 2018, the Claimant was driving her 2010 Chevrolet Impala on Walkers Branch Road in Kenova, Wayne County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$69.55; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Walkers Branch Road and failed to do so properly on the date of the incident. The sum of \$69.55 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$69.55

AMOUNT AWARDED: \$69.55

CC-19-0032 DONNA DROWN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2010 Chevrolet Impala on Buffalo Creek Road in Huntington, Wayne County, on June 20, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$105.93; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Buffalo Creek Road on the date of the incident and failed to do so properly. The sum of \$105.93 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$105.93

AMOUNT AWARDED: \$105.93

CC-18-0912 CHARLES W. DUDLEY AND ROBERTA DUDLEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 30, 2018, the Claimant was driving his 2011 Ford Fusion on West Virginia Route 2 North in Sistersville, Tyler County, when vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$699.02; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 North and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$699.02

AMOUNT AWARDED: \$500.00

CC-18-1679 DALE S. DUES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Chrysler Sebring on Interstate 64 West in Charleston, Kanawha County, on December 3, 2018 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$652.64; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$652.64

AMOUNT AWARDED: \$500.00

CC-19-0125 JOHN DUFFY AND LINDA DUFFY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 30, 2018, the Claimant was driving his 2012 Chevrolet Impala on County Route 21 near Lynn Camp, Marshall County, when his vehicle struck a large broken and rough section of the roadway. The Claimants' vehicle sustained damages in the amount of \$360.04; their collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of County Route 21 and failed to do so properly on the date of the incident. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$360.04

AMOUNT AWARDED: \$100.00

CC-19-0016 LINDA L. DUNCAN v. DIVISION OF HIGHWAYS

The Claimant alleged that the Respondent failed to properly maintain the road which caused damage to her vehicle. At the hearing, the Claimant testified that in October, 2018, she was traveling on West Virginia Route 92, West Virginia Pike, near Reedsville, Preston County, in her 2016 Ford Fusion when her vehicle struck a pothole in the traveling portion of the roadway. She was away on vacation for several weeks following the incident, but noticed on her return home, that the vehicle was driving differently. When she took her vehicle to her mechanic, she learned that three of the rims were bent. The Claimant submitted invoices in the amount of \$706.24; her collision insurance required a deductible of \$250.00.

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

The Legislative Claims Commission found that the Respondent was responsible for the maintenance of West Virginia Route 92, West Virginia Pike, was negligent in its maintenance of the roadway on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$250.00.

AMOUNT CLAIMED: \$706.24

AMOUNT AWARDED: \$250.00

CC-19-0650 LINDA L. DUNCAN v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on April 4, 2019, she was driving her 2016 Ford Fusion on West Virginia Route 92 near Morgantown, Monongalia County, when her vehicle struck a pothole in the roadway. She discovered a large bulge on one tire. She replaced all four tires on her vehicle since her mechanic advised her to do so on an all-wheel drive vehicle. The Claimant submitted invoices in the amount of \$872.91; her collision insurance required a deductible of \$250.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent denied that it was responsible for the replacement of all four of the Claimant's tires on her vehicle when only one tire was actually damaged from striking the pothole.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 92 on the date of the Claimant's incident and that such negligence was the cause of the damages to the Claimant's vehicle. The Claims Commission recommended an award of \$217.73.

AMOUNT CLAIMED: \$872.91

AMOUNT AWARDED: \$217.73

CC-18-0816 RACHEL EADES-GILL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 2, 2018, the Claimant was driving her 2011 Subaru Forester on US Route 60 near Hico, Fayette County, when her vehicle struck a defective area of the roadway, causing her vehicle to rollover and come to rest on its side against a tree. The Claimant sought medical treatment following the incident; her vehicle was deemed to be a

total loss. Her collision insurance required a deductible of \$1,000.00. The Claimant alleged that the Respondent's failure to properly maintain US Route 60 was the proximate cause of her accident and resulting injuries.

The Respondent denied any negligence but did acknowledge that the Claimant suffered damages.

The Legislative Claims Commission found that the Respondent was responsible for the maintenance of US Route 60 and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,800.00

AMOUNT AWARDED: \$1,000.00

CC-19-0207 KATHY E. EDDY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 5, 2019, the Claimant was driving her 2008 Mitsubishi Eclipse G5 on Washington Street in Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$646.00; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Washington Street and failed to do so properly on the date of the incident. The sum of \$646.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$646.00

AMOUNT AWARDED: \$646.00

CC-19-0503 GARNET D. EDWARDS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Chevrolet Silverado 1500 on West Virginia Route 20 in Hinton, Summers County, on March 5, 2019, when his vehicle was struck by a cascade of large rocks that slid down the adjacent hillside. The Claimant's vehicle sustained damages in the amount of \$3,599.76; his collision insurance required a deductible of \$200.00. The Respondent was responsible for the maintenance of West Virginia Route 20 on the date of the incident and failed to do so properly. The sum of \$200.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,599.76

AMOUNT AWARDED: \$200.00

CC-19-0755 JOHN M. EFAW v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March, 7, 2019, the Claimant was walking across Old US Route 250 in Farmington, Marion County, to attend a doctor's appointment when he fell into a hole that had been drilled in the roadway to allow access to a storm drain and sustained an injury. The Claimant incurred expenses in the amount of \$368.05 as a result. The Respondent was responsible for the maintenance of Old US Route 250 on the date of the incident and failed to do so properly. The sum of \$368.05 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$368.05

AMOUNT AWARDED: \$368.05

CC-19-0364 JULIE ELLENWOOD AND JAMES WOJCIK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 12, 2019, the Claimant was driving her 2014 Ford Edge on US Route 50 West in Parkersburg, Wood County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$395.68; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 50 West and failed to do so properly on the date of the incident. The sum of \$395.68 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$395.68

AMOUNT AWARDED: \$395.68

CC-18-0530 KARISSA ELLIS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Scion TC on West Virginia Route 34 in Slab Fork, Raleigh County, on February 8, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$395.13; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 34 on the date of the incident and failed to do so properly. The sum of \$395.13 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$395.13

AMOUNT AWARDED: \$395.13

CC-18-1490 SONDRAL ELSON AND JEREMY ELSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Ford Explorer on West Virginia Route 2 North near Moundsville, Marshall County, on October 1, 2018 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$463.49; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 North on the date of the incident and failed to do so properly. The sum of \$463.49 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$463.49

AMOUNT AWARDED: \$463.49

CC-19-0024 KEN ENOCH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 28, 2018, the Claimant was driving his 2018 Toyota Sienna on Earl L. Core Road in Morgantown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$656.17; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Earl L. Core Road and failed to do so properly on the date of the incident. The sum of \$656.17 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$656.17

AMOUNT AWARDED: \$656.17

CC-19-0843 MOLLY S. ERLANDSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 11, 2019, the Claimant was driving her 2004 Volvo XC-70 Wagon on Interstate 64 West in Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$508.60; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$508.60

AMOUNT AWARDED: \$500.00

CC-19-0403 PHILLIP ESHENAUER AND AMBER ESHENAUER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On or around March 4, 2019, the Claimant was driving his 2012 Ford Escape on Margarett Road in Fairmont, Marion County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$840.23; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Margarett Road and failed to do so properly on the date of the incident. The sum of \$840.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$840.23

AMOUNT AWARDED: \$840.23

CC-19-0329 SCOTT D. ETHRIDGE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 18, 2019, the Claimant was driving his 2010 Volvo S80 on Interstate 64 East between Dunbar and South Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$211.85; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$211.85 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$211.85

AMOUNT AWARDED: \$211.85

CC-19-0079 RICHARD A. FACEMIRE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2009 Ford Flex on West Virginia Route 4 in Gassaway, Braxton County, on July 31, 2018, when his vehicle struck a large roadside caution sign that extended into the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,091.16; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 4 on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,091.16

AMOUNT AWARDED: \$250.00

CC-19-0161 ALYSSA FAIRBANKS AND ERIC FAIRBANKS v. DIVISION OF HIGHWAYS

The Claimants alleged that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on January 5, 2019, she was driving her 2016 Honda HRV on South Pierpont Road between Dug Hill Road and Tyrone Road in Morgantown, Monongalia County, when her vehicle struck a large pothole in the traveling portion of the roadway. The impact with the pothole caused the right front tire to deflate as well as causing a blowout in the tire's sidewall. The Claimants asserted that because their vehicle was all wheel drive, they had to replace all four tires at the same time as the tread levels on the remaining three tires were considered substandard and unsafe. In support of their position, the Claimants submitted a page from the owner's guide for their 2016 Honda HRV along with several articles from various automobile related blogs. The Claimants submitted an invoice for the replacement of all four tires in the amount of \$649.74; their collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim. At the hearing, the Respondent offered to admit liability and stipulate to a payment in the amount of \$162.44, which represented the replacement cost of the one tire that was damaged by the pothole on January 5, 2019. However, this offer was rejected by the Claimants.

The Legislative Claims Commission considered the materials submitted by the Claimants, including the owner's guide, which stated that while recommended, replacing all four tires at the same time is not required and found that the Respondent was negligent in its maintenance of South Pierpont Road on the date of the Claimants' incident and that such negligence was the cause of the Claimants' damages. The Claims Commission recommended an award of \$162.44.

AMOUNT CLAIMED: \$649.74

AMOUNT AWARDED: \$162.44

CC-18-1418 DOUGLAS RAY FARLEY AND DAWN RENEE FARLEY v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. The Claimant testified at the hearing that on February 15, 2018, he was driving his 2016 Hyundai Sonata on US Route 60 in Gauley Bridge, Fayette County, when he struck several large rocks situated in the traveling portion of the roadway. He further testified that this stretch of US Route 60 is known for rockslides and the Respondent had installed permanent warning signs in the area. The Claimant submitted invoices in the amount of \$1,974.65; their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent had at least constructive notice of the rocks on US Route 60 inasmuch as they had erected permanent warning signs in that same area. The Claims Commission further found that the Respondent was negligent in its maintenance of US Route 60 on the day of the Claimants' incident and that such negligence was the cause of the Claimants' damages. The Claims Commission recommended an award of \$500.00.

AMOUNT CLAIMED: \$1,974.65

AMOUNT AWARDED: \$500.00

CC-19-0184 LESLIE FARLEY AND THOMAS FARLEY v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that on January 17, 2019, she was driving her 2018 Honda CRV on Interstate 64 West in Beckley, Raleigh County, when her vehicle struck two orange construction cones situated in the traveling portion of the roadway. She further testified that this area was an active construction zone. There was traffic in the lane adjacent to her so she was unable to avoid striking the cones. The Claimant testified that her vehicle began making a strange noise; she learned that the cones had become embedded in her vehicle's exhaust assembly causing damage. The Claimants submitted invoices in the amount of \$793.62; their collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that it was foreseeable for construction cones and other traffic control devices to be present in a construction zone, that the Respondent was negligent in its maintenance of Interstate 64 West on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$793.62.

AMOUNT CLAIMED: \$793.62

AMOUNT AWARDED: \$793.62

CC-19-0149 RUBY FARLEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 29, 2019, the Claimant was driving her 2006 Volvo on the Logan Boulevard Bridge towards the Logan Regional Medical Center in Logan, Logan County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$283.32; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of the Logan Boulevard Bridge and failed to do so properly on the date of the incident. The sum of \$283.32 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$283.32

AMOUNT AWARDED: \$283.32

CC-19-0160 ANDREA FARNHAM AND JEREMY FARNHAM v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Toyota Sienna on West Virginia Route 7 in Morgantown, Monongalia County, on September 29, 2018 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$897.93; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the

date of the incident and failed to do so properly. The parties agreed that the sum of \$448.97 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$897.93

AMOUNT AWARDED: \$448.97

CC-19-0763 AMY J. FERGUSON v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2013 Toyota Camry on Interstate 64 West at mile marker 45 near Nitro, Kanawha County, on February 24, 2019 late in the evening while it was raining heavily. There was an orange construction cone laying on its side in her lane of the roadway; the base of the cone was black and blended into the darkness. The Claimant's vehicle struck the cone, which damaged the front bumper of her vehicle. There were no warning signs in this area; however, there were numerous orange cones lined up against the right shoulder of the roadway from Cross Lanes to Nitro. The Claimant submitted invoices in the amount of \$2,085.33; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that it was foreseeable for construction cones to be present in a construction zone, that the Respondent was negligent in its maintenance of Interstate 64 West on the date of the Claimant's incident and that such negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$500.00.

AMOUNT CLAIMED: \$2,085.33

AMOUNT AWARDED: \$500.00

CC-19-1071 BETTY FERRELL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2004 Buick Century on West Virginia Route 61 in Cabin Creek, Kanawha County, on June 8, 2019 when her vehicle struck a large metal plate cover for a large cutout hole. The metal plate had shifted and exposed a deep hole in the traveling portion of the roadway. After the Claimant's vehicle struck the metal plate, it struck the hole in the roadway. The Claimant's vehicle sustained damages in the amount of \$2,099.84; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of West Virginia Route 61 on the date of the incident and failed to do so properly. The sum of \$2,099.84 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,099.84

AMOUNT AWARDED: \$2,099.84

CC-19-0020 JOSHUA FIELDS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 23, 2018, the Claimant was driving his 2015 Subaru WRX on Wolf Pen Road in Sissonville, Kanawha County, when his vehicle struck a

large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$486.33; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Wolf Pen Road and failed to do so properly on the date of the incident. The sum of \$486.33 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$486.33

AMOUNT AWARDED: \$486.33

CC-19-1087 ASHLEY FISHER AND BENJAMIN FISHER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 7, 2019, the Claimant was driving her 2016 Toyota Sienna on Interstate 77 North near Sissonville, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$284.08; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 77 North and failed to do so properly on the date of the incident. The sum of \$284.08 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$284.08

AMOUNT AWARDED: \$284.08

CC-18-1559 JENNIFER R. FISHER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on April 24, 2018, she was driving her 2014 Kia Sorrento on Interstate 64 East near Milton, Cabell County. Only one lane of travel was open for vehicular traffic due to an ongoing construction project. Her vehicle struck a pothole in the traveling portion of the roadway. The Claimant submitted invoices in the amount of \$286.58 for vehicle repairs as well as an invoice in the amount of \$251.10 for a rental car. Her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimant's incident and that the Respondent's negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$286.58.

AMOUNT CLAIMED: \$537.68

AMOUNT AWARDED: \$286.58

CC-18-1323 RYAN FITZWATER AND IVY FITZWATER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the roads was the cause of damage to their vehicle. At the hearing, the Claimant testified that between November 2017 and February 2018, they drove their 2013 Ram 2500 truck on various roads, including County Route 9, Bean Run Road, Wilsonburg Road and Limestone Run Road, near Clarksburg, Harrison County. She testified further that these roads were riddled with

potholes and she was unable to avoid striking many of the potholes. The Claimant had emailed the Respondent on at least one occasion to notify them of the hazardous conditions of the roadways. The Claimants submitted invoices in the amount of \$1,322.43; their collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of County Route 9, Bean Run Road, Wilsonburg Road and Limestone Run Road on the dates of the Claimants' incidents and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award of \$1,000.00.

AMOUNT CLAIMED: \$1,322.43

AMOUNT AWARDED: \$1,000.00

CC-18-0777 ERIC L. FLEVARIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 29, 2018, the Claimant was driving his 2014 Kawasaki Ninja 300 on West Virginia Route 18 in West Union, Doddridge County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$2,083.66; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 18 and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,083.66

AMOUNT AWARDED: \$1,000.00

CC-19-0786 E. JANE FLOHR v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2003 Honda Accord on US Route 119 South in Grafton, Taylor County, on April 17, 2019 when her vehicle struck a series of potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$96.26; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of US Route 119 South on the date of the incident and failed to do so properly. The sum of \$96.26 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$96.26

AMOUNT AWARDED: \$96.26

CC-18-0989 JUNE Y. FLOHR v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Honda Civic on US Route 119 in Grafton, Taylor County, on April 26, 2018 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$90.95; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 119 on the date of the incident and failed to do so properly. The sum of \$90.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$90.95

AMOUNT AWARDED: \$90.95

CC-19-0408 KATHIE R. FORMAN v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damages to her vehicle. At the hearing, the Claimant testified that she drives her 2009 Audi A4 on US Route 119 South in Morgantown, Monongalia County, on a daily basis to and from her place of employment. Following a routine maintenance check, she learned that the right rear shock on her vehicle was damaged. She believed that her daily travel on US Route 199, which was riddled with potholes, between January 1, 2018 and April 30, 2018, was the cause of the damage to her vehicle. She submitted invoices in the amount of \$584.98; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 119 during this time frame and that the negligence of the Respondent was the proximate cause of the damages to the Claimant's vehicle. The Claims Commission recommended that the Claimant receive an award of \$500.00.

AMOUNT CLAIMED: \$584.98

AMOUNT AWARDED: \$500.00

CC-19-0187 DENNIS F. FOREMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2001 Buick LeSabre on Patterson Fork Road in Salem, Doddridge County, on May 15, 2018 when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,142.65; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Patterson Fork Road on the date of the incident and failed to do so properly. The sum of \$1,142.65 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,142.65

AMOUNT AWARDED: \$1,142.65

CC-19-0098 JOHN GAYLORD FORZETTING II AND PAULA KAY FORZETTING v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 28, 2018, the Claimant was driving his 2013 Volkswagen CC on Ferrell Road in St. Albans, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$407.23; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Ferrell Road and failed to do so properly on the date of the incident. The sum of \$407.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$407.23

AMOUNT AWARDED: \$407.23

CC-19-0662 JACOB LEE FOSTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 13, 2019, the Claimant was driving his 2019 Subaru WRX on West Virginia Route 214, Childress Road, near South Charleston, Kanawha

County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$148.73; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 214, Childress Road, and failed to do so properly on the date of the incident. The sum of \$148.73 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$148.73

AMOUNT AWARDED: \$148.73

CC-19-0154 TRINA J. FOX v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Subaru Legacy on West Virginia Route 41 in Danese, Fayette County, on January 2, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$573.86; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 41 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$573.86

AMOUNT AWARDED: \$500.00

CC-18-1526 TIFFANY FRANCO AND JODY FRANCO v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that on October 19, 2018, she was driving her 2014 Ford Escape on Interstate 64 East near Nitro, Kanawha County. This section of the Interstate was under construction and the left travel lane had been milled in preparation for paving. While she was traveling in the unmilled lane, a vehicle in the milled left lane struck road debris, including rocks and gravel. The road debris became airborne and struck the windshield of the Claimant's vehicle, causing damage. The Claimants submitted invoices in the amount of \$456.84; their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that it was foreseeable for rocks, gravel and other road debris to be present in a construction zone, that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$456.84.

AMOUNT CLAIMED: \$456.84

AMOUNT AWARDED: \$456.84

CC-17-0536 MICHAEL FRAZIER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 12, 2017, the Claimant was driving his 2008 Audi TT on Cheat Road near Morgantown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$430.31; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Cheat Road and failed to do so properly on the date of the incident. The sum of \$430.31 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$430.31

AMOUNT AWARDED: \$430.31

CC-19-0307 WILLIAM L. FREED v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Hyundai Elantra on West Virginia Route 47 near Cisco, Ritchie County, on February 14, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$100.70; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 47 on the date of the incident and failed to do so properly. The sum of \$100.70 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$100.70

AMOUNT AWARDED: \$100.70

CC-19-0584 MICHAEL A. FRIDLEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 23, 2019, the Claimant was driving his 2016 Honda Civic on Chestnut Ridge Road in Morgantown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$296.50; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Chestnut Ridge Road and failed to do so properly on the date of the incident. The sum of \$296.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$296.50

AMOUNT AWARDED: \$296.50

CC-16-0827 CHARLOTTE FURPHY AND GEORGE FURPHY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimants' home located in Nettie, Nicholas County, sustained damages after a heavy rainstorm on June 16, 2016, which they alleged was due to the Respondent's failure to properly maintain the culverts alongside their road. The Claimants asserted that they had notified the Respondent of the clogged culverts before the flooding incident occurred. The Claimants submitted invoices and estimates in the amount of \$5,673.75. The Respondent was responsible for the maintenance of the culverts on Nettie-Fenwick Road and failed to properly do so on the date of the incident. The sum of \$5,673.75 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$7,000.00

AMOUNT AWARDED: \$5,673.75

CC-18-0982 MELISSA J. GAINES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 17, 2018, the Claimant was driving her 2006 Mercury Grand Marquis on Emily Drive North in Clarksburg, Harrison County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$164.54; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Emily Drive North and failed to do so properly on the date of the incident. The sum of \$164.54 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$164.54

AMOUNT AWARDED: \$164.54

CC-19-0219 VINCENT A. GALA, JR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Hyundai Elantra on Wylie Ridge Road in Weirton, Hancock County, on February 6, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$181.85; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Wylie Ridge Road on the date of the incident and failed to do so properly. The sum of \$181.85 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$181.85

AMOUNT AWARDED: \$181.85

CC-18-0360 CYNTHIA A. GAMBLIN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Subaru Outback on US Route 19 in Summersville, Nicholas County, on February 9, 2018, when her vehicle struck several pieces of a broken road reflector which were laying in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$779.95; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 19 on the date of the incident and failed to do so properly. The sum of \$779.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$779.95

AMOUNT AWARDED: \$779.95

CC-19-0547 JASON R. GARNES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2019 Mercedes C43 on West Virginia Route 34 in Hurricane, Putnam County, on May 13, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$382.29; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 34 on the date of the incident and failed to do so properly. The sum of \$382.29 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$382.29

AMOUNT AWARDED: \$382.29

CC-19-0006 DANA GATES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 20, 2018, the Claimant was driving his 2014 Kia Cadenza on Murdoch Avenue in Parkersburg, Wood County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$840.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Murdoch Avenue and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$840.00

AMOUNT AWARDED: \$500.00

CC-19-0010 JAMES D. GELLNER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 1986 Chevrolet P-30 Box Truck on West Virginia Route 2 North at the 26th Street exit in Wheeling, Ohio County, on December 13, 2018, when his vehicle was struck by a large piece of concrete that became airborne after another motorist struck a pothole and dislodged the loose piece of concrete that had been in the pothole. The Claimant's vehicle sustained damages in the amount of \$2,241.05; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 2 North on the date of the incident and failed to do so properly. The sum of \$2,241.05 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,241.05

AMOUNT AWARDED: \$2,241.05

CC-18-0967 GINO GISMONDI AND AMY GISMONDI v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 6, 2017, the Claimant was driving her 2017 BMW 750i on Cheat Road in Morgantown, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$608.02; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Cheat Road and failed to do so properly on the date of the incident. The sum of \$608.02 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$608.02

AMOUNT AWARDED: \$608.02

CC-18-0968 GINO GISMONDI AND AMY GISMONDI v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 26, 2017, the Claimant was driving her 2017 BMW 750i on West Virginia Route 705 in Morgantown, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$661.87; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 705 and failed to do so properly on the date of the incident. The sum of \$661.87 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$661.87

AMOUNT AWARDED: \$661.87

CC-18-0969 GINO GISMONDI AND AMY GISMONDI v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 BMW 750i on Interstate 68 near Exit 10 in Cheat Lake, Monongalia County, on April 4, 2018 when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$581.80; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 68 on the date of the incident and failed to do so properly. The sum of \$581.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$581.80

AMOUNT AWARDED: \$581.80

CC-19-0117 TODD GOOKIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 15, 2019, the Claimant was driving his 2009 Toyota Camry on West Run Road in Morgantown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$140.17; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Run Road and failed to do so properly on the date of the incident. The sum of \$140.17 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$140.17

AMOUNT AWARDED: \$140.17

CC-18-1005 LARRY D. GRAY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant's daughter testified that she was driving her father's 2005 Toyota Sienna on Interstate 64 East near Hurricane, Putnam County, on June 9, 2018, when the vehicle struck a large pothole in the traveling portion of the roadway. She testified that this incident occurred in a construction zone. Since the incident occurred on a weekend, she was unable to have the vehicle repaired. She stayed overnight and made arrangements with her father to meet her and tow the vehicle back to their home. The Claimant submitted invoices in the amount of \$987.70, which included \$812.87 in vehicle repairs and \$174.82 in travel expenses. His collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$812.87.

AMOUNT CLAIMED: \$987.70

AMOUNT AWARDED: \$812.87

CC-19-0270 ROSEANNE GRAY AND JAMES M. GRAY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 6, 2019, the Claimant was driving her 2016 Hyundai Elantra on 46th Street in Vienna, Wood County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$377.95; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of 46th Street and failed to do so properly on the date of the incident. The sum of \$377.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$377.95

AMOUNT AWARDED: \$377.95

CC-19-00400 LUCAS GREZA AND ANNE GREZA v. DIVISION OF HIGHWAYS

The Claimants alleged that the failure of the Respondent to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that on June 12, 2017, he was driving his 2017 Mazda 3 on Route 73 near Morgantown, Monongalia County, when his vehicle struck a large pothole in the traveling portion of the roadway. He was returning home after purchasing several large wooden boards at a local retail store. Because he knew this road contained many potholes, he secured the boards within his vehicle using a bungee cord and wrapped a towel around the ends of the boards that were closest to the vehicle's windshield. He testified that Route 73 was a two lane road and on the date of his incident, a large tractor trailer was traveling in the other lane. There was a large log situated in the shoulder of the road to his right and he was unable to avoid hitting the pothole. The impact of his vehicle striking the pothole caused the secured wooden boards to shift within his vehicle and strike the windshield. As a result, the windshield cracked. The Claimants submitted invoices in the amount of \$615.72; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent argued that it was not responsible for the manner in which the Claimant had secured the wooden boards within his vehicle and therefore, it was not liable to the Claimant for the resulting damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Route 73 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$615.72

AMOUNT AWARDED: \$500.00

CC-19-0460 HEATHER GRIMES AND PHILIP GRIMES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Chevrolet Equinox on West Virginia Route 705 in Morgantown, Monongalia County, on March 4, 2019, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$198.02; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 705 on

the date of the incident and failed to do so properly. The sum of \$198.02 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$198.02

AMOUNT AWARDED: \$198.02

CC-19-0883 MICHAEL J. GROOM v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 31, 2019, the Claimant was driving his 2018 BMW 540i on Interstate 64 West in Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$318.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$318.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$318.00

AMOUNT AWARDED: \$318.00

CC-18-1394 TREVOR GUM AND AMANDA GUM v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 28, 2018, the Claimant was driving his 2017 Toyota Sienna on Meathouse Fork Road in New Milton, Doddridge County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$827.82; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Meathouse Fork Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$827.82

AMOUNT AWARDED: \$250.00

CC-18-1087 CLAUDIA GUNNOE AND BONNIE BENNETT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Subaru Crosstrek on West Virginia Route 20 in Hinton, Summers County, on June 30, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$536.59; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 20 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$536.59

AMOUNT AWARDED: \$500.00

CC-19-0282 SHASHI B. GUPTA AND SUKHDEV GUPTA v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 13, 2019, the Claimant was driving her 2011 Mercedes E350 at the intersection of Mount De Chantal Road and National Road in Wheeling, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$355.96; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Mount De

Chantal Road and National Road and failed to do so properly on the date of the incident. The sum of \$355.96 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$355.96

AMOUNT AWARDED: \$355.96

CC-19-0121 DAVID C. GWINN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 18, 2018, the Claimant was driving his 2009 Volvo S40 T5 on US Route 52 near Kenova, Wayne County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$386.24; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 52 and failed to do so properly on the date of the incident. The sum of \$386.24 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$386.24

AMOUNT AWARDED: \$386.24

CC-18-0368 RILEY HAGER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 28, 2018, the Claimant was driving his 1999 Chevrolet Cavalier on West Virginia Route 10 in Logan, Logan County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages that were sufficient to declare his vehicle a total loss, the value of which was approximately \$500.00; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 10 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-19-0237 WHITNEY A. HAJDUKOVICH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2019 Nissan Altima on Interstate 70 East in Wheeling, Ohio County, on February 7, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$258.10; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Interstate 70 East on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$258.10

AMOUNT AWARDED: \$250.00

CC-18-1286 GARY L. HALL AND CHELSEA M. HALL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 28, 2018, the Claimant was driving his 2016 Hyundai Veloster on Washington Street near Cross Lanes, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$732.35; their collision insurance required a deductible of \$500.00. The Respondent was

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

AMOUNT CLAIMED: \$732.35

AMOUNT AWARDED: \$500.00

CC-19-0612 JESSE T. HALL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 24, 2019, the Claimant was driving his 2008 BMW 135i on Fairmont Road approaching the Interstate 79 South entrance ramp in Morgantown, Monongalia County, when his vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$808.96; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Fairmont Road and Interstate 79 South and failed to do so properly on the date of the incident. The parties agreed that the sum of \$404.48 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$808.96

AMOUNT AWARDED: \$404.48

CC-19-0589 WILLIAM HALL AND BETTY HALL v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that she drove her 2015 Subaru Legacy on Bridge Street and Monongah Road in Monongah, Marion County, several times every week. These two roads were riddled with potholes and it was difficult to avoid striking a pothole, especially with oncoming traffic. After striking a pothole in March, 2019, the Claimant testified that her vehicle drove differently and made strange noises. She took her vehicle to her mechanic and learned that two of the wheels were damaged. The Claimants submitted invoices in the amount of \$678.40; their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Bridge Street and Monongah Road on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$678.40

AMOUNT AWARDED: \$500.00

CC-18-1106 LINWOOD F. HAMILTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2009 Jaguar XF on Cooper's Creek Road in Charleston, Kanawha County, on June 12, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$651.96; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Cooper's Creek Road on the date of the

incident and failed to do so properly. The sum of \$651.96 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$651.96

AMOUNT AWARDED: \$651.96

CC-18-0283 KYLE HAMMOND AND RACHEL HAMMOND v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on February 14, 2018, he was driving his 2016 Mini Cooper Countryman on Route 601, Raven Rocks Road, in Bluemont, Jefferson County, when his vehicle struck a pothole. He testified that this road was poorly maintained and he had notified the Respondent of his concerns on several occasions through the Respondent's online road repair website. The Claimants submitted invoices in the amount of \$658.39; their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Route 601, Raven Rocks Road, on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$658.39

AMOUNT AWARDED: \$500.00

CC-18-1271 KYLE HAMMOND AND RACHEL HAMMOND v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that he was driving his 2016 Mini Cooper Countryman on Route 601, Raven Rocks Road, in Bluemont, Jefferson County, on July 30, 2018, when his vehicle struck a large pothole situated in the traveling portion of the roadway. He testified that this road was poorly maintained and he had notified the Respondent of his concerns on several occasions through the Respondent's online road repair website. The Claimants submitted invoices in the amount of \$279.55; their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Route 601, Raven Rocks Road, on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$279.55.

AMOUNT CLAIMED: \$279.55

AMOUNT AWARDED: \$279.55

CC-19-0648 THERESA HANEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 23 2019, the Claimant was driving her 2017 Chevrolet Malibu on West Virginia Route 2 in Friendly, Tyler County, when her vehicle struck a

large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$239.80; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$239.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$239.80

AMOUNT AWARDED: \$239.80

CC-18-0783 LEIGH ANN HANNAS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 23, 2018, the Claimant was driving her 2013 Mercedes C300 on Interstate 64 West in Cross Lanes, Kanawha County, when her vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$536.69; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$536.69

AMOUNT AWARDED: \$500.00

CC-19-1027 KIM HARBOUR AND KRIS HALL v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that on May 31, 2019, she was driving her 2009 Ford Focus on Interstate 64 West near Hurricane, Putnam County, when her vehicle struck a recessed area in the traveling portion of the roadway. This was an active construction zone; she believed that her vehicle struck the sharp edge of the pavement between the paved lane and the milled lane. The front passenger tire on the Claimants' vehicle was damaged. The Claimants submitted invoices in the amount of \$241.70; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 West on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the sum of \$241.70.

AMOUNT CLAIMED: \$241.70

AMOUNT AWARDED: \$241.70

CC-18-1603 BILLIE HARDING AND GATENS-HARDING FUNERAL HOME v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 GMC Yukon on Interstate 64 West at Exit 47 near Cross Lanes, Kanawha County, on October 17, 2018 when her vehicle struck a series of potholes in the traveling portion of the roadway. The Claimants'

vehicle sustained damages in the amount of \$666.68; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$666.68

AMOUNT AWARDED: \$500.00

CC-18-0808 ALLEN HARMON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 3, 2018, the Claimant was driving his 2001 Ford Ranger on West Main Street in St. Albans, Kanawha County, when his vehicle struck a series of potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$404.82; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Main Street and failed to do so properly on the date of the incident. The sum of \$404.82 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$404.82

AMOUNT AWARDED: \$404.82

CC-18-0750 ANTHONY HARMON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Hyundai Elantra on Interstate 70 West in Triadelphia, Ohio County, on March 5, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$765.00; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 70 West on the date of the incident and failed to do so properly. The sum of \$765.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$765.00

AMOUNT AWARDED: \$765.00

CC-19-0427 ROBERT HARRIS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Mazda 6 on Short Creek Road in Short Creek, Brooke County, on February 27, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$437.56; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Short Creek Road on the date of the incident and failed to do so properly. The sum of \$437.56 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$437.56

AMOUNT AWARDED: \$437.56

CC-18-0846 STEPHON C. HARRIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 27, 2018, the Claimant was driving his 2014 Mercedes 350-E 4-matic on 7th Avenue in Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of

\$1,288.81; his collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of 7th Avenue and failed to do so properly on the date of the incident. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,288.81

AMOUNT AWARDED: \$100.00

CC-18-1384 LAURA B. HARSHBARGER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2014 Ford Escape on West Virginia Route 16 North near Ellenboro, Ritchie County, on August 22, 2018, when her vehicle struck an area of broken and crumbling pavement just off the edge of the traveling portion of the roadway. She further testified that her vehicle struck this deteriorated section of the roadway as she edged closer to the white line to avoid oncoming traffic. The white line of the roadway crossed through the broken segment of the pavement. The Claimant submitted invoices in the amount of \$360.00; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 16 North on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$360.00.

AMOUNT CLAIMED: \$360.00

AMOUNT AWARDED: \$360.00

CC-19-0367 CANDACE L. HART v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Buick Encore on West Virginia Route 2 in Wheeling, Ohio County, on February 19, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$250.43; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$250.43 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$250.43

AMOUNT AWARDED: \$250.43

CC-18-1645 MARK HARTLING AND BELINDA HARTLING v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2014 Volvo S60T5 on the entrance ramp to Interstate 64 West near Cross Lanes, Kanawha County, on March 30, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$562.13; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64

West on the date of the incident and failed to do so properly. The parties agreed that the sum of \$322.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$562.13

AMOUNT AWARDED: \$322.23

CC-18-1144 KRISTIE N. HARTSELL AND ALLEN HARTSELL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 23, 2018, the Claimant was driving her 2015 Ford Explorer on Aurora Pike in Aurora, Preston County when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$283.04; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Aurora Pike and failed to do so properly on the date of the incident. The sum of \$283.04 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$283.04

AMOUNT AWARDED: \$283.04

CC-19-1062 JOSEPH HAUN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 9, 2019, the Claimant was driving his 2017 Nissan Juke on US Route 60 in Huntington, Cabell County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,000.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,000.00

AMOUNT AWARDED: \$500.00

CC-19-0146 MELISSA HAWKINS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Chevrolet Cruze on US Route 22 West in Weirton, Brooke County, on January 23, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$99.49; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 22 West on the date of the incident and failed to do so properly. The sum of \$99.49 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$99.49

AMOUNT AWARDED: \$99.49

CC-18-1280 RICK HEASLEY AND VALERIE HEASLEY v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the roads was the cause of damage to their vehicle. At the hearing, the Claimant testified that he was driving his 2013 Hyundai Sonata on West Virginia Route 2 between St. Mary's in Pleasants County and New Martinsville, Wetzel County, and on West Virginia Route 7 between Paden City, Wetzel County and Morgantown, Monongalia County. For several weeks in April and May, 2018,

he struck numerous potholes on these routes, damaging his vehicle. His mechanic found that two of the rims on his vehicle were bent but the mechanic was able to straighten the rims without having to replace them. The Claimants submitted invoices in the amount of \$254.40; their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 2 and West Virginia Route 7 on the dates of the Claimants' incidents and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$254.40.

AMOUNT CLAIMED: \$254.40

AMOUNT AWARDED: \$254.40

CC-19-0797 KASSIDI HEAVNER AND PAULA MILEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Buick Verano on West Virginia Route 259 near Mathias, Hardy County, on May 10, 2019, when her vehicle struck a large section of broken asphalt situated in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$261.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 259 on the date of the incident and failed to do so properly. The sum of \$261.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$261.00

AMOUNT AWARDED: \$261.00

CC-19-0687 GARY HEBDEN v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damages to his vehicle. At the hearing, the Claimant testified that on April 16, 2019, he was driving his 2091 Chevrolet Malibu RX on Route 250 South near Mannington, Harrison County, when his vehicle struck a pothole. It was dark and the pothole was difficult to see. His low tire pressure sensor was activated so he pulled off the roadway to inspect the tire. He testified that the tire was somewhat deflated but he opted to keep driving to find a service station. While he continued to drive on Route 250 South, his tire continued to deflate to the point where the tire started coming off the wheel. The deflated tire then began to strike the side panel of his vehicle as he was driving. The flapping tire caused significant damage to the Claimant's vehicle on the side panel and the front fender. The Claimant submitted invoices in the amount of \$1,095.52; his collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim. The Respondent was willing to stipulate to the amount of \$245.52, which was the cost of replacing the damaged tire. The Respondent further asserted that it was not responsible for the damage to the side panel and front fender of the Claimant's vehicle.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Route 250 South on the date of the Claimant's incident and that such negligence

was the proximate cause of the Claimant's damages as to the damaged tire. The Claims Commission recommended an award in the amount of \$245.52.

AMOUNT CLAIMED: \$1,095.52

AMOUNT AWARDED: \$245.52

CC-19-0352 CINDY HEILMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Ford Fusion on US Route 22 West in Weirton, Brooke County, on January 23, 2019 when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$616.77; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of US Route 22 West on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$616.77

AMOUNT AWARDED: \$250.00

CC-18-0736 GREGORY A. HEISKELL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 11, 2018, the Claimant was driving his 2018 Honda PCX150 on County Route 73, Smithtown Road, near Smithtown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$198.72; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of County Route 73, Smithtown Road, and failed to do so properly on the date of the incident. The sum of \$198.72 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$198.72

AMOUNT AWARDED: \$198.72

CC-18-0304 BELINDA HENDERSON AND NICK HENDERSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 20, 2017, the Claimant was driving her 2009 Chevrolet Tahoe on West Virginia Route 20 near Reader, Wetzel County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$517.28; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 20 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 517.28

AMOUNT AWARDED: \$500.00

CC-18-0799 MARY ROSE HENDRICKS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 1, 2018, the Claimant was driving her 2009 Chevrolet Malibu on East Main Street in Clarksburg, Harrison County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$291.70; her collision insurance required a deductible of \$500.00. The Respondent was

responsible for the maintenance of East Main Street and failed to do so properly on the date of the incident. The sum of \$291.70 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$291.70

AMOUNT AWARDED: \$291.70

CC-19-0112 ZACHARY HERCULES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 2, 2018, the Claimant was driving his 2017 Ford Focus on West Virginia Route 2 near Short Creek, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$249.54; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$249.54 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$249.54

AMOUNT AWARDED: \$249.54

CC-18-0731 JAMES HICKS AND MARVA HICKS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 28, 2018, the Claimant was driving his 2001 Acura 3.2CL on Interstate 64 East near Exit 54 in South Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$245.00; they did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$245.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$245.00

AMOUNT AWARDED: \$245.00

CC-18-1439 BETTIE J. HILBERT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Mini Cooper 4 Door Hard Top on Interstate 64 East between Nitro and St. Albans, Kanawha County, on April 4, 2018 when her vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$727.02; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 64 East on the date of the incident and failed to do so properly. The sum of \$727.02 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$727.02

AMOUNT AWARDED: \$727.02

CC-19-0558 WILLIAM SCOTT HILL AND KATHY HILL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 13, 2019, the Claimant was driving his 2007 Chrysler PT Cruiser on US Route 19, Ritter Road, in Daniels, Raleigh County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$929.42; they did not carry collision insurance on their vehicle. The Respondent was

responsible for the maintenance of US Route 19, Ritter Road, and failed to do so properly on the date of the incident. The sum of \$929.42 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$929.42

AMOUNT AWARDED: \$929.42

CC-18-0959 CAROLE L. HINTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Kia Forte on Interstate 79 in Morgantown, Monongalia County, on February 16, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$303.90; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 on the date of the incident and failed to do so properly. The sum of \$303.90 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$303.90

AMOUNT AWARDED: \$303.90

CC-18-1313 DEBORAH HOCKENSMITH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 20, 2018, the Claimant was driving her 2013 Kia Sorrento on 1st Street in Shenandoah Junction, Jefferson County, when her vehicle struck a deep cutout in the roadway. The Claimant's vehicle sustained damages in the amount of \$3,077.61; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of 1st Street and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,077.61

AMOUNT AWARDED: \$250.00

CC-19-1097 ANITA HOFFMAN v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on January 5, 2019, she was driving her 2005 Chevrolet Monte Carlo on West Virginia Route 2 near Point Pleasant, Mason County, when her vehicle struck a large pothole in the traveling portion of the roadway. Her vehicle began to make a humming noise but she attempted to continue to her destination. Approximately a mile later, her vehicle struck a large area of the pavement that was bumpy and uneven due to a slip in the roadway. The Claimant testified that the noise coming from her tire became worse. Oncoming traffic in both areas of West Virginia Route 2 made it very difficult for the Claimant to avoid the pothole and the patched area of the roadway. The Claimant testified that she believed the impact of the pothole was the primary cause of the damage to her vehicle. She submitted invoices in the amount of \$601.00; she did not carry collision insurance on her vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 20 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$601.00.

AMOUNT CLAIMED: \$601.00

AMOUNT AWARDED: \$601.00

CC-18-1276 HAZEL CAROLENE HOFFMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Subaru Legacy on US Route 119 in Youngs Bottom, Kanawha County, on August 6, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$139.09; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 119 on the date of the incident and failed to do so properly. The sum of \$139.09 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$139.09

AMOUNT AWARDED: \$139.09

CC-18-1318 KATHLEEN HOLDEN AND CALVIN HOLDEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 9, 2018, the Claimant was driving her 2010 Mazda CX7 on US Route 19 in Pursglove, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$154.08; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 and failed to do so properly on the date of the incident. The sum of \$154.08 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 154.08

AMOUNT AWARDED: \$154.08

CC-19-0013 CARLETTA HOLLANDSWORTH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 19, 2018, the Claimant was driving her 2013 Hyundai Elantra on Alum Creek Road in Alum Creek, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$561.82; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Alum Creek Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$561.82

AMOUNT AWARDED: \$500.00

CC-18-0689 JAMES E. HOLLEY AND JEAN A. HOLLEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Ford Explorer on Chestnut Street in South Charleston, Kanawha County, on April 20, 2018, when her vehicle struck a portion of broken pavement in the traveling portion of the roadway. The Claimants'

vehicle sustained damages in the amount of \$872.29; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Chestnut Street on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$872.29

AMOUNT AWARDED: \$500.00

CC-19-0350 WESLEY A. HOLSTEIN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 22, 2019, the Claimant was driving his 2006 Jaguar S-Type on West Virginia Route 34 in Winfield, Putnam County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$980.31; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$980.31

AMOUNT AWARDED: \$500.00

CC-19-0591 PAMELA HONAKER AND STEPHEN HONAKER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 24, 2019, the Claimant was driving her 2011 BMW 328xi on Interstate 64 near Kenova, Wayne County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$264.24; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Interstate 64 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$264.24

AMOUNT AWARDED: \$250.00

CC-19-0263 KENDRA HOOVER AND CHARLES HOOVER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 18, 2019, the Claimant was driving her 2019 Honda Pilot on Airport Road in Beaver, Raleigh County, when vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$231.08; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Airport Road and failed to do so properly on the date of the incident. The sum of \$231.08 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$231.08

AMOUNT AWARDED: \$231.08

CC-19-0575 MERREL HOPPER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 11, 2019, the Claimant was driving his 2009 Hyundai Santa Fe Limited on West Virginia Route 2 near Mount Alto, Mason County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,241.03; his collision insurance required a deductible of \$500.00. The Respondent

was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,241.03

AMOUNT AWARDED: \$500.00

CC-19-0001 BRITTANY HORNBECK v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Chevrolet Silverado on Kedron Road in Buckhannon, Upshur County, on September 12, 2018 when her vehicle struck a large pile of gravel and dirt in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,158.33; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Kedron Road on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,158.33

AMOUNT AWARDED: \$250.00

CC-19-0185 CHARLES HOSKINS v. DIVISION OF HIGHWAYS

The Claimant filed this action alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on February 4, 2019 he was driving his 2017 Buick Lacrosse on West Virginia Route 2 South near Moundsville, Marshall County, when his vehicle struck a large boulder situated in the traveling portion of the roadway. He was unable to avoid striking the boulder because of oncoming traffic. Moreover, this incident occurred late at night during a rainstorm and there were no lights, signs or other warnings. The Claimant submitted invoices in the amount of \$1,312.95; his collision insurance required a deductible of \$500.00.

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

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

AMOUNT CLAIMED: \$1,312.95

AMOUNT AWARDED: \$500.00

CC-18-1284 VERNON G. HUDNALL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 20, 2018, the Claimant was driving his 2008 Chevrolet Cobalt on West Virginia Route 94 in Hernshaw, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$277.85; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 94 and failed to do so properly on the date of the incident. The sum of \$277.85 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$277.85

AMOUNT AWARDED: \$277.85

CC-19-0223 TAMY L. HUFFMAN AND DONALD G. HUFFMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Chevrolet Camaro on West Virginia Route 94, Lens Creek Road, near Lens Creek Mountain, Kanawha County, on December 20, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$649.62; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 94, Lens Creek Road, on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$649.62

AMOUNT AWARDED: \$500.00

CC-19-0893 BEVERLY HUNTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 10, 2019, the Claimant's daughter was driving her 2006 Ford Freestyle on Cheesy Creek Road in Princeton, Mercer County, when her vehicle struck several large rocks that were situated in the traveling portion of the roadway following a rockslide. The Claimant's vehicle was declared a total loss and sustained damages in the amount of \$4,331.00; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Cheesy Creek Road and failed to do so properly on the date of the incident. The sum of \$4,331.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$4,331.00

AMOUNT AWARDED: \$4,331.00

CC-19-0929 JOHNNA SHELTON HUNTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 22, 2019, the Claimant was driving her 2017 Nissan Altima on Campbell's Creek Road near Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$142.04; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Campbell's Creek Road and failed to do so properly on the date of the incident. The sum of \$142.04 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$142.04

AMOUNT AWARDED: \$142.04

CC-19-0933 MISTIE JACKSON AND MIKE JACKSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 18, 2019, the Claimant was driving her 2013 BMW 135i on West Virginia Route 817 near Winfield, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$508.63; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 817 and failed to do so properly on the date of the incident. The sum of \$508.63 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$508.63

AMOUNT AWARDED: \$508.63

CC-18-1053 JASPER ENGINES AND TRANSMISSIONS, INC. v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to its vehicle. At the hearing, the Claimant's employee testified the he was driving the Claimant's 2011 Cadillac CTSV on Interstate 64 West near Cross Lanes, Kanawha County, on March 16, 2018, when the vehicle struck a pothole in the roadway. The vehicle sustained damage to the wheel and tire. The Claimant submitted invoices in the amount of \$890.24; the Claimant's collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 West on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$890.24.

AMOUNT CLAIMED: \$890.24

AMOUNT AWARDED: \$890.24

CC-18-0824 SUE JIVIDEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 23, 2018, the Claimant was driving her 2013 Chevrolet Equinox on West Virginia Route 34 in Winfield, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$327.40; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$327.40 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$327.40

AMOUNT AWARDED: \$327.40

CC-18-0820 JAMES E. JOHNSON AND ETHEL R. JOHNSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 4, 2018, the Claimant was driving his Hyundai Tucson in the intersection of US Route 60 and West Virginia Route 20 in Charmco, Greenbrier County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$640.92; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60 and West Virginia Route 20 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$640.92

AMOUNT AWARDED: \$500.00

CC-19-0750 MATTHEW H. JOHNSON AND DENICE G. JOHNSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Honda Odyssey on Interstate 64 West near Huntington, Cabell County, on April 5, 2019, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages

in the amount of \$483.90; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West on the date of the incident and failed to do so properly. The sum of \$483.90 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$483.90

AMOUNT AWARDED: \$483.90

CC-18-0850 ROBERT JOHNSON, THE SYGMA NETWORK, INC. AND SYSCO CORPORATION v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 11, 2018, the Claimant was driving a 2014 Volvo VNL-VNM tractor trailer on Interstate 79 North near Fairmont, Marion County, when his vehicle struck a damaged overhead road sign. The lower section of the sign had come loose and was dangling over the traffic lanes of the roadway. The Claimants' vehicle sustained damages in the amount of \$10,589.61; their Self-Funded Auto Physical Damage Program required them to pay for any and all losses below the threshold of \$25,000.00. The Respondent was responsible for the maintenance of Interstate 79 and failed to do so properly on the date of the incident. The sum of \$10,589.61 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$10,589.61

AMOUNT AWARDED: \$10,589.61

CC-19-0938 ROSS E. JOHNSON AND MOUNTAIN STATE INSURANCE COMPANY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 5, 2019, the Claimant was driving his 2017 Volvo S90T6 on Interstate 64 West in Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$2,566.07; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,566.07

AMOUNT AWARDED: \$500.00

CC-19-1245 STUART JOHNSON AND VIRGINIA MOLES v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent failed to properly maintain the road and that such negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on December 4, 2018, she was driving her 2017 Cadillac X75 on Interstate 64 West in Teays Valley, Putnam County. She had just merged onto the Interstate when the tractor trailer in front of her collided with an orange construction cone; this cone shot out from under the rear of the tractor trailer and became lodged in the wheel well of the front driver's wheel causing damage to the Claimants' vehicle. She testified that this occurred in an active construction zone. The Claimants submitted invoices in the amount of \$1,509.21; their collision insurance required a deductible of \$250.00.

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

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

AMOUNT CLAIMED: \$1,509.21

AMOUNT AWARDED: \$250.00

CC-18-0653 AMY JONES AND RICKY JONES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 20, 2018, the Claimant's daughter was driving their 2007 Toyota Rav4 Limited on West Virginia Route 62 in Letart, Mason County, when their vehicle struck a large pothole in the roadway. The impact with the pothole caused the left front tire to blow, which in turn caused the Claimant's daughter to lose control of the vehicle. The vehicle overturned, coming to rest on the adjacent hillside. The vehicle was deemed a total loss; their collision insurance required a deductible of \$500.00. The Claimants alleged that the Respondent failed to properly maintain West Virginia Route 62 and that such negligence was the cause of their damages. The Respondent denied any negligence but acknowledged some culpability for the incident. The parties agreed that the sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$8,840.00

AMOUNT AWARDED: \$500.00

CC-18-1320 ASHLEY SURPRISE JONES AND AARON SURPRISE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Mitsubishi Lancer on West Virginia Route 36 near Looneyville, Roane County, on July 9, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$231.71; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 36 on the date of the incident and failed to do so properly. The sum of \$231.71 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$231.71

AMOUNT AWARDED: \$231.71

CC-19-0138 GERALD JONES AND KATHERINE JONES v. DIVISION OF HIGHWAYS

The Claimants alleged that the Respondent failed to properly grade the road and install drainage ditches following a repaving project of County Route 250/8, Curry Road, and County Route 12/2, Venus Road, in Grafton, Taylor County. The Claimants further alleged that the Respondent's negligence resulted in surface water runoff flooding their property which was

situated at the intersection of these two county routes, causing significant damages. The Claimants' property, including their residence, sustained damages in the amount of \$66,933.71. The Respondent denied any negligence but acknowledged that the Claimants did sustain damages to their real and personal property. The parties agreed that the sum of \$14,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$66,933.71

AMOUNT AWARDED: \$14,000.00

CC-18-1333 REBECCA R. JONES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 22, 2018, the Claimant was driving her 2006 Toyota 4Runner on West Virginia Route 14 between Clarksburg and Wallace, Harrison County, when her vehicle struck several large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$956.14; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 14 and failed to do so properly on the date of the incident. The sum of \$956.14 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$956.14

AMOUNT AWARDED: \$956.14

CC-18-1289 ESMERALDA M. KAESTNER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Honda Accord on Rocky Fork Road in Cross Lanes, Kanawha County, on June 5, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$643.04; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Rocky Fork Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$643.04

AMOUNT AWARDED: \$500.00

CC-18-1653 MARY H. KAHLE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2005 Toyota Avalon on Boggs Hill Road in Wheeling, Ohio County, on July 1, 2018, when her vehicle struck several large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$272.85; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Boggs Hill Road on the date of the incident and failed to do so properly. The sum of \$272.85 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$272.85

AMOUNT AWARDED: \$272.85

CC-18-1588 DONALD R. KEENEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 26, 2018, the Claimant was driving his 2009 Chevrolet HHR on US Route 60 near Cedar Grove, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$594.92; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of US Route 60 and failed to do so properly on the date of the incident. The sum of \$594.92 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$594.92

AMOUNT AWARDED: \$594.92

CC-18-1401 MELVIN R. KERR, SR. AND MARY R. KERR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 6, 2018, the Claimant was driving his 2002 GMC Sonoma on US Route 119 between Elkview and Clendenin near Youngs Bottom, Kanawha County, when his vehicle struck a damaged guardrail. The Claimants' vehicle sustained damages in the amount of \$8,000.00 and was declared a total loss. They did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of US Route 119 and failed to do so properly on the date of the incident. The parties agreed that the sum of \$6,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$8,000.00

AMOUNT AWARDED: \$6,000.00

CC-19-0043 GABRIEL D. KING v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 25, 2018, the Claimant was driving his 2017 Subaru Impreza on West Virginia Route 214, Childress Road, near South Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$273.48; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 214, Childress Road, and failed to do so properly on the date of the incident. The sum of \$273.48 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$273.48

AMOUNT AWARDED: \$273.48

CC-18-1664 RANDY C. KISNER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Hyundai Veloster on US Route 250 near Cameron, Marshall County, on or about November 10, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$708.50; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 250 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$708.50

AMOUNT AWARDED: \$500.00

CC-18-1386 BRITT KLANDORF AND HILLAR KLANDORF v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that during the Spring of 2018, the tire sensors in her vehicle were activated after she drove her 2012 Mercedes C300 on Industrial Avenue, University Avenue and Paxton Drive in Morgantown, Monongalia County. The tires on her vehicle deflated frequently and she was repeatedly refilling them with air. When she noticed bubbles forming on the tires, she took her vehicle to her mechanic where she learned that she had significant damage to three of the tires on her vehicle. The Claimants submitted invoices in the amount of \$926.79; their collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Industrial Avenue, University Avenue and Paxton Avenue on the dates of the Claimants' incidents and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$463.40.

AMOUNT CLAIMED: \$926.79

AMOUNT AWARDED: \$463.40

CC-19-0459 CHARLES H. KLINE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 24, 2019, the Claimant was driving his 2012 Volkswagen 2D-Beetle on West Virginia Route 2 in Wheeling, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$800.55; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$800.55 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$800.55

AMOUNT AWARDED: \$800.55

CC-18-1389 DENNIS KLINGENSMITH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2008 Honda Accord on Interstate 79 South near Morgantown, Monongalia County, on August 24, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$352.93; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 South on the date of the incident and failed to do so properly. The sum of \$352.93 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$352.93

AMOUNT AWARDED: \$352.93

CC-18-0972 SUSAN KNAUSS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Mercedes Benz E350 on West Virginia Route 705, Mileground Road, in Morgantown, Monongalia County, on March 9, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$286.31; her collision insurance required a deductible of \$300.00. The Respondent was responsible for the maintenance of West Virginia Route 705, Mileground Road, on the date of the incident and failed to do so properly. The sum of \$286.31 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$286.31

AMOUNT AWARDED: \$286.31

CC-18-1003 SUSAN KNAUSS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 16, 2018, the Claimant was driving her 2016 Mercedes Benz E350 on County Route 7/22, Brookhaven Road, West in Morgantown, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$289.65; her collision insurance required a deductible of \$300.00. The Respondent was responsible for the maintenance of County Route 7/22, Brookhaven Road, and failed to do so properly on the date of the incident. The sum of \$289.65 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$289.65

AMOUNT AWARDED: \$289.65

CC-19-0242 JOYCE KNECHT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 12, 2019, the Claimant was driving her 2011 Chevrolet Malibu on Interstate 70 East in Wheeling, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$74.15; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 East and failed to do so properly on the date of the incident. The sum of \$74.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$74.15

AMOUNT AWARDED: \$74.15

CC-18-1093 KERRIE L. KNOTTS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Lincoln MKZ on Gladesville Road in Reedsville, Preston County, on June 14, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$172.78; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Gladesville Road on the date of the incident and failed to do so properly. The sum of \$172.78 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$172.78

AMOUNT AWARDED: \$172.78

CC-19-0435 JASON A. KOCIBAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 1999 Honda Accord on West Virginia Route 2 in Wheeling, Ohio County, on February 2, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$181.00; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$181.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$181.00

AMOUNT AWARDED: \$181.00

CC-19-0809 CHANIN KRIVONYAK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 20, 2019, the Claimant was driving her 2017 GMC Acadia on Chestnut Road in South Charleston, Kanawha County, when her vehicle struck a series of potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$522.26; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Chestnut Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$522.26

AMOUNT AWARDED: \$500.00

CC-18-1702 JOHN D. KYLE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Ford Taurus on Madison Creek Road in Salt Rock, Cabell County, on December 4, 2018, when his vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$618.93; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Madison Creek Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$618.93

AMOUNT AWARDED: \$500.00

CC-18-0627 JERRY LAMBERT AND CHERYL LAMBERT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 4, 2018, the Claimant was driving his 2014 Cadillac CTS on Interstate 64 West between Institute and Nitro, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$707.04; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 64 and failed to do so properly on the date of the incident. The sum of \$707.04 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$707.04

AMOUNT AWARDED: \$707.04

CC-19-0848 VALERIE LAMP v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 15, 2019, the Claimant was driving her 2013 Hyundai Elantra on US Route 60, Washington Street, in Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$104.86; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60, Washington Street, and failed to do so properly on the date of the incident. The sum of \$104.86 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$104.86

AMOUNT AWARDED: \$104.86

CC-19-0513 HUEY M. LAND v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 10, 2019, the Claimant was driving his 2015 Mercedes CLS550 on Interstate 79 North near Fairmont, Marion County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$209.07; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 North and failed to do so properly on the date of the incident. The sum of \$209.07 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$209.07

AMOUNT AWARDED: \$209.07

CC-18-1190 MICHAEL LANE AND KATHY LANE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Chrysler 300 on US Route 19 in Shinnston, Harrison County, on March 3, 2018, when his vehicle struck several large holes in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$2,227.54; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,227.54

AMOUNT AWARDED: \$500.00

CC-18-1095 KEYA LANGMYER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2001 Volkswagen Jetta on County Route 5, Big Wheeling Creek Road, near Wheeling, Ohio County, on May 15, 2018, when her vehicle struck a large broken and rocky depression in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$894.41; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of County Route 5, Big Wheeling Creek Road, on the date of the incident and failed to do so properly. The sum of \$894.41 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$894.41

AMOUNT AWARDED: \$894.41

CC-19-0246 TAMI L. LANHAM v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 17, 2019, the Claimant was driving her 2013 Buick Encore on Poca River Road in Poca, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$158.36; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Poca River Road and failed to do so properly on the date of the incident. The sum of \$158.36 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$158.36

AMOUNT AWARDED: \$158.36

CC-18-0472 CHARLOTTE LAWLER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 29, 2018, the Claimant was driving her 2008 Mazda 3 on Interstate 79 South near Morgantown, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$195.76; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Interstate 79 South and failed to do so properly on the date of the incident. The sum of \$195.76 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$195.76

AMOUNT AWARDED: \$195.76

CC-18-1568 TUANYA LAYTON, DANIELLE B. LAYTON AND TERRY LAYTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 200 Toyota Celica CT on Mile Fork Road in Charleston, Kanawha County, on October 13, 2018, when her vehicle struck several jagged areas near the edge of the roadway while trying to avoid oncoming traffic. The Claimants' vehicle sustained damages in the amount of \$189.96; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Mile Fork Road on the date of the incident and failed to do so properly. The sum of \$189.96 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$189.96

AMOUNT AWARDED: \$189.96

CC-19-0526 TIME LEFEVRE AND AMY LEFEVRE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 15, 2019, the Claimant was driving his 2019 Toyota Avalon on West Virginia Route 2 near Friendly, Tyler County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$158.40; their collision insurance required a deductible of \$2,000.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$158.40 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$158.40

AMOUNT AWARDED: \$158.40

CC-19-0065 BONNY LENZ v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Nissan Sentra on Interstate 79 South near Clarksburg, Harrison County, on January 6, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$199.00; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 79 South on the date of the incident and failed to do so properly. The sum of \$199.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$199.00

AMOUNT AWARDED: \$199.00

CC-18-1474 JARED LEPIC v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on September 10, 2018 he was driving his 2018 Honda Accord on Interstate 470 East near Elm Grove, Ohio County, when his vehicle struck an extremely large pothole in the traveling portion of the roadway. One lane of traffic had been closed and traffic had been diverted into one lane. He was unable to avoid striking the pothole because of the altered traffic pattern. The Claimant submitted invoices in the amount of \$1,267.87; his collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 470 East on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$1,267.87

AMOUNT AWARDED: \$500.00

CC-18-1402 RACHEL LESTER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, she testified that on September 9, 2018, she was driving her 2014 Lexus 350 on Interstate 79 South near Big Otter, Clay County, when her vehicle struck a pothole in the traveling portion of the lane. She further testified that this section of the Interstate was an active construction zone with orange cones set up to channel vehicles into one lane; the other lane was blocked off. The Claimant submitted invoices in the amount of \$282.54; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 79 South on the date of the Claimants' incident and that the

Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$282.54.

AMOUNT CLAIMED: \$282.54

AMOUNT AWARDED: \$282.54

CC-18-1387 RYAN LINDY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 13, 2018, the Claimant was driving his 2013 Cadillac ATS on Interstate 70 West in Wheeling, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$105.35; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 West and failed to do so properly on the date of the incident. The sum of \$105.35 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$105.35

AMOUNT AWARDED: \$105.35

CC-18-1440 CHRISTOPHER LEE LINGER AND SHAWN NICOLE LINGER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Jeep Grand Cherokee on County Route 75/2, Snake Hill Road, in Morgantown, Monongalia County, on June 18, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$715.29; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 75/2, Snake Hill Road, on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$715.29

AMOUNT AWARDED: \$500.00

CC-18-0844 ROSANNA M. LINTON AND WILLIAM J. HYMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 15, 2018, the Claimant was driving her 2010 Subaru Legacy on West Virginia Route 20 near Dola, Harrison County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$379.24; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 20 and failed to do so properly on the date of the incident. The sum of \$379.24 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$379.24

AMOUNT AWARDED: \$379.24

CC-18-0234 JERRY LINVILLE AND GLORIA A. LINVILLE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 10, 2018, the Claimant was driving her 2017 Buick Lacrosse on West Virginia Route 214 in Sod, Lincoln County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$706.32; their collision insurance required a deductible of \$1,000.00. The Respondent was

responsible for the maintenance of West Virginia Route 214 and failed to do so properly on the date of the incident. The sum of \$706.32 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$706.32

AMOUNT AWARDED: \$706.32

CC-18-1584 CLIFFORD H. LIVELY, JR. AND SUSAN J. LIVELY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2018 Toyota Avalon on North Pax Avenue in Mount Hope, Fayette County, on August 18, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$653.41; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of North Pax Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$653.41

AMOUNT AWARDED: \$500.00

CC-19-0111 STEPHANIE LOEW v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 17, 2018, the Claimant was driving her 2014 Ford Escape on Atkinson Crossing in Valley Grove, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$645.30; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Atkinson Crossing and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$645.30

AMOUNT AWARDED: \$500.00

CC-19-0738 JAMES H. LONG v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 1957 Chevrolet two door sedan on Paden Fork Road in Paden City, Wetzel County, on February 24, 2019, when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$4,739.31; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Paden Fork Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$4,739.31

AMOUNT AWARDED: \$500.00

CC-18-1648 PAUL E. LONG AND SHIRLEY A. LONG v. DIVISION OF HIGHWAYS

The Claimants filed this action alleging that the negligence of the Respondent was the cause of damages to their vehicle. At the hearing, the Claimants' daughter testified that on October 11, 2018, she was driving their 2004 Chevrolet Malibu LS on West Virginia Route 26, North Preston Highway, in Bruceton Mills, Preston County. She drove around a curve and struck

a series of large potholes in the roadway. Because of oncoming traffic, she was unable to avoid striking the potholes. She testified that her tire blew out causing her to lose control of the vehicle. She then struck the bank of the hillside, coming to rest against a metal fence. The rim of one wheel was damaged. The Claimants submitted invoices in the amount of \$3,217.35; they did not carry collision insurance on their vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 26, North Preston Highway, on the date of the incident involving the Claimants' daughter and that such negligence was the cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$3,217.35.

AMOUNT CLAIMED: \$3,217.35

AMOUNT AWARDED: \$3,217.35

CC-18-1605 ROBBY LONG AND AMBER LONG v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on October 23, 2018, she was driving her 2015 Toyota Sienna on Hurricane Creek Road in Hurricane, Putnam County, when her vehicle struck a large pothole situated in the curve of the roadway. She was unable to avoid striking the pothole because of oncoming traffic. The Claimants submitted photographs that showed the pothole to be a cutout typically associated with utility maintenance and repairs. The Claimants' vehicle sustained damages in the amount of \$313.21; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that the water company was responsible for the repairs to this section of the road pursuant to the provisions of its work permit and therefore, the utility was responsible for the Claimant's damages.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Hurricane Creek Road on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the sum of \$313.21.

AMOUNT CLAIMED: \$313.21

AMOUNT AWARDED: \$313.21

CC-18-1029 NICK LOPETRONE AND DEBRA LOPETRONE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Chevrolet Silverado on Cannelton Hollow Road near Cannelton, Fayette County, on June 21, 2018, when his vehicle struck a sunken culvert in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$476.98; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Cannelton Hollow Road on

the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$476.98

AMOUNT AWARDED: \$250.00

CC-18-1324 CAROL LOSH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 10, 2018, the Claimant was driving her 2009 Jeep Wrangler on West Virginia Route 92 in Belington, Barbour County, when her vehicle struck a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$490.99; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 92 and failed to do so properly on the date of the incident. The sum of \$490.99 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$490.99

AMOUNT AWARDED: \$490.99

CC-18-1179 DARRELL LOVEJOY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 GMC Sierra 1500 4x4 on West Virginia Route 37 near East Lynn, Wayne County, on June 13, 2018, when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,131.67; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 37 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,131.67

AMOUNT AWARDED: \$500.00

CC-19-0247 JANESSA LUSK v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Hyundai Santa Fe at the intersection of Main Street and Water Street in Barboursville, Cabell County, on September 17, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$845.51; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Main Street and Water Street on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$845.51

AMOUNT AWARDED: \$500.00

CC-19-0109 JACOB ERIC LYALL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 3, 2019, the Claimant was driving his 2012 GMC 1900 Sierra on Buffalo Creek Road near Man, Logan County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of

\$1,975.77; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Buffalo Creek Road and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,975.77

AMOUNT AWARDED: \$1,000.00

CC-18-0782 DAVID MACDONALD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 10, 2018, the Claimant was driving his 2001 Mitsubishi Spyder on US Route 250 North in Belington, Barbour County, when his vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$290.30; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 250 North and failed to do so properly on the date of the incident. The sum of \$290.30 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 290.30

AMOUNT AWARDED: \$290.30

CC-19-0474 JOHN A. MACLEOD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 8, 2019, the Claimant was driving his 2010 Honda CRV on Interstate 70 East in Wheeling, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$679.86; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 East and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$679.86

AMOUNT AWARDED: \$500.00

CC-19-0855 RODNEY S. MAHER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on July 24, 2018, he was driving his 2013 Honda Civic on Interstate 77 South at mile marker 154 near Ripley, Jackson County. This stretch of the Interstate was an active construction zone with an ongoing paving project. The Claimant changed lanes as directed by following the barrels and signage; as he switched lanes, he noticed the end of metal guardrail extending into the traveling portion of the roadway. He attempted to avoid striking the guardrail but was unable to do so because of heavy traffic and the narrowness of the adjusted travel lanes. The metal guardrail struck the side of the Claimant's vehicle, scraping the side panels on the driver's side of the vehicle as well as cutting into and denting the same area of his vehicle. The Claimant attempted to work with the two contractors responsible for the construction zone, but he testified that each contractor was blaming the other and he was unable to reach a resolution regarding the damage to his vehicle. The Claimant submitted invoices in the amount of \$3,700.00; his collision insurance required a deductible of \$250.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 77 South on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the sum of \$250.00.

AMOUNT CLAIMED: \$3,700.00

AMOUNT AWARDED: \$250.00

CC-18-1678 CATHERINE A. MAIDENS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 7, 2018, the Claimant was driving her 2007 Honda Fit Sport on West Virginia Route 2 at the 18th Street exit in Wheeling, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$462.10; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$462.10 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$462.10

AMOUNT AWARDED: \$462.10

CC-19-0295 RICHARD C. MAIER v. DIVISION OF HIGHWAYS

The Claimant alleged that the Respondent's failure to properly maintain the roads was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2016 Ford 150 truck on Interstate 79 at mile marker 19 near Clendenin, Kanawha County, on February 15, 2019, when his vehicle struck a large pothole while he was changing lanes. The impact activated the tire pressure monitor on the interior dashboard. The Claimant pulled over to check on his tire and discovered that the left rear tire was flat. He changed the flat tire and when he took his vehicle to have the tire fixed, he learned that the rim had also been bent by the pothole. The Claimant opted to install a new tire on the rim from the spare tire to use as a temporary solution till his claim was resolved. The Claimant submitted invoices in the sum of \$1,455.17; his collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 79 on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$750.00.

AMOUNT CLAIMED: \$1,455.17

AMOUNT AWARDED: \$750.00

CC-19-00339 CHRISTOPHER MARCUM AND STEPHANIE MARCUM v. DIVISION OF HIGHWAYS

The Claimants alleged that the damages to their vehicle were caused by the negligence of the Respondent in properly maintaining the roadway. At the hearing, the Claimant testified that on February 20, 2019, he was driving his 2005 Mazda on West Virginia Route 20 South in Hinton, Summers County, when his vehicle struck a very large rock situated in the traveling portion of the roadway. An oncoming vehicle turned its high beam headlights on as he was approaching the area of the rock and he was unable to see the rock before his vehicle struck it. He testified that he believed that the Respondent had notice of the large rock in the roadway; he called 9-1-1 following his incident and was advised that the rock had been reported. The Claimants submitted estimates in the amount of \$1,477.69; they did not carry collision insurance on their vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 20 on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award of \$886.62.

AMOUNT CLAIMED: \$1,477.69

AMOUNT AWARDED: \$886.62

CC-18-0882 DEBORAH MARCUM AND NOAH MARCUM v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Toyota Corolla on US Route 35 in Buffalo, Putnam County, on May 25, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$95.40; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 35 on the date of the incident and failed to do so properly. The sum of \$95.40 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$95.40

AMOUNT AWARDED: \$95.40

CC-19-0151 RONALD L. MARES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 15, 2018, the Claimant was driving his 2015 Honda Accord on County Route 67/1, West Run Road, in Morgantown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$84.15; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 67/1, West Run Road, and failed to do so properly on the date of the incident. The sum of \$84.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$84.15

AMOUNT AWARDED: \$84.15

CC-18-1044 CHRIS MATTOX v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 18, 2018, the Claimant was driving his 2010 Mercedes GLK345 on Allen Fork Road near Liberty, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$260.81; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Allen Fork Road and failed to do so properly on the date of the incident. The sum of \$260.81 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$260.81

AMOUNT AWARDED: \$260.81

CC-19-0050 KARRIE M. MATTOX v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2010 Mercedes Benz GLK 350 on West Virginia Route 34, McLane Pike, in Liberty, Putnam County, on December 30, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,099.96; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 34, McLane Pike, on the date of the incident and failed to do so properly. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,099.96

AMOUNT AWARDED: \$1,000.00

CC-18-1468 RON MAY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on September 28, 2018, he was driving his 2015 Lexus IS on Interstate 64 East near Teays Valley, Putnam County, when his vehicle struck a large pothole in the traveling portion of the roadway. He was unable to avoid striking the pothole due to the traffic configurations in the construction zone. The Claimant submitted invoices in the amount of \$176.29; his collision insurance required a deductible of \$250.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$176.29

AMOUNT CLAIMED: \$176.29

AMOUNT AWARDED: \$176.29

CC-18-1447 THEODORE T. MAYBERRY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on September 13, 2018, he was driving his 2015 Tesla Model 3 on West Virginia Route 68 near Belleville, Wood County, when his vehicle struck an area of the roadway that had crumbled and broken away. The Claimant submitted invoices in the amount of \$624.63; his collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 68 on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$624.63.

AMOUNT CLAIMED: \$624.63

AMOUNT AWARDED: \$624.63

CC-19-0249 MYNX MAYHEW v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 8, 2019, the Claimant was driving her 2016 Ford Fiesta on West Virginia Route 2 in Weirton, Hancock County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$99.49; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$99.49 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 99.49

AMOUNT AWARDED: \$99.49

CC-18-1441 BILLY J. MAYS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 22, 2018, the Claimant was driving his 2013 Ford F150 on Enterprise Road in Enterprise, Harrison County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$497.00; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Enterprise Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$497.00

AMOUNT AWARDED: \$250.00

CC-18-1635 JOETTA MCCALLISTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 26, 2018, the Claimant was driving her 2011 Honda FIT on Ferrell Road in St. Albans, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$105.00; her collision insurance required a deductible of \$250.00. The Respondent was responsible for

the maintenance of Ferrell Road and failed to do so properly on the date of the incident. The sum of \$105.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$105.00

AMOUNT AWARDED: \$105.00

CC-19-0049 LINDA MCCARTHY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Nissan Platinum on 8th Avenue at the corner of 2nd Street in Huntington, Cabell County, on December 14, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$2,303.43; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of 8th Avenue and 2nd Street on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,303.43

AMOUNT AWARDED: \$500.00

CC-18-1382 EDWIN K. MCCLURE AND JULIE ANN MCCLURE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 26, 2018, the Claimant was driving his 2011 Heartland North Country travel trailer on Low Gap Road, County Route 1 / 4, in Cairo, Ritchie County, when his travel trailer struck low hanging tree limbs that extended into the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$2,311.19; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Low Gap Road, County Route 1 / 4 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,311.19

AMOUNT AWARDED: \$500.00

CC-18-1058 STEVEN R. MCCOY AND DAWN R. MCCOY v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on May 17, 2018, he was driving his 2005 Chevrolet Motorhome on US Route 35 South near Winfield, Putnam County; he was towing his 1995 Suzuki Samurai behind the motorhome. The Claimant testified that his vehicles struck several large dips in the roadway; he felt a large jolt and heard a loud thump noise each time. He pulled over to the shoulder to investigate and discovered smoke coming out of the Samurai's engine. The Claimant learned that the transmission had become engaged and the transfer case jumped into gear after striking these series of bumps, causing significant damage to the engine and belts of the Samurai. The Claimants submitted invoices and estimates in the amount of \$4,500.00; they did not carry collision insurance on this vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent submitted evidence demonstrating the fair market value of the Claimants' vehicle as approximately \$2,900.00.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 35 South on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$2,900.00.

AMOUNT CLAIMED: \$4,500.00

AMOUNT AWARDED: \$2,900.00

CC-19-0545 STEPHEN R. MCDIFFIT AND HP&E CORP v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 4, 2019, the Claimant was driving his 2018 Ford Explorer on Fork Ridge Road in Moundsville, Marshall County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$1,061.95; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Fork Ridge Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 1,061.95

AMOUNT AWARDED: \$500.00

CC-19-1040 MICHAEL O. MCDONALD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 20, 2019, the Claimant was driving his 2013 Honda Accord on West Virginia Route 622 in Cross Lanes, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$399.23; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 622 and failed to do so properly on the date of the incident. The sum of \$399.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$399.23

AMOUNT AWARDED: \$399.23

CC-19-0236 TIMOTHY L. MCHENRY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2011 Buick LaCrosse on West Virginia Route 18 near Nutter Fork, Harrison County, on February 8, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$265.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 18 on the date of the incident and failed to do so properly. The sum of \$265.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$265.00

AMOUNT AWARDED: \$265.00

CC-17-0610 KERRI ANN MCCORMICK v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 29, 2017, the Claimant was driving her 2012 Subaru Legacy on Brandonville Pike in Bruceton Mills, Preston County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount

of \$381.55; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Brandonville Pike and failed to do so properly on the date of the incident. The sum of \$381.55 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$381.55

AMOUNT AWARDED: \$381.55

CC-17-0263 G. M. MCCROSSIN, INC. AS SUBCONTRACTOR OF R. K. CONSTRUCTION, INC. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: In October 2014, R. K. Construction, Inc. and the Respondent entered into a contract for the Friends Run Bridge Project in Pendleton County. The Claimant was a subcontractor of R. K. Construction and provided specialized drilling work for the project. The Claimant's bid was based upon certain presumptions regarding soil conditions and subsurface materials. Following the first phase of pre-drilling work, the Claimant determined that additional work was needed to meet the contract specifications and submitted formal requests for additional compensation related to the additional work. The additional work was completed by the Claimant following representations of the Respondent that the request for additional compensation would be considered at the conclusion of the project. The Claimant, R. K. Construction, Inc. and the Respondent attempted to negotiate a resolution to no avail. The Claimant filed its claim seeking \$89,455.30 plus pre-judgment and post-judgment interest. The parties agreed to settle the claim for the sum of \$41,000.00, which is fair and reasonable.

AMOUNT CLAIMED: \$89,455.30

AMOUNT AWARDED: \$41,000.00

CC-19-0922 TROY D. MCGREEVY AND DENISE R. MCGREEVY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2010 GMC Sierra on US Route 48 in Moorefield, Hardy County, on May 11, 2019, when his vehicle was sprayed by a large amount of loose gravel that became airborne after another vehicle struck the loose gravel while the roadway was being milled and repaved. The Claimants' vehicle sustained damages in the amount of \$272.66; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 48 on the date of the incident and failed to do so properly. The sum of \$272.66 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$272.66

AMOUNT AWARDED: \$272.66

CC-19-0835 DANIEL MCQUADE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Ford F-150 Limited on Tyrone-Avery Road in Morgantown, Monongalia County, on February 18, 2019, when his vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$446.85; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Tyrone-Avery Road on the

date of the incident and failed to do so properly. The sum of \$446.85 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$446.85

AMOUNT AWARDED: \$446.85

CC-19-0113 VICTOR G. MCQUISTON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 24, 2018, the Claimant was driving his 2007 Subaru Legacy on West Virginia Route 43 in Cheat Lake, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,156.50; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 43 and failed to do so properly on the date of the incident. The parties agreed that the sum of \$736.81 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,156.50

AMOUNT AWARDED: \$736.81

CC-18-1125 ROGER S. MEADOWS, ROGER MEADOWS AND KAREN MEADOWS v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that on June 22, 2018, he was driving his BMW 535i on Coal River Road in St. Albans, Kanawha County. He observed a cut out in the traveling portion of the roadway that was approximately two feet wide and over a mile, possibly two miles, in length. Because of oncoming traffic, he was unable to avoid driving over the cut out section of the roadway. His vehicle struck a pothole situated in the cut-out section of the roadway which damaged both tires on the passenger side of the vehicle. The Claimant testified that no warning signs regarding the cut-out area were posted and there were no protective metal plates covering the cut-out area. The Claimants submitted invoices in the amount of \$900.00; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that the water company had hired a contractor to replace the water lines along Coal River Road. Pursuant to the provision of the work permit, the utility company and its contractor were responsible for that area during the work project and also for restoring the condition of the roadway upon completion of the construction project. Accordingly, the Respondent argued that the utility and its contractor were responsible for the construction zone pursuant to the provisions of their work permit and therefore, the utility company and its contractor were responsible for the Claimants' damages.

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

AMOUNT CLAIMED: \$900.00

AMOUNT AWARDED: \$500.00

CC-19-0532 TIMOTHY D. MEADOWS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 BMW 328ix on Muddlety Road in Summersville, Nicholas County, on March 21, 2019, when his vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$432.30; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Muddlety Road on the date of the incident and failed to do so properly. The sum of \$432.30 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$432.30

AMOUNT AWARDED: \$432.30

CC-18-1455 NYOKA N. MERILIC v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 1998 Jeep Grand Cherokee on Simmons River Road in Montcalm, Mercer County, on September 3, 2018, when her vehicle struck a group of rocks situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$616.34; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Simmons River Road on the date of the incident and failed to do so properly. The sum of \$616.34 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$616.34

AMOUNT AWARDED: \$616.34

CC-19-0438 DEBORAH MICKER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Volkswagen Beetle on Interstate 70 West in Wheeling, Ohio County, on February 13, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$361.20; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 West on the date of the incident and failed to do so properly. The sum of \$361.20 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$361.20

AMOUNT AWARDED: \$361.20

CC-16-0872 PAUL M. MIHELIC v. DIVISION OF HIGHWAYS

The parties stipulated as follows: The Claimant's property sustained damage from heavy rainstorms and flood waters on June 23, 2016, which he alleged was due to the Respondent's failure to properly maintain the ditches and drains along Elaine Drive in Rand, Kanawha County. The Claimant submitted invoices in the amount of \$2,308.00. The Respondent denied any negligence. However, it did acknowledge that the Claimant sustained damage to his property and further acknowledged that it may have some culpability for the damages sustained by the

Claimant. The parties agreed to settle the claim for the sum of \$2,308.00, which is a fair and reasonable amount.

AMOUNT CLAIMED: \$2,308.00

AMOUNT AWARDED: \$2,308.00

CC-18-0809 KELLY J. MILES AND TARA J. MILES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 27, 2018, the Claimant was driving her 2007 Chevrolet Cobalt on Owings Road in Shinnston, Harrison County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$99.47; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Owings Road and failed to do so properly on the date of the incident. The sum of \$99.47 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 99.47

AMOUNT AWARDED: \$99.47

CC-19-0621 REBECCA A. MILES AND MARK V. MILES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2008 Subaru Legacy on County Route 2, Rinehart Road, in Wallace, Harrison County, on February 23, 2019, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$193.25; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 2, Rinehart Road, on the date of the incident and failed to do so properly. The sum of \$193.25 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$193.25

AMOUNT AWARDED: \$193.25

CC-19-0585 SARAH DANIELLE MILGRIM v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 29, 2019, the Claimant was driving her 2013 Ford Escape on West Virginia Route 104, Rogers Street, in Princeton, Mercer County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$173.31; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 104, Rogers Street, and failed to do so properly on the date of the incident. The sum of \$173.31 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$173.31

AMOUNT AWARDED: \$173.31

CC-18-1277 FRED MILHORN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Ford Escape on Bowles Ridge in Paradise, Putnam County, on August 13, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$293.59; his collision insurance required a deductible of \$500.00. The Respondent

was responsible for the maintenance of Bowles Ridge on the date of the incident and failed to do so properly. The sum of \$293.59 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$293.59

AMOUNT AWARDED: \$293.59

CC-19-0142 DANA A. MILLER AND LISA MILLER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Nissan Altima on Ferrell Road in St. Albans, Kanawha County, on November 3, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$526.56; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Ferrell Road on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$526.56

AMOUNT AWARDED: \$250.00

CC-18-1576 MARTIN L. MILLER AND TERESA MILLER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 8, 2018, the Claimant was driving his 2017 Honda Accord on Lincoln Drive near Wilson Drive in South Charleston, Kanawha County, when his vehicle struck a misplaced drain grate situated in the traveling portion of in the roadway. The Claimants' vehicle sustained damages in the amount of \$926.77; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Lincoln Drive and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$926.77

AMOUNT AWARDED: \$250.00

CC-18-0974 TRAVIS JOHN MILLER AND SHERRY L. MILLER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Mazda 3 on Van Voorhis Road in Morgantown, Monongalia County, on May 12, 2018 when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$103.14; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Van Voorhis Road on the date of the incident and failed to do so properly. The sum of \$103.14 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$103.14

AMOUNT AWARDED: \$103.14

CC-18-0975 TRAVIS J. MILLER AND SHERRY L. MILLER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 14, 2018, the Claimant was driving his 2006 Mazda 3 on Interstate 79 South in Morgantown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$105.47; their collision insurance required a deductible of \$250.00. The Respondent was

responsible for the maintenance of Interstate 79 South and failed to do so properly on the date of the incident. The sum of \$105.47 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$105.47

AMOUNT AWARDED: \$105.47

CC-19-0011 WILLIE MILLER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 9, 2018, the Claimant was driving his 2015 Hyundai Elantra on West Virginia Route 62 North, Big Tyler Road, in Cross Lanes, Kanawha County, when his vehicle struck two large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$252.00; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 62 North, Big Tyler Road, and failed to do so properly on the date of the incident. The sum of \$252.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$252.00

AMOUNT AWARDED: \$252.00

CC-19-0039 WILLIE MILLER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Hyundai Elantra on West Virginia Route 622 North, Rocky Fork Road, in Cross Lanes, Kanawha County, on June 28, 2018, when his vehicle struck a series of potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$85.55; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 622 North, Rocky Fork Road, on the date of the incident and failed to do so properly. The sum of \$85.55 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$85.55

AMOUNT AWARDED: \$85.55

CC-18-1435 DAVID K. MINTURN AND SANDRA L. MINTURN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 6, 2018, the Claimant was driving his 2005 Chevrolet Trailblazer on County Route 1/11, Clear Creek Road, near Whitesville, Boone County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$266.50; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 1/11, Clear Creek Road, and failed to do so properly on the date of the incident. The sum of \$266.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$266.50

AMOUNT AWARDED: \$266.50

CC-18-1500 DAVID K. MINTURN AND SANDRA L. MINTURN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2008 Ford Taurus X on County Route 1/11, Clear Creek Road, in Whitesville, Boone County, on January 9, 2018, when vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle

sustained damages in the amount of \$219.67; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 1/11, Clear Creek Road, on the date of the incident and failed to do so properly. The sum of \$219.67 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$219.67

AMOUNT AWARDED: \$219.67

CC-19-0654 WILLIAM F. MITCHELL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 28, 2019, the Claimant was driving his 2009 Dodge Avenger on West Virginia Route 61 in Oak Hill, Fayette County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$176.18; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 61 and failed to do so properly on the date of the incident. The sum of \$176.18 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$176.18

AMOUNT AWARDED: \$176.18

CC-19-0179 TONY R. MOLES, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 6, 2018, the Claimant was driving his 2012 Audi S4 on Interstate 64 West near South Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$609.50; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$609.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$609.50

AMOUNT AWARDED: \$609.50

CC-18-1649 RICHARD A. MONAHAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Mercedes AMG GLE43 on Smith Road in Charleston, Kanawha County, on October 3, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$391.25; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Smith Road on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$391.25

AMOUNT AWARDED: \$250.00

CC-19-0597 MICHELE MOORE AND JARRODD MOORE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 8, 2019, the Claimant was driving her 2015 Hyundai Sonata on West Virginia Route 41, Stanaford Road, in Danese, Fayette County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$765.61; their collision insurance required a deductible of \$500.00. The

Respondent was responsible for the maintenance of West Virginia Route 41, Stanaford Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$765.61

AMOUNT AWARDED: \$500.00

CC-19-0068 RONALD A. MOORE, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 12, 2018, the Claimant was driving his 2015 Chevrolet Silverado 1500 on County Route 8/5, Brady Crosten Road, near Parsons, Tucker County, when his vehicle struck a large amount of mud, rocks and gravel situated in the traveling portion of the roadway following a mudslide. The Claimant's vehicle became stuck in the debris mud and other debris left from the mudslide. The Claimant's vehicle sustained damages in the amount of \$1,735.22; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 8/5, Brady Crosten Road, and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,735.22

AMOUNT AWARDED: \$1,000.00

CC-18-1134 ZACHARY A. MOORE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Harley Davidson Street Bob on County Route 73, Smithtown Road, in Morgantown, Monongalia County, on June 9, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$818.82; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of County Route 73, Smithtown Road, on the date of the incident and failed to do so properly. The sum of \$818.82 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$818.82

AMOUNT AWARDED: \$818.82

CC-19-0455 WANDA K. MOREN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Dodge Caravan on West Virginia Route 2 in Glen Dale, Marshall County, on March 4, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$557.60; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$557.60

AMOUNT AWARDED: \$500.00

CC-19-0290 AUBREY A. MORGAN AND JENNIFER L. MORGAN v. DIVISION OF HIGHWAYS

The Claimants filed a claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that he drives his 2011 Ford Fiesta on West Virginia Route 54 on an almost daily basis. The road has multiple potholes on the bridges and they constitute a dangerous road condition. The Claimant has notified the Respondent's local garage on numerous occasions over a period of several years to no avail. The Claimants' vehicle was damaged, needing new tires and an alignment. The Claimants submitted invoices in the amount of \$215.14; their collision insurance required a deductible of \$500.00.

The Respondent denied the validity of the claim.

The Legislative Claims Commission found that the Respondent had sufficient notice of the road defects in West Virginia Route 54 and accordingly were negligent in its maintenance of the road. The Claims Commission further found that the negligence of the Respondent was the proximate cause of the damages to the Claimants' vehicle and recommended an award in the sum of \$215.14.

AMOUNT CLAIMED: \$215.14

AMOUNT AWARDED: \$215.14

CC-17-0012 MARK A. MORGAN, JR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2001 Chevrolet Cavalier on County Road 8/1 North in Mingo County, on March 24, 2016, when his vehicle veered onto the shoulder of the roadway to avoid an oncoming vehicle and struck a large pothole on the shoulder. He veered back onto the traveling portion of the roadway, lost control of his vehicle, crossed the center line and collided with a vehicle in the opposite lane. The Claimant sustained injuries and his vehicle was damaged. The Claimant alleged that the Respondent's failure to maintain the roadway was the proximate cause of his injuries and damages. The parties agreed that the sum of \$2,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$20,000.00

AMOUNT AWARDED: \$2,000.00

CC-19-0296 CONNIE MORRIS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant's son was driving her 2016 Ford Focus on US Route 60 in Chimney Corner, Fayette County, on January 24, 2019, when the vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$142.05; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 60 on the date of the incident and failed to do so properly. The sum of \$142.05 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$142.05

AMOUNT AWARDED: \$142.05

CC-19-0297 CONNIE MORRIS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant's husband was driving her 2003 Mitsubishi Eclipse on US Route 60 in Chimney Corner, Fayette County, on January 24, 2019, when the vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$53.00; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of US Route 60 on the date of the incident and failed to do so properly. The sum of \$53.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$53.00

AMOUNT AWARDED: \$53.00

CC-18-1609 RITA F. MORRIS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on October 20, 2018, she was driving her 2015 Toyota RAV4 on Interstate 64 West near Institute, Kanawha County. As she was driving, a large orange diamond shaped construction sign struck the front of her vehicle causing significant damage. The impact of the sign caused the windshield of the Claimant's vehicle to shatter and damage the front of her vehicle. Her insurance company considered her vehicle to be 70% damaged so her vehicle was repaired rather than declared a total loss. The Claimant testified that she did not feel comfortable driving the repaired vehicle so she traded it in. She testified as a result of this incident, the trade in value of her vehicle was decreased. The Claimant submitted invoices in the amount of \$8,867.88; her collision insurance required a deductible of \$250.00. The Claimant testified that she had also incurred \$2,480.34 in expenses for a rental vehicle while her car was being repaired. Her insurance company provided \$1,000.00 for rental car coverage; she was responsible for the remaining balance of \$1,480.34.

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

The Legislative Claims Commission found that it was foreseeable for construction signs to be present in an active construction zone, that the Respondent was negligent in its maintenance of Interstate 64 West on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$1,730.34.

AMOUNT CLAIMED: \$11,348.22

AMOUNT AWARDED: \$1,730.34

CC-19-0834 STEVEN A. MOSSOR v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Mercedes E-350 on West Virginia Route 16 in Smithville, Ritchie County, on May 11, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$2,804.95; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 16 on the date of

the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,804.95

AMOUNT AWARDED: \$250.00

CC-18-1100 WILLIAM R. MOTT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 24, 2018, the Claimant was driving his 2002 Mercedes Benz SLK230 on West Virginia Route 73 near Morgantown, Monongalia County, when his vehicle struck several large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$859.08; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 73 and failed to do so properly on the date of the incident. The sum of \$859.08 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$859.08

AMOUNT AWARDED: \$859.08

CC-18-1080 JAMES MURRAY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 7, 2018, the Claimant was driving his 2013 Jaguar XF on County Route 25, Lost Creek Road, in Lost Creek, Harrison County, when his vehicle struck several large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$743.75; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 25, Lost Creek Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 743.75

AMOUNT AWARDED: \$500.00

CC-18-1610 JASON MURRAY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the roadway was the cause of damage to his vehicle. At the hearing, the Claimant testified that on November 1, 2018, he was driving his 1998 Ford Ranger on Interstate 64 East in Cross Lanes, Kanawha County. This section of Interstate was an active construction zone for a repaving project. The Claimant testified that he was driving in the lane that had been milled in preparation for repaving. The vehicle in front of him switched lanes and struck loose gravel which became airborne. The flying gravel struck the windshield of the Claimant's vehicle causing damage in the amount of \$270.28. The Claimant's collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that it was foreseeable for rocks, gravel and other road debris to be present in a construction zone where a section of the roadway has been milled in preparation for repaving, that the Respondent was negligent in its maintenance of

Interstate 64 East on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$270.28.

AMOUNT CLAIMED: \$270.28

AMOUNT AWARDED: \$270.28

CC-19-0615 GRETHE A. MYLES AND TOM WITT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Audi A4 on Chestnut Ridge Road in Morgantown, Monongalia County, on February 17, 2019, when her vehicle struck a large hole in the traveling portion of the roadway and damaged one tire. The Claimants' vehicle sustained damages in the amount of \$799.96, which represented the cost for the replacement of four tires on their vehicle. Their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Chestnut Ridge Road on the date of the incident and failed to do so properly. The parties agreed that the sum of \$177.54 for the replacement of the damaged tire is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$799.96

AMOUNT AWARDED: \$177.54

CC-19-0265 PATRICK A. NAPLES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant sustained damage to his residential property located in Triadelphia, Ohio County, in August, 2018, when the Claimant discovered that the Respondent's ditch adjacent to his property was clogged, which caused water to flow onto the Claimant's property. The Claimant's property sustained damages in the amount of \$500.00; his homeowner's insurance required a deductible of \$2,000.00. The Respondent was responsible for the maintenance of the ditches along National Road on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-19-0870 STEVEN NEFF v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2002 Ford Taurus on West Virginia Route 2 in Proctor, Wetzel County, on May 7, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$207.34; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$207.34 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$207.34

AMOUNT AWARDED: \$207.34

CC-18-1357 ERIC T. NEWELL AND MARTHA NEWELL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 24, 2018, the Claimant was driving his 2008 Toyota Sienna on Munday/Brohard Road near Macfarlan, Wirt County, when his vehicle struck a

large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$261.69; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Munday/Brohard Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$261.69

AMOUNT AWARDED: \$250.00

CC-19-1146 PAMELA G. NEWLON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 25, 2019, the Claimant was driving her 2019 Mercedes C300 on Edens Branch Road in Barboursville, Cabell County, when the pavement underneath her vehicle gave way and crumbled. The Claimant's vehicle sustained damages in the amount of \$293.95; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Edens Branch Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$293.95

AMOUNT AWARDED: \$250.00

CC-19-1212 ALAN NEWMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2008 Lexus IS250 on the entrance ramp to the 35th Street Bridge in Charleston, Kanawha County, on July 23, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$451.23; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of the 35th Street Bridge on the date of the incident and failed to do so properly. The sum of \$451.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$451.23

AMOUNT AWARDED: \$451.23

CC-19-0070 KENT E. NEWMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Hyundai Elantra on West Virginia Route 34, Teays Valley Road, in Scott Depot, Putnam County, on December 23, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$176.11; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 34, Teays Valley Road, on the date of the incident and failed to do so properly. The sum of \$176.11 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$176.11

AMOUNT AWARDED: \$176.11

CC-18-1374 VALORI NEWMAN AND LEROY NEWMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2006 Jaguar XTPW on US Route 19 near Good Hope, Harrison County, on May 17, 2018, when her vehicle struck a

large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$422.68; they did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of US Route 19 on the date of the incident and failed to do so properly. The parties agreed that the sum of \$266.25 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$422.68

AMOUNT AWARDED: \$266.25

CC-19-0166 DUSTIN NICHOLSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 4, 2019, the Claimant was driving his 2007 Chevrolet Cobalt on Dayton Street in MacArthur, Raleigh County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$71.02; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Dayton Street and failed to do so properly on the date of the incident. The sum of \$71.02 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$71.02

AMOUNT AWARDED: \$71.02

CC-18-1319 RENEE K. NICHOLSON AND MATTHEW K. BAUMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 BMW 228ix on Interstate 79 South near Morgantown, Monongalia County, on July 8, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$310.58; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 79 South on the date of the incident and failed to do so properly. The sum of \$310.58 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$310.58

AMOUNT AWARDED: \$310.58

CC-18-1619 RAY PAUL NICOLOAN v. DIVISION OF HIGHWAYS

The Claimant brought this action alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on or about November 12, 2018 he was driving his 2015 Chevrolet Silverado on West Virginia Route 2 between Wellsburg and Follansbee, Brooke County, and also on US Route 22 near Weirton, Brooke County, when his vehicle struck several large potholes in the traveling portion of the roadway. The tire on his vehicle was damaged and began losing air. The Claimant kept putting more air into the tire to keep it inflated. When he took his vehicle to be repaired, he learned that the tire was damaged and the rim had cracked; both need to be repaired or replaced. The Claimant submitted invoices in the amount of \$542.24; his collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 2 and US Route 22 on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$542.24

AMOUNT AWARDED: \$500.00

CC-19-0206 ROBERT E. NOLAN, JR. v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on the evening of December 21, 2018, he was driving his 2006 Dodge Caravan on West Virginia Route 2 in Sistersville, Tyler County. He testified that on occasion, the hillside on one side of the roadway slips and often rocks, twigs, branches and other debris from the hillside are found within the traveling portion of the roadway. The situation is much worse in inclement weather; in those instances, a spotlight is turned on to illuminate the hillside and warning cones may be set up. Additionally, there was a sign in this vicinity warning of falling rocks. The Claimant testified that on the night of his incident, it was raining heavily and the spotlight had been turned on as a warning; a few cones had also been set up in this area. The Claimant's vehicle struck a large rock that was situated in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$190.80; he did not carry collision insurance on his vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent further asserted that it did not have sufficient notice of the rock that was in the roadway on the night of the Claimant's incident.

The Legislative Claims Commission found that the Respondent had sufficient notice of falling rocks in the area as it had posted a permanent sign warning of falling rocks in addition to arranging for cones and a spotlight to warn drivers of the road conditions on the night of the Claimant's incident. The Claims Commission further found that the Respondent was negligent in its maintenance of West Virginia Route 2 on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$190.80.

AMOUNT CLAIMED: \$190.80

AMOUNT AWARDED: \$190.80

CC-18-1010 DAKOTA NORRIS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2010 Hyundai Sonata on Suncrest Boulevard in Fairmont, Marion County, on June 6, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$575.23; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Suncrest Boulevard on the date of the incident and failed to do so properly. The sum of \$575.23 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$575.23

AMOUNT AWARDED: \$575.23

CC-18-1066 LARRY F. NUTTER AND TRENA M. NUTTER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Ford Fusion on West Virginia Route 20 in Green Sulphur, Summers County, on May 31, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$595.51; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 20 on the date of the incident and failed to do so properly. The sum of \$595.51 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$595.51

AMOUNT AWARDED: \$595.51

CC-19-0054 JASON OATES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 31, 2018, the Claimant was driving his 2014 Chevrolet Silverado on West Virginia Route 28 near Cabins, Grant County, when his vehicle was struck by a large rock that became airborne after it was struck by another vehicle. The Claimant's vehicle sustained damages in the amount of \$906.30; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 28 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$906.30

AMOUNT AWARDED: \$500.00

CC-18-1451 JOHN W. O'DELL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 5, 2018, the Claimant was driving his 2003 Jaguar X-type on West Virginia Route 817 near St. Albans, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$276.06; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 817 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$276.06

AMOUNT AWARDED: \$250.00

CC-18-1611 ROBERT B. OPPERMAN AND CAROL J. OPPERMAN v. DIVISION OF HIGHWAYS

The Claimants allege that the damage to their vehicle was caused by the negligence of the Respondent. At the hearing, the Claimant testified that on September 27, 2018, he was driving his 2013 Dodge Caravan on Jefferson Road in South Charleston, Kanawha County, when his vehicle struck a large pothole in the traveling portion of the roadway. He further testified that he believed that impact with the pothole caused severe damage to his vehicle, including a broken spring and strut. The Claimants submitted invoices in the amount of \$556.45; their collision insurance required a deductible of \$500.00.

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

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

AMOUNT CLAIMED: \$556.45

AMOUNT AWARDED: \$500.00

CC-18-1293 JAMES D. ORR, RICHARD J. ORR AND SARA A. ORR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 12, 2018, the Claimant was driving his 2015 Dodge Dart on Wills Creek Road near Elkview, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$85.07; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Wills Creek Road and failed to do so properly on the date of the incident. The sum of \$85.07 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$85.07

AMOUNT AWARDED: \$85.07

CC-19-0165 NANCY O. PARSONS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 22, 2018, the Claimant was driving her 2006 Cadillac SRX on Walkers Branch Road in Kenova, Wayne County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$85.48; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Walkers Branch Road and failed to do so properly on the date of the incident. The sum of \$85.48 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$85.48

AMOUNT AWARDED: \$85.48

CC-18-0941 CLARENCE D. PATTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Nissan Altima on County Route 7/22, Brookhaven Road, East in Morgantown, Monongalia County, on April 9, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$248.64; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Rote 7/22, Brookhaven Road, East on the date of the incident and failed to do so properly. The sum of \$248.64 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$248.64

AMOUNT AWARDED: \$248.64

CC-19-0277 ELLEN PAYNE AND JAMES R. PAYNE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 16, 2019, the Claimant was driving her 2017 Ford Focus SEL at the intersection of Monongahela Boulevard and Boyers Avenue in

Morgantown, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$402.76; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Monongahela Boulevard and Boyers Avenue and failed to do so properly on the date of the incident. The sum of \$402.76 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$402.76

AMOUNT AWARDED: \$402.76

CC-19-0920 JACKIE R. PAYNE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Dodge Ram 1500 Truck on County Route 37, Jerrys Run Road, in Apple Grove, Mason County, on May 1, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$135.00; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of County Route 37, Jerrys Run Road, on the date of the incident and failed to do so properly. The sum of \$135.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$135.00

AMOUNT AWARDED: \$135.00

CC-19-0746 CAROL ANN PEACOCK v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on February 11, 2019, her driver was driving her 2011 Chevrolet Impala while she was a passenger. While driving on Water Street and South Virginia Avenue in Bridgeport, Harrison County, the Claimant's vehicle struck a drain hole that was in a state of disrepair. This drain hole was situated in the traveling portion of the roadway. The Claimant submitted a handwritten estimate for the necessary repairs in the amount of \$1,492.48; her collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim and questioned the authenticity of the handwritten estimate. The Respondent's investigator determined that the drain hole in question was repaired after the Claimant's incident and also learned from Glotfelty's that it does not generally provide handwritten estimates without their business information located on the form.

The Legislative Claims Commission requested that the Claimant return to Glotfelty's and obtain a new estimate that had the appropriate company letterhead and information on the form. The Claimant complied with the request of the Claims Commission and submitted an invoice from Glotfelty Tire in the amount of \$1,492.48.

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

AMOUNT CLAIMED: \$1,492.48

AMOUNT AWARDED: \$1,000.00

CC-18-1017 SHAWN R. PENNYBACKER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 31, 2018, the Claimant's employee was towing the Claimant's 2014 Big Tex 70LR utility trailer on Greggsville, Clinton and Potomac (GP&C) Road in Wheeling, Ohio County, when the trailer struck a portion of the roadway that had broken away causing a deep hole in the roadway. The Claimant's trailer sustained damages in the amount of \$662.47; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Greggsville, Clinton and Potomac (GP&C) Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$662.47

AMOUNT AWARDED: \$250.00

CC-18-1541 MAUREEN M. PERSONS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on September 26, 2018, she was driving her 2014 Ford Escape on Interstate 64 in Hurricane, Putnam County, when her vehicle struck a pothole in the traveling portion of the roadway. This section of the Interstate was under construction for a repaving project. Following the impact with the pothole, the Claimant testified that her vehicle began to drive differently. When she took her vehicle in for repairs, she learned that the tire and the wheel were damaged and needed to be replaced. The Claimant submitted invoices in the sum of \$133.69; her collision insurance required a deductible of \$250.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the sum of \$133.69.

AMOUNT CLAIMED: \$133.69

AMOUNT AWARDED: \$133.69

CC-18-1213 JEREMY PEVAHOUSE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on June 6, 2018, he was driving his 2017 Ford Fusion on Interstate 79 South near Exit 139 near Fairmont, Marion County, when his vehicle was struck by debris. The Claimant was traveling in the passing lane when a large pickup truck veered from the northbound lane into the median and struck the barrier, consisting of cables and posts, which was adjacent to the Claimant's lane of travel. The cables prevented the pickup truck from entering the Claimant's lane of travel and striking his vehicle. The truck drove further down the median without stopping. The impact of the truck striking the cable barriers caused rocks, gravel and other debris to become airborne and strike the windshield of the Claimant's vehicle causing damage. The Claimant alleged that the

Respondent failed to properly maintain the barrier system on the northbound lanes of Interstate 79 which allowed the pickup truck to leave the roadway and the median. The Claimant further alleged that the Respondent should have installed concrete barriers in this area. The Claimant submitted invoices in the amount of \$1,475.00; his underinsured insurance coverage required a deductible of \$300.00.

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

The Legislative Claims Commission, after reviewing the testimony and the evidence submitted, including video footage of the incident recorded on the Claimant's dashboard video camera, found that the Respondent was negligent in its maintenance of Interstate 79 South on the date of the Claimant's incident and that this negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$300.00.

AMOUNT CLAIMED: \$1,475.00

AMOUNT AWARDED: \$300.00

CC-19-0693 DONALD B. PHILLIPS AND BEVERLY A. PHILLIPS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 23, 2019, the Claimant was driving his 2014 Honda Crosstour on West Virginia Route 98 in Clarksburg, Harrison County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$263.88; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 98 and failed to do so properly on the date of the incident. The sum of \$263.88 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$263.88

AMOUNT AWARDED: \$263.88

CC-18-0938 LORA PIERCE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Volkswagen Jetta on West Virginia Route 214 near Trace Fork Road near Charleston, Kanawha County, on May 19, 2018, when her vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$89.16; her collision insurance required a deductible of \$2,500.00. The Respondent was responsible for the maintenance of West Virginia Route 214 on the date of the incident and failed to do so properly. The sum of \$89.16 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$89.16

AMOUNT AWARDED: \$89.16

CC-19-0291 JON PITTMAN AND DARLA PITTMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 10, 2019, the Claimant was driving his 2015 Lincoln MKC on West Virginia Route 18, Nutter Fork Road, near West Union, Doddridge County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$338.34; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 18, Nutter Fork

Road, and failed to do so properly on the date of the incident. The sum of \$338.34 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$338.34

AMOUNT AWARDED: \$338.34

CC-17-0688 YUENAN S. PITROLO AND JOE E. PITROLO v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2005 Ford 500 on Interstate 79 South between Morgantown, Monongalia County and Fairmont, Marion County, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$393.96; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 South on the date of the incident and failed to do so properly. The sum of \$393.96 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$393.96

AMOUNT AWARDED: \$393.96

CC-19-0447 CHRISTOPHER A. PLETCHER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 29, 2018, the Claimant was driving his 2013 Ford Edge on County Route 13/2, Coon Run Road, in Saltwell, Harrison County, when his vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$2,127.88; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 13/2, Coon Run Road, and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,127.88

AMOUNT AWARDED: \$1,000.00

CC-17-0607 ROGER PLYMALE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant alleged that the Respondent's failure to properly maintain the culverts and ditches located on Rocky Step Road in Winfield, Putnam County, resulted in a lengthy slip on the road which caused damage to the Claimant's private driveways and residential property. The Respondent was responsible for the maintenance of the culverts and ditches on Rocky Step Road. The Respondent denied any negligence but acknowledged that the Claimant's home sustained damages and further acknowledged some culpability for the incident. The Claimant submitted invoices in the amount of \$112,387.95 in support of his claim. The parties agreed that the sum of \$85,000.00 was fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$112,387.95

AMOUNT AWARDED: \$85,000.00

CC-18-1478 WILLIAM PONCEROFF v. DIVISION OF HIGHWAYS

The Claimant alleged that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2009 Mercedes E350 on Halleck Road near Fairmont, Marion County, between May 10 and May 20, 2018. He further testified that the road is riddled with potholes and it is virtually impossible to avoid striking one. The tires on his vehicle developed knots and needed to be replaced; an alignment was also required. The Claimant submitted invoices in the amount of \$927.79; he did not carry collision insurance on his vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Halleck Road on the dates of the Claimant's incidents and that this negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$927.79.

AMOUNT CLAIMED: \$927.79

AMOUNT AWARDED: \$927.79

CC-19-1186 SHAWN POORE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant's wife testified that she was driving his 1999 Ford F-350 SD on Glenwood Park Road in Princeton, Mercer County, on July 22, 2019, when a tree fell from the bank and struck the rear fender of the vehicle. She testified that she believed the tree to be situated on the Respondent's property since it was so close to the traveling portion of the roadway. She further testified that she believed that the Respondent should have known that the tree was in a hazardous condition and likely to fall since it was so close to the road and in poor condition. The Claimant submitted photographs of the tree and the damaged vehicle in addition to invoices in the amount of \$3,436.02. The Claimant did not carry collision insurance on his vehicle.

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

The Legislative Claims Commission found that the Respondent should have known of the hazardous condition of the tree and accordingly was negligent in its maintenance of Glenwood Park Road on the date of the Claimant's incident. The Claims Commission found that the Respondent's negligence was the proximate cause of the Claimant's damages and recommended an award of \$3,000.00.

AMOUNT CLAIMED: \$3,436.02

AMOUNT AWARDED: \$3,000.00

CC-18-1007 MARK S. POSTEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 2, 2018, the Claimant was driving his 2008 Dodge Durango on Old St. Mary's Pike in Parkersburg, Wood County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$598.71; his collision insurance required a deductible of \$500.00. The Respondent was

responsible for the maintenance of Old St. Mary's Pike and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$598.71

AMOUNT AWARDED: \$500.00

CC-19-0104 KATHRYN POWELL AND JAROD HOOTON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 8, 2019, the Claimant was driving her 2018 Jeep Grand Cherokee on Campground Road in Tunnelton, Preston County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$498.20; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Campground Road and failed to do so properly on the date of the incident. The sum of \$498.20 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$498.20

AMOUNT AWARDED: \$498.20

CC-19-0381 JANET C. POWER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 14, 2019, the Claimant was driving her 2016 Hyundai Elantra on West Virginia Route 2 at the exit ramp to Interstate 470 in Wheeling, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$376.35; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and Interstate 470 and failed to do so properly on the date of the incident. The sum of \$376.35 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$376.35

AMOUNT AWARDED: \$376.35

CC-18-1654 WAYNE H. POWERS AND BRENDA POWERS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2010 Buick Enclave on Brickyard Road near Princeton, Mercer County, on November 26, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$232.54; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Brickyard Road on the date of the incident and failed to do so properly. The sum of \$232.54 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$232.54

AMOUNT AWARDED: \$232.54

CC-18-1578 PREMIER BANK, INC. AND MICHAEL L. ALLEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 17, 2018, the Claimant was driving his 2009 Pontiac G-8 on Amma Road near Amma, Roane County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$203.01; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the

maintenance of Amma Road and failed to do so properly on the date of the incident. The sum of \$203.01 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$203.01

AMOUNT AWARDED: \$203.01

CC-19-0559 DARLENE PRESLEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 14, 2019, the Claimant was driving her 2002 Chevrolet Cavalier on Lorton Lick Road in Montcalm, Mercer County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,355.60; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Lorton Lick Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,355.60

AMOUNT AWARDED: \$250.00

CC-19-0878 BRIEN C. PRICE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 23, 2019, the Claimant was driving his 2004 Jeep Liberty on County Route 34/4 near Plainview, Jackson County, when his vehicle struck a broken pipe protruding from a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$779.50; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of County Route 34/4 and failed to do so properly on the date of the incident. The sum of \$779.50 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$779.50

AMOUNT AWARDED: \$779.50

CC-18-1637 JEFFREY IVAN PRICE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2010 Chevrolet Silverado on County Route 119/56, Brynwood Drive, in Charleston, Kanawha County, on August 24, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,206.24; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 119/56, Brynwood Drive, on the date of the incident and failed to do so properly. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,206.24

AMOUNT AWARDED: \$1,000.00

CC-18-1032 LISA D. RABER AND BRYAN L. RABER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 16, 2018, the Claimant was driving her 2009 Subaru Legacy on West Virginia Route 7 in Core, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$127.20; their collision insurance required a deductible of \$500.00. The Respondent was

responsible for the maintenance of West Virginia Route 7 and failed to do so properly on the date of the incident. The sum of \$127.20 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$127.20

AMOUNT AWARDED: \$127.20

CC-18-1424 JEFFERY T. RACER AND JOANN RACER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 16, 2017, the Claimant was driving his 2014 Toyota Corolla on West Virginia Route 25 between Institute and Dunbar, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$872.29; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$872.29

AMOUNT AWARDED: \$500.00

CC-19-0355 JOHNNY L. RADCLIFF v. DIVISON OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Dodge Ram 2500 on US Route 19 South near Morgantown, Monongalia County, on February 28, 2019, when his vehicle struck a series of potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$636.00; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 South on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-18-1089 DALE RICHARD RADCLIFFE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2005 Acura TL on US Route 119, Mileground Road, in Morgantown, Monongalia County, on May 6, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$6,608.56; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 119, Mileground Road, on the date of the incident and failed to do so properly. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$6,608.56

AMOUNT AWARDED: \$1,000.00

CC-18-1240 JOHN C. RAMIREZ, JR. AND ELIZABETH A. JONES RAMIREZ v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 17, 2018, the Claimant was driving his 2010 Subaru Impreza on the ramp from US Route 35 to Interstate 64 West in Teays Valley, Putnam

County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$537.55; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 35 and Interstate 64 West and failed to do so properly on the date of the incident. The parties agreed that the sum of \$229.89 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$537.55

AMOUNT AWARDED: \$229.89

CC-18-1448 RANDY RATCLIFFE AND PAUL RATCLIFFE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2009 Subaru Impreza on Interstate 70 East near Elm Grove, Ohio County, on September 27, 2018, when his vehicle struck a large block of concrete that had been dislodged from a large pothole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$406.07; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 470 East on the date of the incident and failed to do so properly. The sum of \$406.07 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$406.07

AMOUNT AWARDED: \$406.07

CC-18-0913 CHRISTINA RAYNES AND JARED RAYNES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 26, 2018, the Claimant was driving her 2013 Chevrolet Impala on US Route 119 near Mink Shoals, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$140.95; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 119 and failed to do so properly on the date of the incident. The parties agreed that the sum of \$90.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$140.95

AMOUNT AWARDED: \$90.95

CC-19-0141 KEVIN D. RENICK v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2012 Dodge Ram 3500 on West Virginia Route 20 in Hinton, Summers County, on December 12, 2018 when his vehicle was struck by large rocks falling from the adjacent hillside. The Claimant's vehicle sustained damages in the amount of \$9,179.23; the claimant incurred additional expenses in the amount of \$798.38 as a result of this incident. His collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 20 on the date of the incident and failed to do so properly. The parties agreed that the sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$9,977.61

AMOUNT AWARDED: \$1,000.00

CC-19-0556 DEBRA L. RICHARDS AND ROBERT M. RICHARDS v. DIVISION HIGHWAYS

The parties stipulated as follows: On March 27, 2019, the Claimant was driving her 2017 Subaru Legacy on Old Route 50 detour near Ellenboro, Ritchie County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$387.30; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Old Route 50 detour and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$387.30

AMOUNT AWARDED: \$250.00

CC-19-0706 DORIS RICHARDSON AND NATHAN RICHARDSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 4, 2019, the Claimant was driving her 2014 Subaru Legacy on West Virginia Route 34 near Teays Valley, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$349.75; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$349.75 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$349.75

AMOUNT AWARDED: \$349.75

CC-18-1264 DAVID E. RIDENOUR v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2003 Chrysler PT Cruiser on US Route 19 South near West Milford, Harrison County, on August 6, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$364.41; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of US Route 19 South on the date of the incident and failed to do so properly. The sum of \$364.41 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$364.41

AMOUNT AWARDED: \$364.41

CC-19-0397 RUSSELL F. RIGGINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 20, 2019, the Claimant was driving his 2016 Toyota Sienna SE on US Route 50 East near Sunnyside, Doddridge County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$2,504.23; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 50 East and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,504.23

AMOUNT AWARDED: \$500.00

CC-19-0283 NICOLE D. RILEY AND JAMES F. RILEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Buick LaCrosse on the 36th Street Bridge in Charleston, Kanawha County, on October 24, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$184.03; their collision insurance required a deductible of \$750.00. The Respondent was responsible for the maintenance of the 36th Street Bridge on the date of the incident and failed to do so properly. The sum of \$184.03 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$184.03

AMOUNT AWARDED: \$184.03

CC-19-0285 NICOLE D. RILEY AND JAMES F. RILEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 7, 2019, the Claimant was driving her 2012 Buick LaCrosse on Interstate 77 North in Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$181.09; their collision insurance required a deductible of \$750.00. The Respondent was responsible for the maintenance of Interstate 77 North and failed to do so properly on the date of the incident. The sum of \$181.09 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$181.09

AMOUNT AWARDED: \$181.09

CC-19-1021 TODD C. ROATSEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 20, 2019, the Claimant was driving his 2003 Toyota Corolla Matrix on West Virginia Route 114 near Charleston, Kanawha County, when his vehicle struck a large rock that had fallen into the traveling portion of the roadway following a mudslide. The Claimant's vehicle sustained damages in the amount of \$306.91; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 114 and failed to do so properly on the date of the incident. The sum of \$306.91 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$306.91

AMOUNT AWARDED: \$306.91

CC-19-0592 CLAUDE E. RODRIGUEZ v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Kia Soul on Brushy Fork Road in Buckhannon, Upshur County, on March 28, 2019, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$154.94; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Brushy Fork Road on the date of the incident and failed to do so properly. The sum of \$154.94 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$154.94

AMOUNT AWARDED: \$154.94

CC-17-0638 WILLIAM ROGERS AND CHERRY ROGERS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: The Claimants were owners of real property situated on Buffalo Creek Road in Amherstdale, Logan County. The Respondent owns real property that is next door to the Claimants' property; the Respondent used its property for the storage of road salt. The Claimants' alleged that the Respondent's salt piles were contaminating their property and causing them to suffer damage. While the Respondent denied any negligence, it did acknowledge some culpability. The parties to the claim agreed that, after some litigation, it was mutually advantageous and beneficial to resolve the claim. The parties agreed that the sum of 35,000.00 was a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED:\$315,417.00

AMOUNT AWARDED:\$35,000.00

CC-18-1557 NATHANIEL T. ROMINO v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to maintain the roads was the cause of damage to his vehicle. The Claimant testified at the hearing that on October 11, 2018, he was driving his 2012 Mercedes C300 on Halleck Road in Morgantown, Monongalia County, when his vehicle struck a pothole in the roadway. The front passenger side tire was damaged. When the Claimant had his vehicle repaired, he was advised that he needed to have all four tires replaced at the same time instead of just the one damaged tire. The Claimant submitted invoices in the amount of \$722.47, which represented the cost of four brand new tires and an alignment. The Claimant's collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim and was willing to stipulate to the payment of the replacement cost for the tire that was damaged by the pothole. The Claimant did not accept this offer.

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Halleck Road on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damage. The Claims Commission recommended an award of \$314.98, which represented the cost of one replacement tire and an alignment.

AMOUNT CLAIMED: \$722.47

AMOUNT AWARDED: \$314.98

CC-18-1543 BETH ROSS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 16, 2018, the Claimant was driving her 2009 Chevrolet Malibu on Dixon Run Road in Triadelphia, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$224.97; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Dixon Run Road and failed to do so properly on the date of the incident. The sum of \$224.97 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$224.97

AMOUNT AWARDED: \$224.97

CC-18-1484 KARI ROSS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On October 5, 2018, the Claimant was driving her 2017 Ford Mustang GT on Interstate 64 East near Cross Lanes, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,403.06; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 64 East and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,403.06

AMOUNT AWARDED: \$1,000.00

CC-19-0114 ELMER R. ROTH, JR. v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Buick Encore on Interstate 70 at Exit 5 in Wheeling, Ohio County, on January 2, 2019, when his vehicle struck a large piece of loose concrete situated in a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,827.56; his collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of Interstate 70 on the date of the incident and failed to do so properly. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,827.56

AMOUNT AWARDED: \$100.00

CC-18-1398 LISA DIANNE ROTH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 15, 2018, the Claimant was driving her 2016 Subaru Crosstrek on US Route 219 in Hambleton, Tucker County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$88.18; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 219 and failed to do so properly on the date of the incident. The sum of \$88.18 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$88.18

AMOUNT AWARDED: \$88.18

CC-19-0680 ELLEN E. ROWAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Cadillac CTS on Kingwood Pike in Morgantown, Monongalia County, on March 26, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$153.70; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Kingwood Pike on the date of the incident and failed to do so properly. The sum of \$153.70 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$153.70

AMOUNT AWARDED: \$153.70

CC-18-1475 JAMES E. ROWAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Ford Fusion on West Virginia Route 7 near Dellslow, Monongalia County, on September 19, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$148.28; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the date of the incident and failed to do so properly. The sum of \$148.28 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$148.28

AMOUNT AWARDED: \$148.28

CC-19-0669 JAMES GREGORY ROWSEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 11, 2019, the Claimant was driving his 2015 Chevrolet Traverse on West Virginia Route 10 in Huntington, Cabell County, when his vehicle struck a large, deep depression in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,307.44; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 10 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,307.44

AMOUNT AWARDED: \$500.00

CC-18-1189 JOSHUA THOMAS RUPPERT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 24, 2018, the Claimant was driving his 2009 Honda Fit on Scott Depot Road, West Virginia Route 46, Poplar Fork Road in Scott Depot and Teays Valley, Putnam County, when his vehicle struck a large pothole in the roadway that was hidden by a pool of standing water. The Claimant's vehicle sustained damages in the amount of \$336.85; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Scott Depot Road, West Virginia Route 46, Poplar Fork Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$ 336.85

AMOUNT AWARDED: \$250.00

CC-19-0535 BROADDUS RUTLEDGE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 10, 2019, the Claimant's wife was driving his 2014 Ford Focus on Arrowwood Road in Hico, Fayette County, when the vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$958.68; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Arrowwood Road and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$958.68

AMOUNT AWARDED: \$500.00

CC-18-1575 GREGORY A. SABAK v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant's son was driving his 2017 Subaru Impreza on US Route 19 South near Gore, Harrison County, on October 1, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$796.52; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 19 South on the date of the incident and failed to do so properly. The sum of \$796.52 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$796.52

AMOUNT AWARDED: \$796.52

CC-18-1717 CRAIG SABOL AND TINA SABOL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 6, 2018, the Claimant was driving his 2016 Kia Rio on County Route 2, Little Georgetown Road, in Falling Water, Berkeley County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$541.61; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 2, Little Georgetown Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$541.61

AMOUNT AWARDED: \$500.00

CC-18-0836 DUSTIN SCOTT SAMMS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Acura ILX on the Interstate 64 West entrance ramp at Greenbrier Street in Charleston, Kanawha County, on January 29, 2018, when his vehicle struck a series of potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$321.59; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West and Greenbrier Street on the date of the incident and failed to do so properly. The sum of \$321.59 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$321.59

AMOUNT AWARDED: \$321.59

CC-18-1334 JOSEPH A. SAMPLES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On June 29, 2018, the Claimant was driving his 1966 Ford Mustang on Trace Fork Road in Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$937.68; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Trace Fork Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$937.68

AMOUNT AWARDED: \$250.00

CC-19-0191 RUSSEL W. SANDY AND CHERI S. SANDY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 4, 2019, the Claimant was driving his 2017 Chevrolet Cruze on US Route 50 in Clarksburg, Harrison County, when his vehicle struck a large pothole in the roadway. Again, on January 24, 2019, the Claimant was driving the same vehicle on West Virginia Route 20 in Clarksburg, Harrison County, when his vehicle struck another pothole in the roadway. Several days later, on January 28, 2019, the Claimant was driving the same vehicle on Buckhannon Pike in Nutter Fort, Harrison County, when his vehicle struck a large pothole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$890.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 50, West Virginia Route 20 and Buckhannon Pike and failed to do so properly on the dates of the incidents. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$890.00

AMOUNT AWARDED: \$500.00

CC-18-0861 KEITH ROY SANTAGATA v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 7, 2018, the Claimant was driving his 2012 Ford Expedition on Peadittle Road, Hirham Mount Morris Road, in Moatsville, Barbour County, when his vehicle struck a section of the roadway where the pavement had been broken and separated from the main section of the roadway, creating a large hole. The Claimant's vehicle sustained damages in the amount of \$1,295.88; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Peadittle Road, Hirham Mount Morris Road, and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,295.88

AMOUNT AWARDED: \$500.00

CC-18-1446 ERNEST G. SAUERS AND IVA L. SAUERS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2012 Mini Cooper on West Virginia Route 7 in Reedsville, Preston County, on September 14, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$200.83; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the date of the incident and failed to do so properly. The sum of \$200.83 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$200.83

AMOUNT AWARDED: \$200.83

CC-19-0177 PAULA SAVER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 21, 2019, the Claimant was driving her 2011 Mazda 6 on US Route 22 East in Weirton, Brooke County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$143.18; her collision

insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of US Route 22 East and failed to do so properly on the date of the incident. The sum of \$143.18 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$143.18

AMOUNT AWARDED: \$143.18

CC-19-0411 LISA SAYRE AND JORDAN PAGE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 6, 2019, the Claimant was driving his 2007 Chevrolet Aveo on US Route 250 in Limestone, Marshall County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$143.53; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 250 and failed to do so properly on the date of the incident. The sum of \$143.53 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$143.53

AMOUNT AWARDED: \$143.53

CC-18-1052 PATRICIA A. SCADDEN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 12, 2018, the Claimant was driving her 2016 Hyundai Tucson on US Route 50 in Parkersburg, Wood County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$562.83; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of US Route 50 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$562.83

AMOUNT AWARDED: \$250.00

CC-19-0550 MALENA SCALISE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Toyota Sienna on West Virginia Route 25 East near Nitro, Kanawha County, on November 29, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$910.53; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 East on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$910.53

AMOUNT AWARDED: \$500.00

CC-19-0234 ROGER L. SCHNEGG AND BRENDA L. SCHNEGG v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 8, 2019, the Claimant was driving his 2008 Lincoln MKC ARD2012 on Interstate 70 in Wheeling, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$1,505.48; their collision insurance required a deductible of \$250.00. The Respondent was responsible for

the maintenance of Interstate 70 and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,505.48

AMOUNT AWARDED: \$250.00

CC-19-1175 DAVID SCHROEDER v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2018 Ford Fusion on Interstate 79 South toward the Interstate 77/64 split on August 5, 2019, when his vehicle struck a large pothole in the traveling portion of the roadway. He testified that this incident occurred in an active construction zone where he was following a large tractor trailer through a lane change. The Claimant submitted invoices in the amount of \$197.05; his collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 79 on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the sum of \$241.70.

AMOUNT CLAIMED: \$241.70

AMOUNT AWARDED: \$241.70

CC-18-1112 ENID J. SCHULTZ v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 21, 2018, the Claimant was driving her 2005 Ford Taurus on Mount De Chantal Road in Wheeling, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$306.80; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Mount De Chantal Road and failed to do so properly on the date of the incident. The sum of \$306.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$306.80

AMOUNT AWARDED: \$306.80

CC-19-0245 SCOTT PROPERTIES AND HEIDI METHENY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Lincoln Navigator on Airport Road in Morgantown, Monongalia County, on December 9, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$604.48; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Airport Road on the date of

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

AMOUNT CLAIMED: \$604.48

AMOUNT AWARDED: \$500.00

CC-18-1358 RICHARD SCOTT v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damages to his vehicle. At the hearing, the Claimant testified that on July 11, 2018, he was driving his 1999 Ford F250 on Dallas Pike in Triadelphia, Ohio County. He was towing a car hauling trailer and struck a large pothole in the roadway. As a result of striking the pothole, his truck sustained damage and the trailer axels were damaged beyond repair. The Claimant submitted invoices in the amount of \$3,929.45 which represented damages to both the truck and the trailer. He did not carry collision insurance on either vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Dallas Pike on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$3,929.45.

AMOUNT CLAIMED: \$3,929.45

AMOUNT AWARDED: \$3,929.45

CC-19-0975 RITA S. SEARLS AND PAUL SEARLS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 31, 2019, the Claimant was driving her 2006 Chevrolet HHR in the intersection of US Route 60 and West Virginia Route 34 in Hurricane, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$163.62; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 60 and West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$163.62 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$163.62

AMOUNT AWARDED: \$163.62

CC-16-0848 CINDY SETTLE AND MINDY SETTLE, HER DAUGHTER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: On June 23, 2016, the Claimants' property located in Clendenin, Kanawha County, sustained significant flood damaged due to an allegedly clogged culvert on Reamer Road. The Claimants asserted that they had notified the Respondent of the poorly maintained culvert prior to the flood. The Claimants alleged that the Respondent failed to properly maintain the culverts which resulted in significant damage to their property. They submitted invoices and estimates in the amount of \$49,506.56. The Respondent denied any negligence. However, it did acknowledge that the Claimants sustained damages to their property and further acknowledged that it may have some culpability for the damages sustained by the

Claimants. The parties agreed to settle the claim for the sum of \$40,000.00, which is a fair and reasonable amount.

AMOUNT CLAIMED: \$49,506.56

AMOUNT AWARDED: \$40,000.00

CC-19-0240 AARON C. SHALL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 23, 2019, the Claimant was driving his 2000 Honda Civic on US Route 22 in Weirton, Brooke County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$187.66; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of US Route 22 and failed to do so properly on the date of the incident. The sum of \$187.66 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$187.66

AMOUNT AWARDED: \$187.66

CC-19-0875 PATRICIA SHAMBLIN AND TERRI PAULEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2005 BMW 330CI on Interstate 64 West near Cross Lanes, Kanawha County, on October 11, 2017, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$121.90; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West on the date of the incident and failed to do so properly. The sum of \$121.90 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$121.90

AMOUNT AWARDED: \$121.90

CC-19-0876 PATRICIA SHAMBLIN AND TERRI PAULEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 2, 2018, the Claimant was driving her 2005 BMW 330CI on Interstate 64 West near Cross Lanes, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$292.07; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$292.07 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$292.07

AMOUNT AWARDED: \$292.07

CC-19-0877 PATRICIA SHAMBLIN AND TERRI PAULEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 6, 2018, the Claimant was driving her 2005 BMW 330CI on Interstate 64 West near Cross Lanes, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$126.09; their collision insurance required a deductible of \$500.00. The Respondent was

responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$126.09 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$126.09

AMOUNT AWARDED: \$126.09

CC-18-1008 MIKE SHAY v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. The Claimant testified at the hearing that he was driving his 2016 Yamaha FJR 1300ES on County Route 81, Kingwood Pike, in Cool Springs, Monongalia County, on April 18, 2018, when his vehicle struck a large pothole. His vehicle began to shimmy; he discovered that his motorcycle had a flat tire and a bent rim. The Claimant submitted invoices in the amount of \$1,237.97; his collision insurance required a deductible of \$250.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of County Route 81, Kingwood Pike, on the date of the Claimant's incident and that the Respondent's negligence was the cause of the Claimant's damages. The Claims Commission recommended an award of \$250.00.

AMOUNT CLAIMED: \$1,237.97

AMOUNT AWARDED: \$250.00

CC-18-1499 DAVID R. SHEETS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on September 17, 2018, he was driving his 2016 Buick Cascada on Interstate 64 East near Hurricane, Putnam County, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant submitted invoices in the amount of \$340.26; his collision insurance required a deductible of \$250.00.

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

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

AMOUNT CLAIMED: \$340.26

AMOUNT AWARDED: \$250.00

CC-18-1362 DEBORAH SHELL AND LUTHER D. SHELL v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on July 9, 2018, she was driving her 2015 Toyota Corolla S on the exit ramp from US Route 35 to Interstate 64 East near Scott Depot, Putnam County, when her vehicle struck a large pothole in the traveling portion of

the roadway. The Claimant testified that she was driving in a construction zone at the time of this incident. The Claimants submitted invoices in the amount of \$1,352.67; their collision insurance required a deductible of \$500.00.

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

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

AMOUNT CLAIMED: \$1,352.67

AMOUNT AWARDED: \$500.00

CC-18-0528 CATHERINE E. SHEPHERD v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Volvo S60 in Interstate 64 in Charleston, Kanawha County, on March 29, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$435.06; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 on the date of the incident and failed to do so properly. The sum of \$435.06 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$435.06

AMOUNT AWARDED: \$435.06

CC-19-0126 DAVID SHEPHERD v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 28, 2018, the Claimant was driving his 2004 Jeep Grand Cherokee on Long Run Road in Greenwood, Doddridge County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$138.28; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Long Run Road and failed to do so properly on the date of the incident. The sum of \$138.28 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$138.28

AMOUNT AWARDED: \$138.28

CC-18-1096 JAMES M. SHEPPARD v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on June 24, 2018, he was driving his 2000 Mercedes S430 on Interstate 70 West when his vehicle struck a pothole in the traveling portion of the roadway. As a result of the impact with the pothole, both tires on the passenger side of the vehicle sustained damage and deflated. The Claimant took his vehicle to a mechanic for repairs and learned that the rims on the passenger side had also been damaged. He opted to purchase four new tires and four new rims for his vehicle. The Claimant submitted

invoices in the amount of \$1,020.14, which reflected the purchase price of four tires and four rims. He did not carry collision insurance on his vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 470 West on the date of the Claimant's incident and that this negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$622.39, which represented the cost of replacing the two damaged rims and tires.

AMOUNT CLAIMED: \$1,020.14

AMOUNT AWARDED: \$622.39

CC-18-1235 ROBERT H. SHERMAN, JR. AND HELEN JEAN SHERMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2005 Chevrolet SSR on Sunnyside Road, Old US 50, in Greenwood, Doddridge County, on July 11, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$340.88; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Sunnyside Road, Old US 50, on the date of the incident and failed to do so properly. The sum of \$340.88 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$340.88

AMOUNT AWARDED: \$340.88

CC-19-0336 ROBERT L. SHIELDS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 12, 2019, the Claimant was driving his 2017 Buick Regal on West Virginia Route 2 when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$120.42; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 and failed to do so properly on the date of the incident. The sum of \$120.42 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$120.42

AMOUNT AWARDED: \$120.42

CC-18-1117 MICHELLE SHIRLEY v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on June 25, 2018, she was driving her 2005 Chrysler 300 on Interstate 77 South near Sissonville, Kanawha County, when her vehicle struck a large piece of tire recap situated in the traveling portion of the roadway. The recap became lodged in the tire and front end of her vehicle causing the vehicle to make a loud thumping noise. She was unable to avoid striking the recap because of the traffic in the adjacent lanes. The Claimant testified that she noticed the recap in the roadway earlier in the day; she was surprised that it was still in the roadway later that night when her vehicle struck it. The Claimant

submitted invoices in the amount of \$948.99; her collision insurance required a deductible of \$250.00

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 77 South on the date of the Claimant's incident and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$250.00

AMOUNT CLAIMED: \$948.99

AMOUNT AWARDED: \$250.00

CC-18-1673 TAMI SHROUT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 8, 2018, the Claimant was driving her 2015 Toyota 4Runner on Mileground Road in Morgantown, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$932.56; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Mileground Road and failed to do so properly on the date of the incident. The sum of \$500.0 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$932.56

AMOUNT AWARDED: \$500.00

CC-19-0603 SANDRA SHULTZ AND KATHLEEN ERTZ v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 21, 2019, the Claimant was driving her 2011 Chrysler Town and Country van on West Virginia Route 16 in St. Mary's, Pleasants County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$512.56; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 16 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$512.56

AMOUNT AWARDED: \$500.00

CC-19-0600 CATHERINE SIMMONS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2009 Honda Accord on West Virginia Route 16 South in Beckley, Raleigh County, on March 16, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$600.00; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 16 South on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$600.00

AMOUNT AWARDED: \$500.00

CC-19-0904 DAVID P. SIMPSON AND SHARON SIMPSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Ford Fusion on Strawberry Road in St. Albans, Kanawha County, on April 17, 2019, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$334.96; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Strawberry Road on the date of the incident and failed to do so properly. The sum of \$334.96 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$334.96

AMOUNT AWARDED: \$334.96

CC-19-0583 RANDALL R. SIMS AND NANCY SIMS v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that she was driving her 2013 Toyota Rav4 on Interstate 79 North at the split between Interstate 77 North and Interstate 79 North when she noticed a metal object laying in the road between two lanes. She reduced her speed and then observed an object swinging from the overhead green roadway sign indicating the route to Clarksburg. This unknown object then fell directly on her vehicle and shattered her windshield. She later learned that the object was the lighting fixture for the overhead sign. The Claimants submitted invoices in the amount of \$1,049.68; their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 77 North and Interstate 79 North on the date of the Claimants' incident and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award of \$500.00.

AMOUNT CLAIMED: \$1,049.68

AMOUNT AWARDED: \$500.00

CC-18-1486 SETH SIRBAUGH AND DENVER SIRBAUGH v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On September 24, 2018, the Claimant was driving his 2013 Ford Mustang on Ferrell Road in St. Albans, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$525.00; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Ferrell Road and failed to do so properly on the date of the incident. The sum of \$525.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$525.00

AMOUNT AWARDED: \$525.00

CC-18-1049 DONETTA SISLER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Chevrolet Impala on Aurora Pike in Terra Alta, Preston County, on June 18, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$171.72; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Aurora Pike on the date of the incident and failed to do so properly. The sum of \$171.72 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$171.72

AMOUNT AWARDED: \$171.72

CC-18-1520 MICHELLE SLAUGHTER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2005 Lexus RZ330 on West Virginia Route 7 in Dellslow, Monongalia County, on September 27, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$508.70, including a mileage reimbursement; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the date of the incident and failed to do so properly. The parties agreed that the sum of \$476.58 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$508.70

AMOUNT AWARDED: \$476.58

CC-18-0894 EDWARD W. SLOAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 27, 2018, the Claimant was driving his 2015 Mazda 6GT on Interstate 77 North near Ripley, Jackson County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$323.14; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 77 North and failed to do so properly on the date of the incident. The sum of \$323.14 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$323.14

AMOUNT AWARDED: \$323.14

CC-19-0241 AMY SMITH AND ALLISON MULLINS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 16, 2018, the Claimant was driving her 2009 Saturn Aura on Interstate 64 West in Hurricane, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$266.15; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so properly on the date of the incident. The sum of \$266.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$266.15

AMOUNT AWARDED: \$266.15

CC-18-1373 CHRISTOPHER C. SMITH, KENDRA SMITH AND KAYLAN SMITH v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that he and his daughter drove his 2015 Hyundai Elantra on County Route 27, Pluto Road, in Shady Spring, Raleigh County, on a daily basis. He testified that the road is in a very dangerous and hazardous condition due to the number of potholes in the traveling portion of the roadway. The Claimant testified that he had notified the Respondent of his concerns regarding the potholes on this road on numerous occasions without any visible signs of improvement. Several times during June, 2018, he or his daughter struck one of the many potholes in the roadway causing damage to the vehicle. The Claimants submitted invoices in the amount of \$408.84; their collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of County Route 27, Pluto Road, on the dates of the Claimants' incidents and that such negligence was the proximate cause of the Claimants' damages. The Claims Commission recommended an award of \$408.84.

AMOUNT CLAIMED: \$408.84

AMOUNT AWARDED: \$408.84

CC-19-0486 ELAINE SNODGRASS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 1, 2018, the Claimant was driving her 2006 Dodge Grand Caravan on Flatwoods Road in Ravenswood, Jackson County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$228.41; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Flatwoods Road and failed to do so properly on the date of the incident. The sum of \$228.41 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$228.41

AMOUNT AWARDED: \$228.41

CC-19-0323 STEVE SNODGRASS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 11, 2019, the Claimant was driving his 2001 Cadillac Escalade on Interstate 70 in Elm Grove, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,379.60; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Interstate 70 and failed to do so properly on the date of the incident. The sum of \$1,379.60 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,379.60

AMOUNT AWARDED: \$1,379.60

CC-19-0698 STEPHANIE A. SOBOLEWSKI v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, she testified that on February 27, 2019, she was driving her 2018 Toyota Camry on Monongalia Boulevard in Morgantown, Monongalia County, when she began to brake for a red traffic light. She then heard several loud noises and had difficulty steering her vehicle. After she pulled over to the shoulder of the road, she discovered two flat tires on the driver's side of her vehicle. The Claimant testified that there was a long, narrow pothole in her lane of the roadway; she believed that the impact of her vehicle striking this pothole, which had a section of rebar protruding from the pothole, caused the damage to her tires. She was unable to avoid the pothole because there were cars on both sides of her vehicle; because her incident happened at night, it was dark and she was unable to see the pothole ahead of time. The Claimant submitted invoices in the amount of \$640.32; her collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Monongalia Boulevard on the date of the Claimant's incident and that such negligence was the cause of the damage to the Claimant's vehicle. The Claims Commission recommended an award to the Claimant in the amount of \$640.32.

AMOUNT CLAIMED: \$640.32

AMOUNT AWARDED: \$640.32

CC-18-1567 MATHEW SOKOS AND JAMIE SOKOS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Cadillac CT6 on West Virginia Route 88 in Wheeling, Ohio County, on March 1, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$549.01; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 88 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$549.01

AMOUNT AWARDED: \$500.00

CC-18-1355 HELEN SOLLARS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 4, 2018, the Claimant was driving her 2015 Mercedes 250CLA on Interstate 70 in Wheeling, Ohio County, when her vehicle struck a large grate in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,028.15; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,028.15

AMOUNT AWARDED: \$500.00

CC-16-0543 RYAN E. SOMMERKORN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Ford Explorer on Greenbag Road, Mileground Road, Marcus Drive and Route 705 in Morgantown, Monongalia County, in April 2016, when his vehicle struck several large potholes in the traveling portion of the roadways. The Claimant's vehicle sustained damages in the amount of \$2,088.82; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Greenbag Road, Mileground Road, Marcus Drive and Route 705 during April 2016 and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,088.82

AMOUNT AWARDED: \$500.00

CC-19-0315 DAVID L. SOMMERS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 8, 2019, the Claimant was driving his 2011 Chevrolet Malibu on Interstate 70 East in Wheeling, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$261.22; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Interstate 70 East and failed to do so properly on the date of the incident. The sum of \$261.22 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$261.22

AMOUNT AWARDED: \$261.22

CC-18-0466 DANIELLE V. SOUTH v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on February 17, 2018, she was driving her 2013 Nissan Rogue on Green Mountain Road in Morgantown, Monongalia County, when her vehicle struck a pothole in the roadway. She was unable to avoid striking the pothole because it was filled with water, it was dark outside and there was oncoming traffic. The low tire pressure light on her dashboard was activated. When the Claimant took her vehicle to be repaired, she learned that the rim was cracked and needed to be replaced; her mechanic also found two nails embedded in her tire. The Claimant sought to be reimbursed for the cost of the cracked rim and not the flat tire. She submitted invoices in the amount of \$689.63; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Green Mountain Road on the date of the Claimant's incident and that such negligence was the cause of the damage to the Claimant's vehicle. The Claims Commission recommended an award in the sum of \$500.00.

AMOUNT CLAIMED: \$689.63

AMOUNT AWARDED: \$500.00

CC-19-0548 THOMAS SLOAN SOWERS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Lexus RC F on West Virginia Route 25 in Institute, Kanawha County, on April 12, 2017, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,235.22; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 25 on the date of the incident and failed to do so properly. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,235.22

AMOUNT AWARDED: \$1,000.00

CC-19-0549 THOMAS SLOAN SOWERS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 8, 2017, the Claimant was driving his 2016 Lexus RC F on Kanawha Boulevard in Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$785.42; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Kanawha Boulevard and failed to do so properly on the date of the incident. The sum of \$785.42 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$785.42

AMOUNT AWARDED: \$785.42

CC-19-0085 JENNIFER MICHELLE SPARKS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 25, 2018, the Claimant was driving her 2018 Volvo XC90 on US Route 52 near Williamson, Mingo County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$467.44; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 52 and failed to do so properly on the date of the incident. The sum of \$467.44 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$467.44

AMOUNT AWARDED: \$467.44

CC-14-1222 GREG SPECHT v. DIVISION OF HIGHWAYS

The Claimant alleged that the Respondent's failure to properly maintain the culverts on Brush Run Road in Mountain, Ritchie County, was the cause of repeated flooding and damage to his residence and surrounding property. The Claimant's damages were approximately \$6,000.00. The Respondent initially denied all allegations but in preparation for the final hearing, it did acknowledge that the Claimant's residence and property sustained damages. The parties agreed to settle the claim for the amount of \$5,000.00 as a fair and reasonable settlement amount.

AMOUNT CLAIMED: \$6,000.00

AMOUNT AWARDED: \$5,000.00

CC-19-1173 WILLA SPRADLING v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On July 26, 2019, the Claimant was driving her 2013 Buick Verano on West Virginia Route 34 in Winfield, Putnam County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$118.29; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 34 and failed to do so properly on the date of the incident. The sum of \$118.29 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$118.29

AMOUNT AWARDED: \$118.29

CC-19-0257 RITA SPROUSE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 16, 2019, the Claimant was driving her 2017 Chevrolet Impala on West Virginia Route 31 South in Cairo, Ritchie County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$552.07; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 31 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$552.07

AMOUNT AWARDED: \$500.00

CC-18-0510 DONNA S. STATTS AND JOANN THOMPSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2011 Volvo 580 on Pettyville Road in Parkersburg, Wood County, on January 21, 2018, when her vehicle struck several large holes in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$230.74; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Pettyville Road on the date of the incident and failed to do so properly. The sum of \$230.74 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$230.74

AMOUNT AWARDED: \$230.74

CC-19-0892 AMBER INDIGO STANLEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 31, 2019, the Claimant was driving her 2017 Volkswagen Golf on Bakers Fork Road in Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$139.65; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Bakers Fork Road and failed to do so properly on the date of the incident. The sum of \$139.65 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$139.65

AMOUNT AWARDED: \$139.65

CC-18-1012 CHARLOTTE L. STANLEY v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, she testified that on or about June 14, 2017, the Claimant was driving her 2012 Nissan Sentra on Coal River Road in St. Albans, Kanawha County. The Claimant struck a second pothole on November 2, 2017 on Kanawha Terrace, also in St. Albans, Kanawha County. Again, on December 4, 2017, the Claimant struck a pothole on Coal River Road. She alleged that the negligence of the Respondent caused the damage to her vehicle on these three separate occasions. The Claimant's vehicle sustained damages in the amount of \$283.54; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Coal River Road and Kanawha Terrace on the dates of the Claimant's incidents and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the amount of \$283.54.

AMOUNT CLAIMED: \$283.54

AMOUNT AWARDED: \$283.54

CC-18-1057 FRANK L. STARKS, JR. v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On August 23, 2017, the Claimant was driving his 2012 Harley Davidson Heritage on County Route 73 in Smithtown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,253.86; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of County Route 73 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,253.86

AMOUNT AWARDED: \$500.00

CC-19-0216 BRYAN STEALEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 24, 2019, the Claimant was driving his 2008 Audi A4 Quattro on US Route 119, Point Marion Road, in Morgantown, Monongalia County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$193.24; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 119, Point Marion Road, and failed to do so properly on the date of the incident. The sum of \$193.24 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$193.24

AMOUNT AWARDED: \$193.24

CC-18-1705 LUCILLE STEWART v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Chevrolet Impala on Lewis Road in Oak Hill, Fayette County, on September 15, 2018, when her vehicle

struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$312.35; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Lewis Road on the date of the incident and failed to do so properly. The sum of \$312.35 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$312.35

AMOUNT AWARDED: \$312.35

CC-19-0841 ROBERT B. STOLLINGS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 22, 2019, the Claimant was driving his 2009 Volkswagen GLI on Interstate 79 North near Roanoke, Lewis County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$26.73; his collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of Interstate 79 North and failed to do so properly on the date of the incident. The sum of \$26.73 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$26.73

AMOUNT AWARDED: \$26.73

CC-19-0842 ROBERT B. STOLLINGS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 19, 2019, the Claimant was driving his 2009 Volkswagen GLI on the Interstate 79 exit ramp at Mink Shoals near Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$149.69; his collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of Interstate 79 and failed to do so properly on the date of the incident. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$149.69

AMOUNT AWARDED: \$100.00

CC-18-1156 ERIN M. STONE AND MIKE STONE v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that she was driving her 2011 Lexus RX 350 on Dairy Road near Hamlin, Lincoln County, on July 2, 2018, when her vehicle struck a slip in the road. She heard a "pop" after hitting the slip; she pulled over to investigate but did not see any damage to her tires. She took her vehicle to be checked and learned that the front struts were damaged. The Claimants submitted invoices in the amount of \$834.00; their collision insurance required a deductible of \$500.00.

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

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

AMOUNT CLAIMED: \$500.00

AMOUNT AWARDED: \$500.00

CC-18-0992 ST. PAUL'S EPISCOPAL CHURCH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: Following a heavy rainstorm on March 30, 2018, the Claimant's church building and fellowship hall sustained significant damage. The Claimant alleged that this damage was a result of a hillside slip and the failure of Cemetery Hill Road in Sistersville, Tyler County. The Respondent was responsible for the maintenance of Cemetery Hill Road; the Claimant alleged that the Respondent's failure to properly maintain the road was the proximate cause of the damages to the Claimant's church building, fellowship hall and surrounding property. The parties agreed that the sum of \$170,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$193,391.00

AMOUNT AWARDED: \$170,000.00

CC-18-1691 EVA RENE STUTLER v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2010 Buick LaCrosse on River Road near Morgantown, Monongalia County, on June 10, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$548.54; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of River Road on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$548.54

AMOUNT AWARDED: \$250.00

CC-18-1506 FRANCIS STUMP AND RICHARD STUMP v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 GMC Yukon XL on Emily Drive in Clarksburg, Harrison County, on April 23, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$931.17; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Emily Drive on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$931.17

AMOUNT AWARDED: \$500.00

CC-18-0274 MELISSA SUMMERS AND MARK SUMMERS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Chevrolet Impala on Interstate 64 West near Cross Lanes, Kanawha County, on February 27, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$733.47; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 64 West on the

date of the incident and failed to do so properly. The parties agreed that the sum of \$279.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$733.47

AMOUNT AWARDED: \$279.15

CC-19-0572 ANTHONY DAVID TARTELL AND MARK DEMARY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 19, 2019, the Claimant was driving his 2008 Audi A6 Quattro on County Route 19/28, Enterprise-Bethlehem Road, in Shinnston, Harrison County, when his vehicle struck a series of potholes in the roadway. The Claimants' vehicle sustained damages in the amount of \$383.40; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of County Route 19/28 and failed to do so properly on the date of the incident. The sum of \$383.40 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$383.40

AMOUNT AWARDED: \$383.40

CC-19-0092 BRITTANY TAYLOR v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2008 Mazda 6 on Greenbrier Street in Charleston, Kanawha County, on April 24, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$220.25; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Greenbrier Street on the date of the incident and failed to do so properly. The sum of \$220.25 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$220.25

AMOUNT AWARDED: \$220.25

CC-19-0289 MATTHEW C. TAYLOR v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 13, 2019, the Claimant's daughter was driving his 2018 Chevrolet Spark on US Route 40 East in Wheeling, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$123.82; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 40 East and failed to do so properly on the date of the incident. The sum of \$123.82 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$123.82

AMOUNT AWARDED: \$123.82

CC-18-1406 HEATHER TEEL v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 25, 2018, the Claimant was driving her 2017 Ford Mustang GT on Cross Lanes Drive in Cross Lanes, Kanawha County, when her vehicle struck a series of large potholes in the roadway. The Claimant's vehicle sustained damages in the amount of \$455.75; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Cross Lanes Drive and failed to do so

properly on the date of the incident. The sum of \$455.75 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$455.75

AMOUNT AWARDED: \$455.75

CC-19-0080 CHERYL A. TERRANO AND MICHAEL TERRANO v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 31, 2018, the Claimant was driving her 2004 Chrysler Pacifica on Swamp Run Road near the intersection with Kesling Mill Road near Buckhannon, Upshur County, when her vehicle struck several large potholes in the roadway. The Claimants' vehicle sustained damages in the amount of \$731.56; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Swamp Run Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$731.56

AMOUNT AWARDED: \$250.00

CC-19-0210 KAREN TENNANT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2012 Jeep Compass on West Virginia Route 7 in Morgantown, Monongalia County, on February 8, 2019, when her vehicle struck a series of potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$486.19; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the date of the incident and failed to do so properly. The sum of \$486.19 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$486.19

AMOUNT AWARDED: \$486.19

CC-19-0775 JEFFREY TESTEMENT AND FAITH TESTEMENT v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 6, 2019, the Claimant was driving his 2012 Ford Fusion on Sullivan Road in Glen Morgan, Raleigh County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$160.39; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Sullivan Road and failed to do so properly on the date of the incident. The sum of \$160.39 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$160.39

AMOUNT AWARDED: \$160.39

CC-18-0871 JAMES THACKER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 19, 2018, the Claimant was driving his 2005 Dodge Neon on Dairy Road in Poca, Putnam County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$88.49; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of

Dairy Road and failed to do so properly on the date of the incident. The sum of \$88.49 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$88.49

AMOUNT AWARDED: \$88.49

CC-17-0001 CURTIS L. THOMAS, JOCELYN F. THOMAS AND DIANA B. THOMAS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 8, 2016, the Claimant was driving his 2006 Subaru Legacy on US Route 19 in Star City, Monongalia County, when his vehicle struck a large patch of ice created by water overflowing the clogged ditches on the side of the roadway. The Claimants' vehicle sustained damages in the amount of \$5,881.00; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 19 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$5,881.00

AMOUNT AWARDED: \$500.00

CC-19-0342 MICHELLE THOMAS v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that in early April, 2018, she was driving her 2015 Hyundai Santa Fe on Interstate 64 West near Institute, Kanawha County, when her vehicle struck a large pothole in the roadway. Her vehicle sustained damages to the tire and one of the struts. The Claimant submitted invoices in the amount of \$1,162.11; her collision insurance required a deductible of \$250.00.

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

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

AMOUNT CLAIMED: \$1,162.11

AMOUNT AWARDED: \$250.00

CC-19-0514 RALPH W. THOMAS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that on March 2, 2019, he was driving his 2010 Toyota Tacoma on West Virginia Route 72, River Road, in Rowlesburg, Preston County. He testified further that the ditches on the side of the road were clogged in some areas and washed out in other areas. The Respondent's employees had been cutting down trees on the adjacent hillside but some ditches still contained significant debris. As he was driving through this area, the hillside gave way and large amounts of debris rolled down the hillside into the traveling portion of the roadway striking his vehicle. The Claimant submitted invoices in the amount of \$1,827.29; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim. The Preston County Highway Administrator testified that the Claimant's incident occurred on a roadway located next to a very steep hillside with very many trees throughout the hillside. The Respondent has a thirty feet right of way and many of the trees are growing beyond the right of way and outside of the Respondent's area of responsibility. The Highway Administrator further testified that the Respondent's employees clear out the trees and related debris from the right of way but cannot go beyond the right of way. He acknowledged that the trees in this area are a known issue to the Respondent but there are no preventative measures that had been taken prior to the Claimant's incident.

The Legislative Claims Commission found that the Respondent had sufficient prior notice of the safety hazards created by the falling trees in this area of West Virginia Route 72, that it was negligent in its maintenance of this route and that the negligence of the Respondent was the cause of the damage to the Claimant's vehicle. The Claims Commission recommended an award of \$500.00.

AMOUNT CLAIMED: \$1,827.29

AMOUNT AWARDED: \$500.00

CC-19-0122 JILL ROBIN THOMPSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Lexus GSF on US Route 35 West near Buffalo, Putnam County, on January 24, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$243.80; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 35 West on the date of the incident and failed to do so properly. The sum of \$243.80 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$243.80

AMOUNT AWARDED: \$243.80

CC-19-0224 MARY K. THOMPSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 26, 2019, the Claimant was driving her 2012 Ford Fusion on Interstate 70 East in Wheeling, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$568.37; her collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of Interstate 70 East and failed to do so properly on the date of the incident. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$568.37

AMOUNT AWARDED: \$100.00

CC-18-1538 TERRY L. THOMPSON AND LINDA THOMPSON v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on October 16, 2018, he was driving his 2013 Toyota Avalon on Interstate 64 East near Nitro, Putnam County, when his vehicle struck a large pothole in the traveling portion of the roadway. This stretch of the

Interstate was an active construction zone; he was driving in the left lane that had been milled in preparation for repaving. The Claimant testified that as he was switching lanes from the milled lane to the unmilled lane, his vehicle struck a pothole. The Claimants submitted invoices in the amount of \$655.32; their collision insurance required a deductible of \$250.00.

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

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

AMOUNT CLAIMED: \$655.32

AMOUNT AWARDED: \$250.00

CC-18-1388 JOETTE THORN AND TARA JOHNSON v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 11, 2018, the Claimant was driving her 2013 Dodge Dart on Interstate 70 in Elm Grove, Ohio County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$6,914.68; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 70 and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$6,914.68

AMOUNT AWARDED: \$500.00

CC-19-0009 KRISTI TINGLER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 21, 2018, the Claimant was driving her 2014 Lexus IS on Interstate 77 South at mile marker 96 near Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$294.25; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 77 South and failed to do so properly on the date of the incident. The sum of \$294.25 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$294.25

AMOUNT AWARDED: \$294.25

CC-18-1122 SANDRA TONEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Mitsubishi Mirage on West Virginia Route 122 in Greenville, Monroe County, on July 9, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$65.22; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 122 on the date of the

incident and failed to do so properly. The sum of \$65.22 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$65.22

AMOUNT AWARDED: \$65.22

CC-18-1625 COREY TORNES v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on October 21, 2018, he was driving his 2017 Subaru Impreza on Interstate 64 East near Cross Lanes, Kanawha County, while the Interstate was under construction. He switched lanes, from a milled lane to an unmilled lane, and heard a loud popping noise. He believed that a tire on his vehicle struck the sharp edge of the unmilled pavement and damaged the tire. The Claimant submitted invoices in the amount of \$924.08; his collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 East on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$500.00.

AMOUNT CLAIMED: \$924.08

AMOUNT AWARDED: \$500.00

CC-19-0947 ASHLEY TORRES AND ADOLFO TORRES v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2011 BMW 328i on Interstate 64 East in Charleston, Kanawha County, on April 11, 2019, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$538.68; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$538.68

AMOUNT AWARDED: \$500.00

CC-18-0579 MICHAEL J. TRAVIS AND BARBARA J. TRAVIS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 6, 2018, the Claimant was driving her 2008 Pontiac G8 on West Virginia Route 18 North in West Union, Doddridge County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$180.15; their collision insurance required a deductible of \$250.00. The Respondent was

responsible for the maintenance of West Virginia Route 18 North and failed to do so properly on the date of the incident. The sum of \$180.15 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$180.15

AMOUNT AWARDED: \$180.15

CC-19-0525 CARL TROSPER AND JOY TROSPER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 12, 2019, the Claimant was driving her 2007 Mercedes C230 on West Virginia Route 2 South in Glenwood, Mason County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$404.87; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 2 South and failed to do so properly on the date of the incident. The sum of \$404.87 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$404.87

AMOUNT AWARDED: \$404.87

CC-18-0681 IRA T. TURNER v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to his tractor. At the hearing, he testified that on April 8, 2018, he purchased a used 1981 Ford 531 tractor from Payne's Towing. The tractor came with an extra spare tire which was placed in the tractor's bucket for traveling. The Claimant testified that while his brother was driving the tractor on Sims Branch Road, a gravel road, in Mount Hope, Fayette County, the tractor struck a large pothole in the roadway. The impact with the pothole caused the spare tire to bounce out of the bucket and roll under the moving tractor. This then caused additional damage to the engine, front end, oil pan and undercarriage of the tractor. The Claimant testified that he purchased the tractor for \$500.00 and he submitted an estimate for repairs in the amount of \$1,434.00. The Claimant purchased the tractor for use on his farm and did not have any collision insurance on it.

The Claimant's brother, Jack Turner, testified that Sims Branch Road was a gravel road riddled with many potholes; it was almost impossible to avoid a pothole while driving down this road. He further testified that the road was very narrow; because the tractor was almost as wide as the traveling portion of the roadway, it was difficult to avoid striking a pothole. Once the tractor struck the pothole, he testified that the tractor bounced up and back down. The extra spare tire in the tractor's bucket bounced out of the bucket, rolled under the tractor and became embedded in the oil pan, causing significant damage.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Sims Branch Road on the date of the Claimant's incident and that the negligence of the Respondent was the proximate cause of the Claimant's damages. The Claims Commission recommended an award to the Claimant in the amount of \$500.00.

AMOUNT CLAIMED: \$1,434.00

AMOUNT AWARDED: \$500.00

CC-18-1413 JEFFREY K. TWIGG AND LISA R. TWIGG v. DIVISION OF HIGHWAYS

The parties stipulated to the following: Between August 21, 2018 and August 31, 2018, the Claimants' residential property sustained damage following severe rainstorms after the Respondent performed maintenance work on Barlow Court in Martinsburg, Berkeley County. As a result of these storms, the gravel installed earlier by the Respondent washed away from the road, created a deep ditch on the shoulder and settled on the Claimants' property where it caused extensive damage. The Claimants' property sustained damages in the amount of \$424.00; their homeowner's insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Barlow Court on the dates of the incidents and failed to do so properly. The sum of \$424.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$424.00

AMOUNT AWARDED: \$424.00

CC-18-1185 WILLIAM TWYMAN AND PATRICIA TWYMAN v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2010 Dodge Caravan on Butcher Bend Road in Mineral Wells, Wood County, on June 25, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$316.47; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Butcher Bend Road on the date of the incident and failed to do so properly. The sum of \$316.47 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$316.47

AMOUNT AWARDED: \$316.47

CC-19-1033 KENNETH E. TYREE, JR. AND LEONA E. TYREE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2016 Honda CRV on West Virginia Route 25 between Nitro and Institute, Kanawha County, on June 3, 2019, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$730.14; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 25 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$730.14

AMOUNT AWARDED: \$500.00

CC-19-0824 CHRIS ULLMAN PRE-OWNED AUTOS, LLC AND CHRIS ULLMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 1, 2019, the Claimant was driving his 2017 Audi TT on Highland Avenue in Williamstown, Wood County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$1,280.00; their collision insurance required a deductible of \$2,000.00. The Respondent was responsible for the

maintenance of Highland Avenue and failed to do so properly on the date of the incident. The sum of \$1,280.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,280.00

AMOUNT AWARDED: \$1,280.00

CC-18-1150 RODNEY O. UNDERWOOD AND DUSTIN N. UNDERWOOD v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 1980 Ford 3600 tractor on West Virginia Route 23 near Salem, Doddridge County, on July 12, 2018, when his vehicle struck an abandoned signpost, which punctured a tire on the tractor. The Claimants' vehicle sustained damages in the amount of \$459.36; they did not carry collision insurance on their tractor. The Respondent was responsible for the maintenance of West Virginia Route 23 on the date of the incident and failed to do so properly. The sum of \$459.36 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$459.36

AMOUNT AWARDED: \$459.36

CC-18-1419 CAROLYN URBANEK v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2003 Chevrolet Cavalier on Marshall Street, Old State Route 2, in McMechen, Marshall County, on August 14, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$385.74; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of Marshall Street, Old State Route 2, on the date of the incident and failed to do so properly. The sum of \$385.74 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$385.74

AMOUNT AWARDED: \$385.74

CC-18-0867 DEBBIE VAC AND DENNIS VAC v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 20, 2018, the Claimant was driving her 2011 Mercedes Benz C300 on Interstate 79 South near Star City, Monongalia County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$3,197.07; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 79 South and failed to do so properly on the date of the incident. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$3,197.07

AMOUNT AWARDED: \$500.00

CC-19-0072 JOHN T. VANNATTER AND MELODY VANNATTER v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 21, 2018, the Claimant was driving his 1995 Subaru Legacy L on County Route 21 in Charleston, Kanawha County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount

of \$587.92; they did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of County Route 21 and failed to do so properly on the date of the incident. The sum of \$587.92 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$587.92

AMOUNT AWARDED: \$587.92

CC-18-0862 CHERYL FRANK VEGA v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 11, 2018, the Claimant was driving her 2010 BMW 750ix on Connell Road in Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$1,528.99; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Connell Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,528.99

AMOUNT AWARDED: \$250.00

CC-18-1496 FRANCIS VEON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 1998 Jeep Cherokee on Monday Road in Elizabeth, Wirt County, on October 5, 2018, when his vehicle struck several large rocks that were situated in the traveling portion of the roadway. The Claimant alleged that the rocks had been washed into the roadway after a heavy rain flooded the culverts which had recently been repaired. The Claimant's vehicle sustained damages in the amount of \$216.01; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of Monday Road on the date of the incident and failed to do so properly. The sum of \$216.01 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$216.01

AMOUNT AWARDED: \$216.01

CC-18-1170 IVAN VUJIC v. DIVISION OF HIGHWAYS

The Claimant alleged that the Respondent's failure to properly maintain the roads was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2013 Subaru Legacy in the intersection of 8th Avenue and Sixth Street in Huntington, Cabell County, on July 11, 2018, when his vehicle struck a large pothole. He testified that he was unable to avoid striking the pothole because of oncoming traffic. His vehicle sustained two flat tires and damage to the wheels and wheel nuts. The Claimant submitted invoices in the amount of \$2,776.54; he did not carry collision insurance on his vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of 8th Avenue and Sixth Street on the date of the Claimant's incident and that such negligence was the cause of the Claimant's damages. The Claims Commission recommended an award in the sum of \$2,776.54.

AMOUNT CLAIMED: \$2,776.54

AMOUNT AWARDED: \$2,2776.54

CC-18-0447 RYAN L. WALTON AND MELINDA J. WALTON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2007 Mercury Milan on West Virginia Route 2 in Sistersville, Tyler County, on March 7, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$106.00; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$106.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$106.00

AMOUNT AWARDED: \$106.00

CC-18-1545 STACY R. WARREN v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to her vehicle. At the hearing, the Claimant testified that she was driving her 2016 Honda Electra SE on Interstate 64 East near Teays Valley, Putnam County, on September 28, 2018, when her vehicle struck a large pothole in the roadway. Her tire deflated immediately and she had to pull over to the shoulder of the road. The Claimant testified that this was a construction area and some of the yellow lines delineating the travel lanes had been covered up and blacked out. The Claimant submitted invoices in the amount of \$626.09; her collision insurance required a deductible of \$500.00.

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

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

AMOUNT CLAIMED: \$626.09

AMOUNT AWARDED: \$626.09

CC-18-0160 WARWOOD ARMATURE REPAIR CO, AND R. V. THALMAN, III v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2013 Cadillac XTS on Interstate 470 East at the 29th Street Exit in Bethlehem, Ohio County, on February 17, 2018,

when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$341.20; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Interstate 470 East on the date of the incident and failed to do so properly. The sum of \$341.20 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$341.20

AMOUNT AWARDED: \$341.20

CC-18-1311 JEFFREY WAUGH AND DELL BETH WAUGH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Toyota Rav4 on West Virginia Route 37 near East Lynn, Wayne County, on April 28, 2018, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$567.07; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 37 on the date of the incident and failed to do so properly. The sum of \$567.07 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$567.07

AMOUNT AWARDED: \$567.07

CC-19-0004 THOMAS D. WAYBRIGHT AND CHRISTIE L. WAYBRIGHT v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that on September 28, 2018, he was driving his 2012 Mercedes C300 on Interstate 64 West near Charleston, Kanawha County, when he entered a construction zone. The lanes had been reconfigured for construction and traffic had been diverted onto the shoulder. While driving as directed in this "new" lane, the Claimants' vehicle struck a pothole. The Claimants submitted invoices in the amount of \$2,932.01; their collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Interstate 64 West on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$1,000.00.

AMOUNT CLAIMED: \$2,932.01

AMOUNT AWARDED: \$1,000.00

CC-18-1183 BARTON R. WEESE AND JULIA A. WEESE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2004 Toyota Tacoma on Interstate 64 East in Nitro, Putnam County, on July 12, 2018, when his vehicle struck a large

hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$269.24; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Interstate 64 East on the date of the incident and failed to do so properly. The sum of \$269.24 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$269.24

AMOUNT AWARDED: \$269.24

CC-18-1633 AMY WEHRLE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On November 11, 2018, the Claimant was driving her 2009 Mercedes C300 on Jefferson Road in South Charleston, Kanawha County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$992.87; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Jefferson Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$992.87

AMOUNT AWARDED: \$250.00

CC-19-0412 KIMBERLEY L. WELCH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Toyota Camry on West Virginia Route 7 in Morgantown, Monongalia County, on February 22, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$207.98; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 on the date of the incident and failed to do so properly. The sum of \$207.98 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$207.98

AMOUNT AWARDED: \$207.98

CC-19-0916 AMY LYNN WEST v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Chevrolet Malibu at the intersection of Park Center Drive and Ohio Avenue in Parkersburg, Wood County, on May 17, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$197.95; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Park Center Drive and Ohio Avenue on the date of the incident and failed to do so properly. The sum of \$197.95 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$197.95

AMOUNT AWARDED: \$197.95

CC-18-0849 BOBBY W. WHETZEL AND MARY E. WHETZEL v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Ford Escape on West Virginia Route 20 near Nutter Fort, Harrison County, on April 6, 2018, when his vehicle

struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$753.40; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 20 on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$753.40

AMOUNT AWARDED: \$500.00

CC-19-0396 KAREN L. WHIPKEY v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 13, 2019, the Claimant was driving her 2016 BMW 328i on US Route 50 West in Salem, Harrison County, when her vehicle struck a large pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$532.86; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of US Route 50 West and failed to do so properly on the date of the incident. The sum of \$532.86 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$532.86

AMOUNT AWARDED: \$532.86

CC-18-0753 BEATRICE J. WHITE AND RODNEY WHITE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On April 4, 2018, the Claimant was driving her 2008 Ford 500 on West Virginia Route 44 South near Logan, Logan County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$214.12; they did not carry collision insurance on their vehicle. The Respondent was responsible for the maintenance of West Virginia Route 44 and failed to do so properly on the date of the incident. The sum of \$214.12 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$214.12

AMOUNT AWARDED: \$214.12

CC-18-1034 BENJAMIN A. WHITE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2015 Ford Fusion on Gladesville Road in Gladesville, Preston County, on June 8, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$159.00; his collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Gladesville Road on the date of the incident and failed to do so properly. The sum of \$159.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$159.00

AMOUNT AWARDED: \$159.00

CC-19-0902 CHARLES W. WHITE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On January 20, 2018, the Claimant was driving his 1994 Toyota Camry on West Virginia Route 14 South in Parkersburg, Wood County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount

of \$425.76; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 14 and failed to do so properly on the date of the incident. The sum of \$425.76 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$425.76

AMOUNT AWARDED: \$425.76

CC-19-0258 DAVID A. WHITE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On February 9, 2019, the Claimant was driving his 2017 Subaru Crosstrek on Dallas Pike Hill Road in Triadelphia, Ohio County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$288.21; his collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Dallas Pike Hill Road and failed to do so properly on the date of the incident. The sum of \$288.21 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$288.21

AMOUNT AWARDED: \$288.21

CC-19-0641 TODD R. WHITE v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On, February 25, 2019 the Claimant was driving his 2001 Honda CRV on West Virginia Route 75 in Lavalette, Wayne County, when his vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$924.31; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of West Virginia Route 75 and failed to do so properly on the date of the incident. The sum of \$924.31 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$924.31

AMOUNT AWARDED: \$924.31

CC-19-0394 KAYLEE WHITLATCH v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Dodge Dart on Rosemar Road in Parkersburg, Wood County, on February 12, 2019, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$224.45; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Rosemar Road on the date of the incident and failed to do so properly. The sum of \$224.45 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$224.45

AMOUNT AWARDED: \$224.45

CC-18-1485 JAMES E. WHITT v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2002 GMC Sierra on West Virginia Route 152 in Genoa, Wayne County, on October 2, 2018, when his vehicle struck a large pothole in the roadway. The Claimant testified that his vehicle sustained damages in the amount of \$1,556.08; the Claimant only submitted one receipt in the amount of \$534.20.

The Claimant did not submit any additional documentation in support of his claim for damages. He did not carry collision insurance on his vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 152 on the date of the Claimant's incident and that this negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$534.20.

AMOUNT CLAIMED: \$1,556.08

AMOUNT AWARDED: \$534.20

CC-18-0979 CAROL WILES AND KEVIN WILES v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 31, 2018, the Claimant was driving her 2017 Ford Fusion SE on Route 3, Brandonville Pike, in Lenox, Preston County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$111.64; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Route 3, Brandonville Pike, and failed to do so properly on the date of the incident. The sum of \$111.64 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$111.64

AMOUNT AWARDED: \$111.64

CC-18-0533 DOLORES WILLIAMS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On March 30, 2018, the Claimant was driving her 2017 Buick Encore on 8th Avenue in Huntington, Cabell County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$347.09; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of 8th Avenue and failed to do so properly on the date of the incident. The sum of \$347.09 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$347.09

AMOUNT AWARDED: \$347.09

CC-19-0777 LARRY WILLIAMS AND TAMARA WILLIAMS v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on April 15, 2019, the Claimant was driving his 2003 Ford F-350 on US Route 19 near Princeton, Mercer County, when his vehicle struck a series of potholes in the roadway. He further testified that a section of the shoulder had fallen away so it was difficult to avoid striking the potholes without causing an accident or veering off the roadway. The impact of striking the potholes caused disabling damage to the four-wheel drive hub on his vehicle, especially the lock-in, lock-out components. The Claimants submitted invoices in the amount of \$1,500.00; they did not carry collision insurance on their vehicle.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 19 on the date of the Claimants' incident and that such negligence was the cause of damage to the Claimants' vehicle. The Claims Commission recommended an award of \$750.00.

AMOUNT CLAIMED: \$1,500.00

AMOUNT AWARDED: \$750.00

CC-18-1670 DEADRA WILLS AND EDDIE R. WILLS v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that on November 30, 2018, she was driving her 2015 Cadillac CTS on West Virginia Route 2 near Moundsville, Marshall County, when her vehicle struck a large pothole in the roadway. Her tire was damaged and began to slowly lose air. She kept refilling the tire to no avail. When she took her vehicle to be repaired, she learned that the tire was damaged and had sustained a hairline crack in the rim. The Claimants submitted invoices in the amount of \$486.85; their collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of West Virginia Route 2 on the date of the Claimants' incident and that the Respondent's negligence was a proximate cause of the Claimants' damages. The Claims Commission recommended an award in the amount of \$241.70.

AMOUNT CLAIMED: \$241.70

AMOUNT AWARDED: \$241.70

CC-19-0491 DEADRA D. WILLS AND EDDIE WILLS v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2015 Cadillac CTS on the 26th Street Exit ramp to merge onto West Virginia Route 2 in Moundsville, Marshall County, on March 16, 2019, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$288.47; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of the 26th Street Exit ramp and West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$288.47 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$288.47

AMOUNT AWARDED: \$288.47

CC-19-0183 DENNIS A. WILSON v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant's 1987 Suzuki Samurai sustained damages when a tree fell on top of the vehicle while parked at his residence on Boulder Road in Buckhannon, Upshur County, on December 28, 2018. The Claimant's vehicle sustained damages in the amount of \$277.29; he did not carry collision insurance on his vehicle. The Respondent

was responsible for the maintenance of Boulder Road on the date of the incident and failed to do so properly. The sum of \$277.29 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$277.29

AMOUNT AWARDED: \$277.29

CC-19-0035 NICOLE WILSON-CARR v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the failure of the Respondent to properly maintain the road was the proximate cause of damages to her vehicle. At the hearing, the Claimant's husband testified that on November 28, 2018, he was driving his wife's 2017 Toyota Sienna on County Route 60, Bakers Ridge Road, in Morgantown, Monongalia County. He testified that the road was a "sheet of ice" and had not been treated. Numerous cars were stopped all over the road; even the police and first responders slid into the ditch. The Claimant's husband testified that he slid down the roadway, struck another vehicle and slid into the ditch. The Claimant alleged that the ice on the roadway created a hazardous and dangerous condition that the Respondent should have posted warning signs or closed the road to effectively treat the road, especially since a school is located on the road. The Claimant submitted invoices in the amount of \$5,074.79; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of County Route 60, Bakers Ridge Road, and that such negligence was the proximate cause of the Claimant's damages. The Claims Commission recommended an award of \$500.00.

AMOUNT CLAIMED: \$5,074.79

AMOUNT AWARDED: \$500.00

CC-19-0377 STEPHEN C. WINSLOW v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2006 Volkswagen Jetta on County Route 1, Hacker Creek Road, in Hodgesville, Upshur County, on February 23, 2019, when his vehicle struck a series of large potholes in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$4,575.00; he did not carry collision insurance on his vehicle. The Respondent was responsible for the maintenance of County Route 1, Hacker Creek Road, on the date of the incident and failed to do so properly. The parties agreed that the sum of \$1,500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$4,575.00

AMOUNT AWARDED: \$1,500.00

CC-18-1690 KALA WITHROW v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 1, 2018, the Claimant was driving her 2018 Toyota Camry XSE on Interstate 64 West between Crab Orchard and MacArthur, Raleigh County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$262.11; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Interstate 64 West and failed to do so

properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$262.11

AMOUNT AWARDED: \$250.00

CC-19-0819 KALA WITHROW v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2018 Toyota Camry XSE on West Virginia Route 34 between Scott Depot and Winfield, Putnam County, on May 15, 2019, when her vehicle struck a large section of the traveling portion of the roadway where the pavement was missing. The Claimant's vehicle sustained damages in the amount of \$275.28; her collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of West Virginia Route 34 on the date of the incident and failed to do so properly. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$275.28

AMOUNT AWARDED: \$250.00

CC-19-0871 KALA WITHROW v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on May 28, 2019, she was driving her 2018 Toyota Camry. She exited Interstate 64 at the exit for US Route 35 in Scott Depot, Putnam County. As she merged onto the traveling lane of US Route 35, her vehicle bumped up to the traveling lane and her tire suddenly deflated. She testified that she drove this route regularly and there had been ongoing construction and repaving work in this area. The Claimant believed that the uneven pavement lanes exposed sharp edges of the protruding pavement and sliced her tire. The Claimant submitted invoices in the amount of \$259.80; her collision insurance required a deductible of \$250.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of US Route 35 on the date of the Claimant's incident and that the Respondent's negligence was a proximate cause of the Claimant's damages. The Claims Commission recommended an award in the amount of \$250.00.

AMOUNT CLAIMED: \$259.80

AMOUNT AWARDED: \$250.00

CC-18-1542 VERNON L. WITHROW v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2007 Cadillac STS on Dairy Road in Poca, Putnam County, on October 15, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$409.53; his collision insurance required a deductible of \$1,000.00. The Respondent was

responsible for the maintenance of Dairy Road on the date of the incident and failed to do so properly. The sum of \$409.53 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$409.53

AMOUNT AWARDED: \$409.53

CC-18-1251 SUSAN C. WOLFE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Mazda CX5 on West Virginia Route 7 East between Cascade and Masontown, Preston County, on August 20, 2018, when her vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$4,457.42; her collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 7 East on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$4,457.42

AMOUNT AWARDED: \$500.00

CC-18-0955 TRACY A. WOLFE AND JAMES WOLFE, III v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2000 Honda Accord on West Virginia Route 7 West in Core, Monongalia County, on June 5, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$106.13; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Virginia Route 7 West on the date of the incident and failed to do so properly. The sum of \$106.13 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$106.13

AMOUNT AWARDED: \$106.13

CC-19-0119 W. NATHAN WOLFE v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2018 GMC Denali XL on West Run Road in Morgantown, Monongalia County, on December 20, 2018, when his vehicle struck a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$1,148.34; his collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of West Run Road on the date of the incident and failed to do so properly. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,148.34

AMOUNT AWARDED: \$1,000.00

CC-18-0940 CHRISTINA WOODS AND JOSH WOODS v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On May 24, 2018, the Claimant was driving her 2014 Chrysler Town and County van on Twin Lakes Road in Parkersburg, Wood County, when her vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the

amount of \$977.45; their collision insurance required a deductible of \$250.00. The Respondent was responsible for the maintenance of Twin Lakes Road and failed to do so properly on the date of the incident. The sum of \$250.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$977.45

AMOUNT AWARDED: \$250.00

CC-19-0044 BRENDA WORKMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 20, 2018, the Claimant was driving her 2015 GMC Yukon on May Street in Hamlin, Lincoln County, when her vehicle struck a large pothole in the roadway. The Claimant's vehicle sustained damages in the amount of \$2,838.32; her collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of May Street and failed to do so properly on the date of the incident. The sum of \$1,000.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$2,838.32

AMOUNT AWARDED: \$1,000.00

CC-19-0553 LARRY T. WORKMAN AND ALEX M. WORKMAN v. DIVISION OF HIGHWAYS

The parties stipulated as follows: On December 22, 2018, the Claimant was driving his 2017 Chevrolet Silverado on Drews Creek Road in Naoma, Raleigh County, when his vehicle struck a large pothole in the roadway. The Claimants' vehicle sustained damages in the amount of \$664.58; their collision insurance required a deductible of \$1,000.00. The Respondent was responsible for the maintenance of Drews Creek Road and failed to do so properly on the date of the incident. The sum of \$664.58 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$664.58

AMOUNT AWARDED: \$664.58

CC-19-0275 ROBERT W. WRIGHT AND DENISE A. WRIGHT v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving his 2017 Ford Fusion on US Route 22 West in Weirton, Brooke County, on January 23, 2019, when his vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$1,360.32; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of US Route 22 West on the date of the incident and failed to do so properly. The sum of \$500.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$1,360.32

AMOUNT AWARDED: \$500.00

CC-19-0034 AMBER WROBLEWSKI AND RON WROBLEWSKI v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2016 Toyota Highlander on James River Road in Ceredo, Wayne County, on December 26, 2018, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$395.51; their collision insurance required a deductible of

\$500.00. The Respondent was responsible for the maintenance of James River Road on the date of the incident and failed to do so properly. The sum of \$395.51 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$395.51

AMOUNT AWARDED: \$395.51

CC-19-0209 SHAUNTELL YERKEY AND JUSTIN YERKEY v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2017 Volkswagen Tiguan on West Virginia Route 18 North near West Union, Doddridge County, on February 8, 2019, when her vehicle struck a large hole in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$250.86; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of West Virginia Route 18 North on the date of the incident and failed to do so properly. The sum of \$250.86 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$250.86

AMOUNT AWARDED: \$250.86

CC-18-1570 ROBERT S. YOUNG, JR. AND WILLA JEANNE YOUNG v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2014 Toyota Avalon on West Virginia Route 46 in Scott Depot, Putnam County, on October 10, 2018, when her vehicle struck several large potholes in the traveling portion of the roadway. The Claimants' vehicle sustained damages in the amount of \$202.23; their collision insurance required a deductible of \$100.00. The Respondent was responsible for the maintenance of West Virginia Route 46 on the date of the incident and failed to do so properly. The sum of \$100.00 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$202.23

AMOUNT AWARDED: \$100.00

CC-18-1250 PAULA SUSAN ZAHARKO v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that her 2014 Jeep Cherokee sustained damages from striking multiple potholes on Stewart's Run Road in Morgantown, Monongalia County during the Spring of 2018. She testified that when she called an ambulance for her husband during that time frame, the arrival of the ambulance was delayed because of its need to travel slowly and avoid potholes. The Claimant submitted invoices in the amount of \$658.50; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Respondent was negligent in its maintenance of Stewart's Run Road on the dates of the Claimant's incidents and that such

negligence was the proximate cause of damages to her vehicle. The Claims Commission recommended an award of \$500.00.

AMOUNT CLAIMED: \$658.50

AMOUNT AWARDED: \$500.00

CC-18-1491 STACIE L. ZELKOWSKI v. DIVISION OF HIGHWAYS

The parties stipulated to the following: The Claimant was driving her 2004 Chevrolet Cavalier on West Virginia Route 2 near the 26th Street entrance ramp in Wheeling, Ohio County, on September 22, 2018, when her vehicle struck a large piece of concrete that had been dislodged from a pothole in the traveling portion of the roadway. The Claimant's vehicle sustained damages in the amount of \$64.35; she did not carry collision insurance on her vehicle. The Respondent was responsible for the maintenance of West Virginia Route 2 on the date of the incident and failed to do so properly. The sum of \$64.35 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$64.35

AMOUNT AWARDED: \$64.35

CLAIMS AGAINST THE DIVISION OF MOTOR VEHICLES

CC-19-1126 CONNIE EVERHART v. DIVISION OF MOTOR VEHICLES

The Claimant's vehicle was listed as an unregistered vehicle within the Respondent's system due to a processing error despite the fact that her vehicle was in fact duly registered. Her vehicle was towed following a traffic stop in Romney, Hampshire County because of the Respondent's registration error. The Claimant sought to recover the towing expenses of \$270.00. The Respondent admitted that a data processing error miscategorized the Claimant's vehicle registration and that her registration was in fact proper and valid. The Legislative Claims Commission recommended that the Claimant be awarded \$270.00 for reimbursement of towing expenses.

AMOUNT CLAIMED: \$270.00

AMOUNT AWARDED: \$270.00

CLAIMS AGAINST THE DIVISION OF NATURAL RESOURCES

CC-19-1159 TRAVIS L. CASTLE AND CHRISTINE N. CASTLE v. DIVISION OF NATURAL RESOURCES

The parties stipulated to the following: The Claimant was driving his 2013 Ford F-150 on Beckwith Road at the Cotton Hill Fishing Access Area Parking in Ansted, Fayette County, on July 18, 2019, when his vehicle struck a piece of rebar jutting out of an area where a parking lot curb had been removed. The Claimants' vehicle sustained damages in the amount of \$136.83; their collision insurance required a deductible of \$500.00. The Respondent was responsible for the maintenance of Beckwith Road and the Cotton Hill Fishing Access Area Parking on the date of the incident and failed to do so properly. The sum of \$136.83 is a fair and reasonable amount to settle the claim.

AMOUNT CLAIMED: \$136.83

AMOUNT AWARDED: \$136.83

WEST VIRGINIA LEGISLATIVE CLAIMS COMMISSION
ABSTRACTS OF DISALLOWED CLAIMS

CLAIMS AGAINST THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY

CC-18-1466 VERIZON BUSINESS v. WEST VIRGINIA DEPARTMENT OF ADMINISTRATION/OFFICE OF TECHNOLOGY

The Claimant filed this claim to recover \$16,000.00 for providing professional services pursuant to a contract with the Respondent as documented by unpaid invoices. The Respondent disputed the validity of the claim and submitted documentation that demonstrated that the invoices had in fact been paid by the Respondent. The Legislative Claims Commission found that the Respondent had already submitted payment to the Claimant and denied the claim.

AMOUNT CLAIMED: \$16,000.00

AMOUNT AWARDED: \$0.00

CLAIMS AGAINST THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES, BUREAU FOR BEHAVIORIAL HEALTH AND HEALTH FACILITIES

CC-18-0896. GWEN CHRISTIAN v. WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, BUREAU FOR BEHAVIORIAL HEALTH AND HEALTH FACILITIES

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant's fiancée testified that on May 4, 2018, he was driving the Claimant's 2013 Hyundai Santa Fe on Marshall Road in Beckley, Raleigh County, on his way to his place of employment. Marshall Road is the main road through the campus of Jackie Withrow Hospital, which is owned and operated by the Respondent. There are multiple speed bumps situated in the roadway and on this particular day, the Claimant's fiancée testified that as he was driving his vehicle struck a spike that was protruding from one of the speed bumps. He further testified that he had noticed a protruding spike prior to this incident but did not notify the Respondent. Following his incident, he called the Administrator of Jackie Withrow Hospital to notify her of the incident but was unable to discuss the situation with her. He then sent her a letter notifying her of the dangerous condition of the speed bumps. The Claimant submitted invoices in the amount of \$686.83; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Administrator of Jackie Withrow Hospital testified that the speed bumps were installed in an effort to slow drivers down as they drove through the campus as well as a safety measure for the residents and staff of the facility. The Administrator testified that the speed bumps have been in use for over sixteen years and in that time, she has not received any complaints regarding the presence of the speed bumps, including complaints of spikes protruding from the speed bump. The speed bumps are inspected by the maintenance supervisor on a daily basis and she has not received any reports of faulty speed bumps or other problems. The Claimant's issue was the first time that she had received a complaint and it was not received until after the Claimant's incident occurred. The facility's maintenance Supervisor also testified at the hearing; he had not

received any complaints about the presence of any protruding spikes on the speed bumps. He also had not seen any spikes protruding from the speed bumps on his daily inspection of the facility grounds.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of metal spikes protruding from the speed bumps on Marshall Road at the Respondent's facility on the date of the Claimant's incident.

AMOUNT CLAIMED: \$683.83

AMOUNT AWARDED: \$0.00

CLAIMS AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION

CC-18-1655 STEVEN DUKES v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant was incarcerated at Mount Olive Correctional Complex when his cell was searched on September 8, 2018. When the search was concluded, he returned to his cell and discovered that part of the foam covering for the earpiece of his headphones was missing. He testified at the hearing that he was unable to use the headphones because of the missing foam piece and the headphones were uncomfortable. The Claimant filed a grievance which was denied as there was no evidence that the headphones were intentionally damaged. The Claimant placed a value of \$44.19 on the headphones although he did not submit any receipts or other documentation to support this specific monetary amount.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's witness testified that the Claimant's property inventory card did not indicate that the Claimant had actual possession of the allegedly damaged headphones at the time of the cell search. Moreover, the headphones still worked as intended, there were no incident reports regarding damage to inmate property following the search, there were no confiscation reports filed and there was no documentation to definitively determine how long the foam covering on the earpiece had been missing.

The Legislative Claims Commission found that the Claimant is still in possession of the headphones that are the subject of this claim and further that the Claimant failed to prove his claim that the Respondent was responsible for the alleged damage to his headphones, thereby entitling him to compensation.

AMOUNT CLAIMED: \$44.19

AMOUNT AWARDED: \$0.00

CC-18-0517 ARON FREELAND v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this claim seeking to be reimbursed for the sum of \$5.98 for postage for a letter that apparently been lost by the United States Postal Service. At the hearing, the Claimant testified that he was incarcerated at Mount Olive Correctional Complex. On April 3, 2017, the Claimant mailed out nineteen letters through the United States Postal Service. Ten of

these letters concerned the Claimant's prison disciplinary appeals which were addressed to the Respondent's Office of the Commissioner in Charleston, Kanawha County. One letter was apparently lost in the mail so it was not timely ruled upon by the Commissioner. However, upon notification of the Claimant's appeal, the Commissioner's Office obtained the necessary records and ultimately issued a ruling and communicated that ruling to the Claimant. The Claimant sought to recover the amount of \$5.98 for the amount of postage affixed to the errant letter.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent asserted that because the Office of the Commissioner ultimately ruled upon the Claimant's grievance that was allegedly lost in the mail, the Claimant suffered no legal harm and accordingly, was not entitled to recover any damages. Moreover, the Respondent's records demonstrate that all of the letters mailed by the Claimant on April 3, 2017, left their facility and were delivered to the post office for mailing.

The Legislative Claims Commission found that the Claimant failed to meet his burden of proof, that he had suffered a compensable harm, that the Respondent breached any duty regarding outgoing inmate mail and that he was entitled to damages.

AMOUNT CLAIMED: \$5.98

AMOUNT AWARDED: \$0.00

CC-18-0800 CHARLES LIVELY v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed this claim alleging that his personal property was lost while he was in the custody of the Respondent. At the hearing, the Claimant testified that he was incarcerated at Mount Olive Correctional Complex. At some time prior to March 15, 2018, he was transferred from general population to punitive segregation. He testified that his cell was searched by the Respondent's officers and then left unattended for several hours. He further alleged that the Respondent failed to inventory his property; his property cards were incomplete and his property was switched out for other broken items by inmates who had access to his cell. The Claimant further alleged that the Respondent's employees mixed up his property with that of another inmate and not all of his property was returned to him. The Claimant listed a watch, a gold necklace, two pairs of tennis shoes, video games, CD's, headphones, sunglasses, a beard trimmer, baseball caps and an Xbox game system and controllers as missing. He placed a value of \$2,300.00 on the missing property but did not submit any receipts or invoices in support of his claim.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent asserted that some of the items that the Claimant alleged were missing did not belong to him and had been confiscated from his cell as contraband. The Respondent also asserted that the Claimant's property cards demonstrated that the Claimant was claiming more property than was listed on his inventory. The Claimant was disciplined for being in possession of stolen property, some of which were items he claimed as missing on his Notice of Claim.

The Legislative Claims Commission found that the Claimant failed to provide sufficient information regarding his allegedly lost property. The Claimant's inventory cards and property cards were incomplete and did not correspond to the property listed in his Notice of Claim. The

Claimant also failed to submit any receipts or invoices to establish the value of the allegedly lost property. The Claims Commission found that the Claimant failed to prove his claim that the Respondent was responsible for the alleged loss of his property items.

AMOUNT CLAIMED: \$2,300.00

AMOUNT AWARDED: \$0.00

CC-18-0831, CC-18-1129 AND CC-18-1615 MATTHEW W. REED v. DIVISION OF CORRECTIONS AND REHABILITATION

The Claimant filed these claims alleging that his laundry was lost while in the custody of the Respondent and that he was wrongfully charged for replacing lost clothing items. At the hearing, the Claimant's three separate claims were consolidated. The Claimant testified that at the time he filed his claims, he was incarcerated at Huttonsville Correctional Center. He sought to be reimbursed for the cost of replacing his lost laundry, alleging that the Respondent had negligently handled his laundry, losing multiple items. The Claimant filed multiple grievances for both the lost laundry and the Respondent's laundry policy that required him to pay for replacement sets of state-issued clothing. All of the Claimant's grievances were denied. The Claimant testified that on designated laundry days, he placed his dirty laundry in the appropriate laundry bags and deposited the bags in the designated laundry bin. The laundry bags were issued to the Claimant by the Respondent's facility and had his DOC number on the outside. He further testified that on at least seventeen (17) different occasions, his laundry was returned to him from the Laundry Department with various items of clothing missing or lost. He was charged a total of \$387.42 over a period of six months to replace the lost items of clothing.

The Respondent disputed the validity of the Claimant's claim in its pleadings and at the hearing. When the Claimant arrived at Huttonsville, he received one set of clothing at no charge to him. Pursuant to the Respondent's policy regarding Laundry Services, the Claimant is responsible for assuring that the correct clothing is placed in the laundry bag, cinching the closure tightly on the bag and placing the bag in the outgoing dirty laundry bin. In the Laundry Department, the cinched bags are placed directly in the washers and dryers. The clothing remains in the cinched laundry bags throughout the washing and drying process; laundry bags are not opened in the Laundry Department. Pursuant to the Respondent's policies, inmates are responsible for replacing any lost or missing clothing. The Respondent argued that the Claimant failed to repeatedly follow the Respondent's policies and procedures for Laundry Services and further that the Claimant was unable to prove with any specificity the clothing items lost on a specific laundry day or even the exact amount he was charged to replace a specific item of clothing.

The Legislative Claims Commission found that the Claimant's laundry was handled in accordance with the applicable operational procedures and further, that he failed to prove his claim that the Respondent was responsible for the alleged loss of clothing items during the laundering process.

AMOUNT CLAIMED: \$387.42

AMOUNT AWARDED: \$0.00

CLAIMS AGAINST THE DIVISION OF CORRECTIONS AND REHABILITATION/SOUTH CENTRAL REGIONAL JAIL

CC-18-1498 JESSE JAMES NELSON v. DIVISION OF CORRECTIONS AND REHABILITATION/SOUTH CENTRAL REGIONAL JAIL

The Claimant was initially incarcerated at the South Central Regional Jail. When he was transferred to Southwestern Regional Jail, he discovered that his t-shirt and sweatpants were not included in his personal belongings. He filed a Notice of Claim to recover the value of his lost property; he placed a value of \$150.00 on the lost items of clothing. The Claimant did not submit any receipts or invoices to establish the value of his items. The Claimant testified that he did not file any grievances with either jail facility regarding his missing and lost personal property.

The Respondent denied the validity of the claim asserting that the Claimant failed to file any grievances regarding his lost clothing and accordingly failed to exhaust his administrative remedies before filing his claim with the Legislative Claims Commission. The Respondent further asserted that the Claims Commission did not have the requisite jurisdiction to entertain the Claimant's claim because of his failure to exhaust his administrative remedies pursuant to the West Virginia Prisoner Litigation Reform Act.

The Legislative Claims Commission found that the West Virginia Prisoner Litigation Reform Act controlled the disposition of this claim. Under this Act, the Claimant is required to exhaust all administrative remedies set forth in the Act before any claim may be filed with the Claims Commission. As the Claimant failed to comply with the provisions of the Prisoner Litigation Reform Act, the Claims Commission is barred from exercising jurisdiction over the Claimant's claim.

AMOUNT CLAIMED: \$150.00

AMOUNT AWARDED: \$0.00

CLAIMS AGAINST THE DIVISION OF HIGHWAYS

CC-18-1307 TINA ANGELOZZI v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the roads was the cause of damage to her vehicle. At the hearing, the Claimant testified that she owns a 2008 Dodge Charter R/T that she drives approximately 5-6 months during the year. She took her vehicle to her mechanic for routine maintenance and learned that the sway bar in the vehicle needed to be replaced. She was advised that these necessary repairs were most likely caused by the conditions of the road in her area. The Claimant testified that she drives on many roads that have numerous potholes, including Lower Hildebrand, Glory Barn Road, River Road and Fairmont Road in the Morgantown, Monongalia County area. She recalled striking one pothole on Lower Hildebrand sometime in April, 2018; however, she could not recall any other specific incident. The Claimant submitted invoices in the amount of \$837.52; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that it did not have notice of any of the potholes that allegedly caused the Claimant's damages.

The Legislative Claims Commission found that the evidence presented was insufficient to support a finding of liability against the Respondent. The Claimant failed to provide specific information as to time, date and place of any incidents involving potholes or other road defects and did not establish that the Respondent had either actual or constructive notice of any potholes.

AMOUNT CLAIMED: \$837.52

AMOUNT AWARDED: \$0.00

CC-19-0788 CORY J. BASH v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to his vehicle. At the hearing, the Claimant testified that he was driving his 2016 Dodge Charger on Southern Highway near Mineral Wells, Wood County, on May 2, 2019, when he heard a sudden loud bang from his vehicle. He did not notice anything in the road at the time, but later he realized that there were numerous potholes in the road and believed his vehicle struck a pothole. The Claimant testified that his vehicle began to shake "violently" and did not accelerate properly. He took his vehicle to two separate tire shops for repairs who were unable to properly address the issue; he then took his vehicle to a local dealership. The mechanic at the dealership determined that six spark plugs and the coil were damaged and needed to be replaced. The Claimant submitted invoices in the amount of \$601.55; his collision insurance required a deductible of \$1,000.00.

The Respondent denied the validity of the claim in its pleading and at the hearing. The Respondent asserted that the documentation submitted by the Claimant did not link the vehicular damage to a pothole.

The Legislative Claims Commission found that the Claimant did not present any evidence to affirmatively link the pothole he struck to the damages sustained by his vehicle and accordingly, failed to prove his claim against the Respondent.

AMOUNT CLAIMED: \$601.55

AMOUNT AWARDED: \$0.00

CC-16-0277 DANA R. BEAVERS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to her vehicle. At the hearing, the Claimant testified that on January 12, 2016, she was driving her 2008 Saturn Vue SUV on Interstate 70 in Wheeling, Ohio County, when her vehicle struck a rock in the roadway. The rock bounced up and struck the undercarriage of her vehicle causing damage. She did not know how long the rock had been in the roadway and she did not know whether the Respondent had been notified of the rock's presence in the road. The Claimant submitted invoices in the amount of \$2,609.38; she did not carry collision insurance on her vehicle.

The Respondent disputed the validity of the claim, asserting that it had no notice of any rocks in the roadway on the date of the Claimants' incident. The Respondent's witness testified that this area was not a known rockfall area. The Respondent did not receive any complaints regarding the presence of a rock in the traveling portion of the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any rocks on Interstate 70 on the date of the Claimants' incident.

AMOUNT CLAIMED: \$2,609.38

AMOUNT AWARDED: \$0.00

CC-18-1028 MICHAEL LEE BEVERAGE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on June 3, 2018, he was driving his 2000 Ford Excursion on US Route 219 North near Valley Head, Randolph County, when his vehicle struck a fallen tree in the roadway. He testified that early in the morning he drove around a curve and encountered the fallen tree; he attempted to brake but was unsuccessful and struck the tree. The Claimant did not call 911 or the Respondent to notify them of the fallen tree. While the Claimant was stopped on the road, a volunteer fire truck and an employee of the Respondent arrived to cut the tree and clear the road for traffic. The Claimant testified that he believed the Respondent should have arrived at the scene sooner than it did to warn drivers of the hazardous condition caused by the fallen tree. The Claimant testified that he had received an estimate for repairs that were over \$8,000.00; he submitted documentation that showed the fair market value of his vehicle was \$6,864.00. The Claimant did not carry collision insurance on his vehicle.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent argued that it had no notice of the trees in the traveling portion of the roadway on the date of the Claimant's incident and therefore could not be liable. The Respondent's witnesses testified that they arrived on the scene within fifteen minutes of being notified that the tree had fallen on the road. The CAD Incident Report from the 911 Call Center was submitted as an exhibit and showed that the 911 Call Center notified the Respondent of the fallen tree and that was the first notice received by the Respondent.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of fallen trees on US Route 219 North on the date of and prior to the time of the Claimant's incident.

AMOUNT CLAIMED: \$6,864.00

AMOUNT AWARDED: \$0.00

CC-18-1641 BEVERLY BISBEE v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on November 13, 2018, she was driving her 2009 Toyota Prius on Interstate 64 West near Exit 34 in Hurricane, Putnam County. She was traveling in a construction zone; she had difficulty locating the exit because it

was dark and raining. She saw a large gap between two construction barrels and believed that the gap was the designated exit. The Claimant testified that while driving on what she believed to be the exit ramp, her vehicle struck an unknown object. The Claimant submitted invoices in the amount of \$79.51; her collision insurance required a deductible of \$250.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any unknown objects in the roadway on the date of the Claimants' incident. The Respondent further asserted that the Claimant was not driving on an established roadway at the time of her incident as she was driving in an area designated for construction and not public travel.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of unknown objects situated on Interstate 64 West on the date of the Claimant's incident.

AMOUNT CLAIMED: \$79.51

AMOUNT AWARDED: \$0.00

CC-18-1349 JETTIE BURKETT v. DIVISION OF HIGHWAYS

The Claimant alleged that the Respondent's failure to properly maintain the road was the proximate cause of damage to her vehicle. At the hearing, the Claimant testified that on June 29, 2018, she was driving her 2004 Saturn L300 on Interstate 77 in Bluefield, Mercer County, when her vehicle struck an unknown object in the roadway. One of her tires deflated immediately while a second tire deflated at a slower pace. The Claimant brought the object with her to the hearing and it appeared to be a nail of some sort. She testified that this area of the Interstate had been under construction and surmised that the nail could have been related to the construction. The Claimant did not know where the nail had come from or how long it had been situated in the traveling portion of the roadway. She did not submit any invoices, receipts, estimates or insurance information as her brother fixed the tire for her.

The Respondent disputed the validity of the claim, asserting that it had no notice of any nails or other objects in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any nails or other objects situated in the traveling portion of the roadway on Interstate 77 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$0.00

AMOUNT AWARDED: \$0.00

CC-18-1246 SHIRLEY D. CALL AND LOCIE TAYLOR v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's failure to properly maintain the roads was the cause of damage to their vehicle. At the hearing, the Claimant testified that

she has driven her 2009 Chevrolet Impala on various roads near Hurricane, Putnam County, including US Route 60, West Virginia Route 34 and Clymers Creek Road. These roads are in a deteriorated condition and full of potholes. The Claimant testified that their vehicle began developing mechanical problems in March, 2018 when the pump assembly, the bearings and the traction malfunctioned and needed to be replaced. The Claimants attributed these mechanical problems to the generally poor condition of the roads in their community. The Claimants submitted invoices in the amount of \$604.34; they did not carry collision insurance on their vehicle.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent argued that it did not have notice of the potholes and other road defects which the Claimants claim caused their damages. Additionally, the Claimants failed to provide specific details as to the dates of any damage causing incidents or even a specific location of a pothole. The Respondent was denied the opportunity to fully identify and investigate the circumstances surrounding the Claimants' alleged incidents.

The Legislative Claims Commission found that the evidence presented by the Claimants was vague and wholly insufficient to prove that the Respondent had either actual or constructive notice of any adverse conditions on the roadways in question or even when and where an incident allegedly occurred. The Claimants failed to meet their burden of proof to find that the Respondent was negligent.

AMOUNT CLAIMED: \$604.34

AMOUNT AWARDED: \$0.00

CC-14-1506 KIMBERLY A. CECIL v. DIVISION OF HIGHWAYS

The Claimant brought this action to recover for personal injuries which she alleged were caused by the negligence of the Respondent. At the hearing, the Claimant testified that on the evening of July 29, 2014, she walked from her home to the edge of the street to retrieve her mail from the mailbox that was situated at the edge of Boggs Run Road in Benwood, Marshall County. As she reached the mailbox, the Claimant fell into a sinkhole that was near the mailbox. The Claimant testified that she became stuck in the deep sinkhole. Before she could be rescued and pulled from the sinkhole, a raccoon at the bottom of the sinkhole bit the Claimant on her right foot. The Claimant did not actually see the raccoon; she believed the animal that bit her was a raccoon since she saw a raccoon in her neighborhood the day before. The Claimant sought medical treatment at a local hospital where she underwent treatment for the raccoon bite and injuries sustained as a result of falling into the sinkhole. The Claimant notified the Respondent of the sinkhole following this incident and the sinkhole was repaired within two days. She testified that she did not see the sinkhole the night before her incident and she acknowledged that the Respondent would have had no way to know of the sinkhole's existence before her accident as the sinkhole appeared to develop overnight. The Claimant testified that her medical bills were approximately \$12,000.00.

The Respondent disputed the Claimant's allegations in its pleadings and at the hearing, asserting that it had no notice of the sinkhole prior to the Claimant's accident. The Respondent's witness testified that the Respondent had no records or complaints of sinkholes forming on Boggs Run Road for the twelve months prior to the Claimant's accident.

The Legislative Claims Commission found, based on the testimony and evidence presented, that the Respondent had no notice, either actual or constructive, of the sinkhole on Boggs Run Road on the date of the Claimant's accident. The Claimant did not present sufficient evidence to establish that the Respondent knew or should have known about the presence of the sinkhole. Accordingly, the Claims Commission found that liability could not be assessed against the Respondent.

AMOUNT CLAIMED: \$12,000.00

AMOUNT AWARDED: \$0.00

CC-19-0808 NANCY DAVIDSON v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to the fence in front of her residence. At the hearing, the Claimant testified that in the Spring of 2019, she had to repair the fence in front of her home after it had been damaged during the winter snows. She testified that she believed that the Respondent's snowplows damaged the fence while performing snow control in addition to striking the fence when the vehicles turned around. The snowplows piled the snow against her fence throughout the winter and damaged the spindles within each fence span. The Claimant testified that she notified the Respondent's local office in person that the snowplows were causing damage to the fence. The Claimant replaced the fence and submitted invoices in the amount of \$771.35.

The Respondent disputed the validity of the claim in its pleading and at the hearing. The Respondent's investigator testified that her investigation determined that the Claimant's fence was installed within the Respondent's right of way on West Virginia Route 84 in Anawalt, McDowell County.

The Legislative Claims Commission found based on the testimony and evidence submitted that the Claimant's fence was situated within the Respondent's right of way and therefore, the Respondent had statutory authority to enter the right of way. The Claims Commission further found that the Claimant did not establish that the Respondent was negligent in its maintenance of the right of way or that her fence was outside of the Respondent's right of way.

AMOUNT CLAIMED: \$771.35

AMOUNT AWARDED: \$0.00

CC-14-1327 MONTY R. DAVIS AND CYNTHIA J. DAVIS v. DIVISION OF HIGHWAYS

The Claimants brought this action to recover for damages to their property which they alleged were caused by the negligence of the Respondent. At the hearing, the Claimants testified that they had lived on their property in Wallace, Harrison County, for almost forty years. They made some improvements, including the installation of drainage ditches and two small ponds. They also installed a mobile home on one section of their property. Sometime in the Spring of 2011, they began to notice that their property was flooding, especially after heavy rainstorms. The Claimants alleged that the flooding began after the removal of a drainpipe that was originally under the railroad tracks near their property. The Claimants testified that they had complained of the flooding to the Respondent and CSX in an effort to get the problems corrected. They purchased a small backhoe which they used on a regular basis to regrade their driveway, which

became flooded after every rain. The Claimants submitted invoices in the amount of \$31,172.52 in damages.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent further alleged that the Claimants' property was situated in a natural drainage course, that the Respondent had not diverted any water onto the Claimants' property and that the Respondent had not removed any pipes under the railroad tracks. Only CSX was authorized to remove pipes or work on the railroad tracks as the railroad had priority ownership over its rail systems and the land on which that system is situated. Numerous witnesses testified, including an expert in hydrology and certified flood plain manager, as well as two of the Respondent's Highway Administrators. The testimony of the hydrologist demonstrated that the Claimants' property was situated in a natural drainage course. The other witnesses testified that the Respondent did not have any written requests or other work records regarding the removal of the pipes from under the railroad tracks. Further, the Respondent did not have the statutory authority to work on CSX's land or equipment without their knowledge; the Respondent must obtain permission from CSX in such situations.

The Legislative Claims Commission found that there was no evidence that the Respondent was at fault for the incident of which the Claimants complain. Even at the hearing, the Claimants were unsure as to which entity, CSX or the Respondent, was responsible for the removal of the pipe under the railroad tracks. The evidence presented at the hearing demonstrated that an entity other than the Respondent was ultimately responsible for the removal of the pipe. The Claims Commission found that the Claimants failed to meet their burden of proof.

AMOUNT CLAIMED: \$31, 172.52

AMOUNT AWARDED: \$0.00

CC-17-0633 SUSAN S. DIETRICH AND STEPHEN DIETRICH v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on October 2, 2017, she was driving her 2010 Ford Explorer EL on Interstate 81 North in Martinsburg, Berkeley County, when her vehicle struck a metal pole from a traffic sign that was laying in the traveling portion of the roadway. She did not know how long the metal pole had been in the roadway and she did not know whether the Respondent had been notified of the pole's presence in the road. The Claimants submitted invoices in the amount of \$2,169.12; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any metal poles in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a metal pole situated in the traveling portion of the roadway on Interstate 81 North on the date of the Claimants' incident.

AMOUNT CLAIMED: \$2,169.12

AMOUNT AWARDED: \$0.00

CC-19-0313 LEO EMERSON DOBBINS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on February 16, 2019, he was driving his 2014 Chevrolet Malibu on Appalachian Highway in Parsons, Tucker County. As he negotiated a sharp curve, he struck a large rock that was situated in the traveling portion of the roadway. He had traveled this same roadway earlier in the day and the rock had not been in the roadway. He did not know how long the rock had been in the roadway and he did not know whether the Respondent had been notified of the rock's presence in the road. The Claimant's vehicle was deemed a total loss with a value of \$4,946.20; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any rocks in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a large rock situated on Appalachian Highway on the date of the Claimant's incident.

AMOUNT CLAIMED: \$4,946.20

AMOUNT AWARDED: \$0.00

CC-19-0796 NANCY L. DOWDY v. DIVISION OF HIGHWAYS

The Claimant filed a claim against the Respondent alleging that its failure to remove road debris from the road caused damage to her vehicle. At the hearing, the Claimant testified that on May 6, 2019, she was driving her 2019 Kia Sportage on Interstate 79 between Bridgeport, Harrison County and Fairmont, Marion County. A tractor trailer was traveling directly in front of her; it hit some unknown debris in the traveling portion of the roadway. The unknown object flew out from under the tractor trailer and struck the undercarriage of the Claimant's vehicle making a loud noise. When the Claimant arrived at her destination, she discovered that the transmission had been damaged as the transmission fluid leaked from her vehicle. The Claimant did not know what the object was, how long it had been in the roadway or whether the Respondent knew of the debris in the road. The Claimant submitted invoices in the amount of \$781.87; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects or debris in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of unknown objects or other road debris situated on Interstate 79 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$781.87

AMOUNT AWARDED: \$0.00

CC-19-1188 SABA ELLIS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that on May 3, 2019, he was driving his 2017 Honda CR-V on West Virginia Route 94 approaching the entrance ramp to Interstate 77 near Marmet, Kanawha County, when his vehicle struck an unknown metal object lying in the roadway. After he struck the object, the Claimant learned that the object was a collapsed "men working" construction zone sign with a metal frame and base. The sign's location in the road was near the entrance to the West Virginia Turnpike where there was ongoing construction. The Claimant did not know where the sign had come from or how long it had been in the roadway. The Claimant submitted invoices in the amount of \$952.33; his collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects or debris, including construction warning signs, in the roadway on the date of the Claimant's incident. The Respondent's investigator testified that the Respondent had not received any complaints regarding road debris in this location on the date of the Claimant's incident. Additionally, there was ongoing construction on the West Virginia Turnpike at the time; the Respondent does not own, control or maintain the West Virginia Turnpike.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of the construction warning sign situated in the roadway. The Claims Commission further found that the bridge deck above West Virginia Route 84 where the incident occurred is part of the West Virginia Turnpike system and is not owned or maintained by the Respondent.

AMOUNT CLAIMED: \$952.33

AMOUNT AWARDED: \$0.00

CC-18-0698 PRINCESS FOGUS AND MARSHALL FOGUS v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on March 28, 2018, she was driving her 2012 Chevrolet Traverse on Interstate 64 East in White Sulphur Springs, Greenbrier County, when her vehicle struck several large Styrofoam boxes that were situated in the traveling portion of the roadway. She did not know how long the Styrofoam boxes had been in the roadway and she did not know whether the Respondent had been notified of the presence of the Styrofoam boxes in the road. The Claimants submitted invoices in the amount of \$621.25; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of the presence of numerous Styrofoam boxes in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual

or constructive notice of the Styrofoam boxes situated in the traveling portion of the roadway on Interstate 64 on the date of the Claimants' incident.

AMOUNT CLAIMED: \$621.25

AMOUNT AWARDED: \$0.00

CC-19-0120. SUSAN JILL FOX v. DIVISION OF HIGHWAYS

The Claimant alleged that the Respondent's failure to properly maintain the roadway was the cause of damage to her vehicle. At the hearing, the Claimant testified that on January 15, 2019, she was driving her 2018 Jeep Grand Cherokee on Interstate 470 near the Bethlehem Hill in Wheeling, Ohio County. The low tire pressure gauge on her dashboard was activated and she exited the roadway to investigate. She learned from her mechanic that a four inch metal spike was embedded in her tire, which caused damage to the tire and the tire wall. The Claimant believed that this spike was situated in the traveling portion of the roadway when her vehicle struck it. She did not know the origin of the metal spike or how long it had been in the roadway. She also did not know whether the Respondent was aware of the presence of the metal spike in the roadway before her vehicle struck it. The Claimant submitted invoices in the amount of \$255.95; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any metal spikes or other objects in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any metal spikes or other objects situated on Interstate 470 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$255.95

AMOUNT AWARDED: \$0.00

CC-17-0014 BENJAMIN FREEMAN v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the parties agreed to a stipulation of the Claimant's claim in the amount of \$400.00. The Stipulation was contingent upon the Claimant submitting the appropriate declarations page and other insurance information to the Claims Commission. Despite repeated written and facsimile requests to the Claimant requesting that he submit the required insurance information, the Claimant failed to respond and submit the requested information. The Claims Commission found that the Claimant's failure to submit the required insurance information to complete his claim precluded him from recovery.

AMOUNT CLAIMED: \$400.00

AMOUNT AWARDED: \$0.00

CC-19-0410 GREGORY M. GRIFFITH AND SANDRA P. GRIFFITH v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on October 8, 2018, she was driving her 2015 Kia Sportage on Interstate 70 West near Dallas Pike in Triadelphia, Ohio County, when a large unidentified black object situated in the roadway struck her vehicle. The object bounced, became airborne and struck the windshield and the side of her vehicle. She did not know where the object came from, how long it had been in the roadway or whether the Respondent knew of the object's presence in the road. The Claimants submitted invoices in the amount of \$3,200.00; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects situated in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of an unidentified black object situated in the traveling portion of the roadway on Interstate 70 West on the date of the Claimants' incident.

AMOUNT CLAIMED: \$3,200.00

AMOUNT AWARDED: \$0.00

CC-18-1597 KATHY D. JARRELL v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on October 8, 2018, she was driving her 2003 Toyota RAV4 on McNabb Road in Pinch, Kanawha County, when she met oncoming traffic and maneuvered slightly off the driving surface of the roadway. She testified that McNabb Road is not very wide and is not even considered a two lane road. After the oncoming traffic passed the Claimant, she attempted to drive back onto the driving surface of McNabb Road and struck a tree stump. This caused her vehicle to spin around and crash; her vehicle had to be towed from the scene. The Claimant testified that she could not see the tree stump as it was close to the side of her vehicle and was completely surround by taller weeds.

The Respondent denied the validity of the claim in its pleadings and at the hearing. The Respondent's investigator testified that McNabb Road was classified as a HARP (Home Access Road) with no designated standard width. HARP roads are pre-existing roads with no rights-of-way that are taken over by the Respondent with limited duties and responsibilities. The Respondent is only responsible for the actual road and not the area adjacent to the driving surface. The Respondent argued that because the tree stump that the Claimant struck was located off the roadway in an area outside of the Respondent's area of responsibility, it should not be liable for the Claimant's damages.

The Legislative Claims Commission found that, based on the testimony and evidence presented, that McNabb Road is a HARP road; the Respondent's responsibilities are limited to maintenance and repair of only the driving surface of the roadway. The Respondent is not responsible for the maintenance of the shoulders or other areas adjacent to the traveling surfaces.

Because the tree stump was located off the driving surface in an area outside the Respondent's responsibility, liability cannot be assessed against it.

AMOUNT CLAIMED: \$2,500.00

AMOUNT AWARDED: \$0.00

CC-19-1070 SEAN KEENEY v. DIVISION OF HIGHWAYS

The Claimant alleged that the Respondent's failure to properly maintain the road was the cause of damages to his vehicle. At the hearing, the Claimant testified that on June 29, 2019, he was driving on Interstate 64 East between Institute and Kanawha City, Kanawha County, when he struck several large boulders in the traveling portion of the roadway. He was unable to avoid striking the rocks as there were tractor trailers in the lane to his right and a concrete barrier to his left. He did not know where the boulders had come from and he did not know how long they had been situated in the roadway. The Claimant submitted invoices in the amount of \$854.91; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim in its pleading and at the hearing. The Respondent asserted that it did not have notice of any rocks in this general area. Moreover, the Claimant's pleadings and testimony did not provide a more specific location as to the placement of the boulders to allow for an adequate investigation of the claim.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any rocks or boulders in the traveling portion of the roadway on Interstate 64 East on the date of the Claimant's incident.

AMOUNT CLAIMED: \$854.91

AMOUNT AWARDED: \$0.00

CC-18-1212 MICHAEL S. KEIFFER AND ERICA KEIFFER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on June 25, 2018, he was driving his 2015 Ford F150 Platinum on Interstate 64 East near Charleston, Kanawha County, when his vehicle struck a metal tire chock that was situated in the roadway. Two of the tires on the passenger side were punctured and deflated; the rims also sustained damage. The Claimants submitted invoices in the amount of \$1,964.71; their collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects situated in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual

or constructive notice of a metal tire chock in the traveling portion of the roadway on Interstate 64 East on the date of the Claimants' incident.

AMOUNT CLAIMED: \$1,964.71

AMOUNT AWARDED: \$0.00

CC-17-0726 MARY C. KESSLER AND HANK KESSLER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that on December 1, 2017, she attended a mandatory work meeting at Word of Life Church on Mud Fork Road in Logan, Logan County. She drove her 2010 Ford 150 to the meeting and found that the parking lot was full when she arrived. She parked on the shoulder of Mud Fork Road across from the church and went into the meeting. At the conclusion of the meeting, she returned to her vehicle to find a large tree laying on the tailgate and bed of her truck. She described the tree as an old tree with no leaves on it. She did not notify the Respondent of the incident but she later learned that the tree was allegedly owned by the Respondent. The Claimants submitted invoices in the amount of \$3,746.65; their collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of either a dead tree or a fallen tree in this location on the date of the Claimants' incident. The Respondent's investigator also testified that the tree was situated outside of the Respondent's right of way.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of dead or fallen trees on Mud Fork Road on the date of the Claimants' incident. The Claims Commission further found that the tree was situated outside of the Respondent's right of way and accordingly, the Respondent did not owe a duty to the Claimants as it was not the owner of the property on which the tree was situated.

AMOUNT CLAIMED: \$3,746.65

AMOUNT AWARDED: \$0.00

CC-19-1031 ANDREW KIRSCH AND JENNIFER KIRSCH v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that on June 27, 2019, he was driving his 2015 Jeep Wrangler convertible on Interstate 64 West in Charleston, Kanawha County, with a double tractor trailer slightly ahead of him in the adjacent lane. The Claimant testified that as he was driving, he began to be pelted by small gravel or cinders being kicked up by the tractor trailer. He could hear the cinders striking the windshield and also feel them against his face. He did not see any objects or foreign substances on the roadway and he did not know where the gravel originated or how long it had been present on the roadway. The Claimants submitted an invoice in the sum of \$499.00 for the repair of their vehicle's windshield; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects or debris, including gravel or small cinders, in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of gravel or small cinders situated on Interstate 64 West on the date of the Claimants' incident.

AMOUNT CLAIMED: \$499.00

AMOUNT AWARDED: \$0.00

CC-17-0136 KATIE F. LAPP v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on January 4, 2017, she was driving her 2005 Volkswagen Golf DI on Plumley Mountain Road, CR-7/9, near Hinton, Summers County, when her vehicle struck a rock in the roadway. The Claimant submitted invoices in the amount of \$422.37; she did not carry collision insurance on her vehicle.

The Respondent disputed the validity of the claim, asserting that it had no notice of any rocks or other objects or debris in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of rocks situated on Plumley Mountain Road, CR-7/9, on the date of the Claimant's incident.

AMOUNT CLAIMED: \$422.37

AMOUNT AWARDED: \$0.00

CC-19-0312 BILLY LEFTWICH AND CYNTHIA LEFTWICH v. DIVISION OF HIGHWAYS

The Claimants alleged that the failure of the Respondent to properly maintain the road was the cause of damage to their vehicle. At the hearing, the Claimant testified that on February 24, 2019, he was driving his 2018 Ford Fiesta ST on Interstate 64 West just past the Oakwood Road exit in Charleston, Kanawha County, when his vehicle struck a large chunk of concrete situated in his lane of traffic. He saw another vehicle hit the same concrete chunk before he did but the Claimant did not have sufficient room to switch lanes to avoid striking it. The Claimants submitted invoices in the amount of \$1,033.57; their collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any chunks of concrete or other objects and debris in the roadway on the date of the Claimants' incident. The Respondent's investigator testified that he did not locate any records or complaints to the Respondent regarding concrete or other debris in the roadway. His investigation also

revealed that there were no reports or records concerning damage to any bridges, crumbling bridges or ongoing bridge or other construction work in the area on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of chunks of concrete or other unknown objects situated on Interstate 64 West on the date of the Claimants' incident.

AMOUNT CLAIMED: \$1,033.57

AMOUNT AWARDED: \$0.00

CC-18-1314 BRENDEN LONG v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on March 27, 2018, he was driving his 2017 BMW 330xi on Interstate 64 East near Milton, Cabell County, when his vehicle struck several potholes in the traveling portion of the roadway. He felt a "severe shock" but he was able to continue to his final destination. There was no evidence of any immediate damage to his vehicle. Approximately three months following this incident, the Claimant took his vehicle to his mechanic where he was advised that the tires were wearing unevenly and showing signs of "excessive wear". The Claimant submitted invoices in the amount of \$1,205.66 for vehicular repairs, including the purchase of four new tires; his collision insurance required a deductible of \$1,000.00.

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

The Legislative Claims Commission found that the Claimant failed to prove that the Respondent was liable for the damage to his vehicle. The Claimant did not present any evidence affirmatively linking the pothole he struck to the damage sustained by his vehicle which manifested approximately three months after the alleged incident. The evidence presented did not exclude any other possible causes, such as normal wear and tear, of the Claimant's damages. The Claims Commission found that the Claimant did not satisfy the burden of proving causation.

AMOUNT CLAIMED: \$1,205.66

AMOUNT AWARDED: \$0.00

CC-19-0445 EMILY MONTI, TOM MONTI AND TINA MONTI v. DIVISION OF HIGHWAYS

The Claimants filed a claim against the Respondent alleging that its failure to properly treat the roads for snow and ice was the cause of damage to their vehicle. At the hearing, the Claimant testified that on January 24, 2019, she was driving her 2009 Ford Focus on West Virginia Route 88 in West Liberty, Ohio County, when her vehicle struck a patch of snow and ice on the roadway. Her vehicle slid off the road, struck a group of trees and veered back on to the roadway before coming to rest on the side of the road. The Claimant testified that several days after her incident, she noticed that the road had jagged edges with a segment of pavement missing. The snow and ice covered up the road hazards and she was unable to see them as she was driving. She believed that the Respondent should have done more for snow and ice removal that morning

to prevent her accident. The Claimants submitted invoices in the amount of \$750.44; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim asserting that it was engaged in snow and ice control throughout Ohio County at the time of the Claimants' incident. The Respondent's investigator testified that his investigation determined that the snow had been falling for several hours before the Claimant's accident with less than one inch of accumulation. The Respondent's employee work logs demonstrated that the Respondent was operating under its Snow Removal and Ice Control protocols and further that West Virginia Route 88 had been treated with over seven tons of salt and seventy units of liquid calcium.

The Legislative Claims Commission found that the Respondent had sufficient notice of the snow and ice conditions of roads throughout Ohio County, including West Virginia Route 88, and took the necessary corrective actions to remove snow and ice in compliance with its protocols within a reasonable time. The Claimants did not provide sufficient evidence to establish that the Respondent's response time to the weather conditions was unreasonable so that liability should be imposed.

AMOUNT CLAIMED: \$750.44

AMOUNT AWARDED: \$0.00

CC-19-0218 GEREINDA MOORE v. DIVISION OF HIGHWAYS

The Claimant filed this claim against the Respondent alleging that its failure to maintain the ditches along the roadway caused damage to his property. At the hearing, the Claimant testified that he inherited real property from his late father and installed a mobile home on the property. His childhood home was built on this same property. Although his family lived, gardened and raised livestock on this property for many years without incident, he has sustained flooding damage to the property in recent years. The flooding occurred during heavy rainstorms and the front yard remained wet and flooded. He testified that the flooding was severe enough to damage his mobile home to the point it had to be replaced. The replacement mobile home was installed in the same location and the Claimant continued to experience flooding problems. In his claim, the Claimant alleged that the Respondent negligently diverted water onto his property and that it failed to keep the culvert and ditches clear of debris, which caused the culvert and ditches to malfunction and overflow onto his property.

The Claimant presented several witnesses in support of his claim, including family members who had also grown up on this property. These witnesses confirmed that the property was dry and that the side ditches on the property had always been cleared and were well maintained by the Claimant's late father. The Claimant's contractor testified that both a foundation for the mobile home and a retaining wall were required to correct the flooding issues on the Claimant's property. The Claimant submitted invoices in the amount of \$26,685.00 in damages although his contractor testified that his estimate for the necessary repairs would be closer to \$33,485.00.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent asserted that the placement of the culvert pipe under Allman Street did not divert the water on to the Claimant's property as the pipe had been placed in the natural drainage course. The Respondent presented witnesses, testimony and other evidence that it had properly

maintained the culvert and cleaned it out on a regular basis. The Respondent also asserted that the damage to the Claimant's property was a result of poorly maintained ditches on the sides of the Claimant's property. The location of the Claimant's property at the bottom of a hill demonstrated that his home was located in the natural drainage course.

The Legislative Claims Commission conducted a property view on the day of the hearing and found the ditches on the sides of the Claimant's property to be overgrown with vegetation and demonstrated long-term neglect. The Claims Commission, in its Opinion, found that there was no evidence that the Respondent was at fault for the Claimant's damages. The Claimant failed to meet the burden of proof to assess liability against the Respondent.

AMOUNT CLAIMED: \$26,685.00

AMOUNT AWARDED: \$0.00

CC-18-1164 KATHERINE PENNINGTON, NICHOLAS PENNINGTON AND RANDY O'NEAL v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the Respondent's negligence was the cause of damage to their vehicle. At the hearing, the Claimant testified that she was driving her 2013 Nissan Sentra near Sandstone Mountain in Raleigh County, on June 14, 2018, when her vehicle struck a pothole. The pothole was filled with a liquid substance which the Claimant assumed was either rainwater or mud. When she reached her destination, the Claimant noticed this liquid substance all over the side and front panels of her vehicle as well as on the side mirrors. The Claimant took her vehicle to a repair shop where she learned that the liquid substance was an unknown variety of silver paint. The Claimant testified that there were no warning signs or silver paint in the area surrounding the pothole. The Claimants submitted invoices in the amount of \$5,214.93; their collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any unknown liquid substances in a pothole in the traveling portion of the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of paint or other unknown liquid substances in a pothole in the traveling portion of the roadway on the date of the Claimants' incident.

AMOUNT CLAIMED: \$5,214.93

AMOUNT AWARDED: \$0.00

CC-19-0950 CHARLOTTE E. PLANTZ v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to her vehicle. At the hearing, the Claimant testified that on June 3, 2019, she was driving her 2017 Nissan Altima on Westmoreland Road in Charleston, Kanawha County, in the area under the Interstate 77/Interstate 79 bridge. When she arrived at her destination, she discovered that her low tire pressure light had been activated. She took her vehicle to be repaired and learned that two nails were embedded in her tire causing damage. She believed that the nails had been

dropped onto the roadway from the bridge deck repair project that was underway at that time. The Claimant submitted invoices in the amount of \$260.61; her collision insurance required a deductible of \$100.00.

The Respondent disputed the validity of the claim, asserting that it was not responsible for the maintenance and upkeep of Westmoreland Road and therefore, it was not liable for the Claimant's damages. The Respondent's investigator testified that Westmoreland Road is owned by the City of Charleston and is not part of the road system owned and maintained by the Respondent.

The Legislative Claims Commission found that Westmoreland Road is not part of the Respondent's road system and accordingly, no liability can be assessed against the Respondent.

AMOUNT CLAIMED: \$260.61

AMOUNT AWARDED: \$0.00

CC-15-1284 RUBY POWELL AND DONNA WIMMER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damages to their residential properties. At the hearing, the Claimants testified that they have lived along West Virginia Route 80, Beartown Road, for many years. Their residences are located below the highway. They alleged that the Respondent's failure to clean out the drain, ditches and culverts along Route 80 has caused the ditches to overflow during heavy rains, causing heavy flooding on their properties. The Claimants testified that they had notified the Respondent of their concerns on numerous occasions. Sometimes, the Respondent will send out a work crew to investigate but the flooding situation continued. The Claimants testified that when they first moved to the area, over 20 years ago, the property across the roadway only had a driveway and was not developed. Since that time, the property owners developed their land, adding a house and otherwise improving the property. Both Claimants testified that their yards and homes have flooded, causing significant damages and health issues. The Claimants submitted invoices for the replacement of personal items as well as remedial measures to their properties.

The Respondent disputed the validity of the claim in its pleadings and at the hearing. The Respondent's expert witness testified that the Claimants' properties are situated within a natural drainage course. Additionally, the property owner across the roadway has installed additional ditches that have diverted the natural flow of the water which reduced the effectiveness of the ditches along Route 80. The developments and alterations undertaken by the private property owner are on his property and are not within the Respondent's right of way. The Respondent argued that it has no statutory authority to dictate to a private property owner how to manage their property. The Respondent further argued that it cannot be held liable in instances where a property owner alters the natural lay of the land as it does not possess the statutory authority to alleviate problems caused by a private property owner who has made alterations or modifications to his property.

The Legislative Claims Commission found that the Claimants' neighbor developed his property by altering the natural lay of the land, cutting out sections of the mountain at the rear of his property, building a house and a swimming pool. The Claims Commission further found that the Respondent did not have a right of way to any areas of the property where the landowner

made these improvements. The Claims Commission found that the evidence presented by the Claimants was insufficient to demonstrate that the Respondent proactively diverted water from its natural drainage court or that the Respondent had the authority to control the private property owner's management decisions for his own property. Accordingly, the Claims Commission found that no liability could be assessed against the Respondent under these circumstances.

AMOUNT CLAIMED: \$20,000.00

AMOUNT AWARDED: \$0.00

CC-16-0408 TYLER W. PRICE v. DIVISION OF HIGHWAYS

The Claimant filed this claim to recover for personal injuries which he alleged were caused by the negligence of the Respondent. At the hearing, the Claimant testified that on May 12, 2014, he was driving his employer's vehicle on West Virginia Route 218 between Farmington and Fairview, Marion County. An oncoming vehicle attempted to pass a coal truck in a no passing zone on this two lane road. The oncoming vehicle crossed the center line, veered into the Claimant's lane and struck his vehicle head-on causing the Claimant significant personal injuries. The Claimant alleged that several potholes and the poorly maintained condition of West Virginia Route 218 caused the other driver to lose control of her vehicle which resulted in a head-on collision. The Claimant submitted medical invoices in the amount of \$67,638.02.

The Respondent disputed the validity of the claim in its pleading and at the hearing, asserting that it had no notice of the potholes on West Virginia Route 218. The Respondent further argued that the Claimant's accident and resulting injuries were not related to a road defect but were caused solely by the negligence of the other driver.

The Legislative Claims Commission found, based on the testimony and evidence presented, that there was no evidence that the Respondent was at fault for this incident. The Respondent did not have notice, either actual or constructive, of the pothole or any other road defect on West Virginia Route 218 until after the Claimant's accident. The Claims Commission also found that, based on the evidence, the sole proximate cause of the Claimant's injuries was the negligence of the other driver.

AMOUNT CLAIMED: \$67,638.02

AMOUNT AWARDED: \$0.00

CC-18-1684 JORDAN D. RAY, JOHN D. RAY AND CARRIE S. RAY v. DIVISION OF HIGHWAYS

The Claimants filed this action alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that her son was driving her 2014 Chevrolet Cruze on Interstate 79 North at mile marker 129 near Fairmont, Marion County, when his vehicle struck a ladder that was laying in the middle of his lane of traffic. He was unable to avoid striking the ladder because of traffic in the lanes adjacent to his vehicle. The Claimant testified that she called the Respondent's office to report the ladder after her son struck it; however, she did not have any information as to whether the Respondent knew of the ladder in the roadway prior to her son's vehicle striking it. The Claimants submitted invoices in the amount of \$1,204.31; their collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any ladders or other objects in the roadway on the date of the Claimants' incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimants must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of ladders or other unknown objects situated on Interstate 79 at mile marker 129 on the date of the Claimants' incident.

AMOUNT CLAIMED: \$1,204.31

AMOUNT AWARDED: \$0.00

CC-19-0164 SUSAN K. REED v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that on October 31, 2018, she was driving her 2013 Ford Escape of Interstate 64 East near the Leon Sullivan Way exit in Charleston, Kanawha County, when her vehicle struck a large piece of tire tread that was situated in the traveling portion of the roadway. She further testified that she did not know long the tire tread had been present in the roadway nor did she know if the Respondent knew of the tire tread. The Claimant's vehicle sustained damages in the amount of \$1,945.47; her collision insurance required a deductible of \$100.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects or debris in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of tire tread or other unknown objects situated on Interstate 64 East on the date of the Claimant's incident.

AMOUNT CLAIMED: \$1,945.47

AMOUNT AWARDED: \$0.00

CC-19-0811 MARIAN E. RICHARDSON v. DIVISION OF HIGHWAYS

The Claimant filed a claim against the Respondent alleging that its failure to remove road debris from the road caused damage to her vehicle. At the hearing, the Claimant testified that on May 2, 2019, she was driving her 2015 Buick Enclave on US Route 19 in Fayetteville, Fayette County, when her vehicle struck an unknown object situated in the traveling portion of the roadway, which sliced her tire and damaged the rim. She did not know what it was, how long it had been in the roadway or whether the Respondent knew of the debris in the road. The Claimant submitted invoices in the amount of \$229.97; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects or debris in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of unknown objects or other road debris situated on US Route 19 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$229.27

AMOUNT AWARDED: \$0.00

CC-18-1647 STANLEY MATTHEW SEEKFORD v. DIVISION OF HIGHWAYS

The Claimant filed this claim to recover damages. At the hearing, the Claimant testified that the Respondent, by and through its employees, had been stalking him since 1993. On several occasions, its employees would park their trucks in front of his residence and shine spotlights on his house. The Claimant further testified that the Respondent had blocked the drain at his residence in Falling Waters, Berkeley County, causing flooding on his property. The Claimant also alleged that the Respondent permitted a local dentist to install a gate across the Claimant's right of way, thereby blocking his access to his own property.

The Respondent asserted in its pleadings and at the hearing that the Claimant had failed to state a claim upon which relief could be granted and failed to provide any evidence or proof to substantiate his claims. The Respondent further asserted that the Legislative Claims Commission did not have the requisite jurisdiction to entertain the Claimant's allegations of the alleged stalking incidents.

The Legislative Claims Commission found that the Claimant failed to prove that the Respondent's negligence, if any, caused the alleged damage to his property. The Claimant failed to submit any type of evidence to substantiate his claims against the Respondent, and accordingly, failed to prove any breach of any duty owed to him by the Respondent. The Claimant failed to meet the burden of proof.

AMOUNT CLAIMED: \$1,900,000.00

AMOUNT AWARDED: \$0.00

CC-18-1339 LISA SIMONE v. DIVISION OF HIGHWAYS

The Claimant alleged that the negligence of the Respondent was the cause of damage to her vehicle. At the hearing, the Claimant testified that in May 2018, she was driving her 2019 Ford F-150 on Dogtown Road in Kingwood, Preston County, when her vehicle struck a pothole. She further testified that Dogtown Road is a series of large, unavoidable potholes. When she took her vehicle to a service center on August 30, 2018, she learned that the control arm and lower ball joint were damaged along with one tire; all items needed to be replaced. She believed that the damage was caused by a pothole she struck in May 2018. The Claimant submitted an invoice in the amount of \$482.19; her collision insurance required a deductible of \$500.00.

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

The Legislative Claims Commission found that the Claimant did not present any evidence to affirmatively link the pothole she struck to the damages sustained by her vehicle discovered

over three months later. The evidence presented did not exclude other possible causes, such as normal wear and tear, of the alleged damages to the Claimant's vehicle.

AMOUNT CLAIMED: \$482.19

AMOUNT AWARDED: \$0.00

CC-18-0937 BRADLEY S. SMITH v. DIVISION OF HIGHWAYS

The Claimant filed a claim against the Respondent alleging that its failure to remove road debris from the road caused damage to his vehicle. At the hearing, the Claimant testified that on May 8, 2018, he was driving his 2018 Subaru Outback on Interstate 64 in Milton, Cabell County, when his vehicle struck a drill bit that was resting on the roadway. The drill bit became embedded in the tire, causing damage. The Claimant testified that this occurred in a construction zone where rumble strips had been installed. He believed that the rumble strips were rough enough to dislodge drill bits and other items from work trucks traveling on the roadway, causing these items to fall on the roadway. He did not know how long the drill bit had been in the roadway or whether the Respondent knew of its presence on the road. The Claimant submitted invoices in the amount of \$187.87; his collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of a drill bit or any other objects in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of a drill bit or other unknown objects situated on Interstate 64 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$187.87

AMOUNT AWARDED: \$0.00

CC-19-0002 DEWEY T. SMITH v. DIVISION OF HIGHWAYS

The Claimant filed this claim against the Respondent alleging that the failure of the Respondent to properly maintain the road was the cause of damage to his vehicle. At the hearing, the Claimant testified that on November 23, 2018, he was driving his 2014 Subaru Crosstrek on US Route 52 in Kimball, McDowell County. He had dropped off his passenger and was pulling back onto the roadway when his vehicle struck a drain hole in the roadway, causing damage to his vehicle. The Claimant submitted invoices in the sum of \$745.13; his collision insurance required a deductible of \$250.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of the drain hole or any complaints regarding the drain hole prior to the Claimant's incident. The Respondent's investigator testified that she inspected the roadway in question and could not locate any drain holes. She further testified that the McDowell County Administrator had not received any complaints regarding the condition the roadway or the drain hole prior to the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of any drain holes or other road defects on US Route 52 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$745.13

AMOUNT AWARDED: \$0.00

CC-19-0019 DENNIS L. SNIDER, JR. AND DONNA R. SNIDER v. DIVISION OF HIGHWAYS

The Claimants filed this claim alleging that the negligence of the Respondent was the cause of damage to their vehicle. At the hearing, the Claimant testified that he was driving his 2011 Porsche 11 Panamera 4 on West Virginia Route 3, Lilly Mountain Road, near Metalton, Raleigh County, on December 22, 2018. As he was driving, his vehicle struck a large area of water in the roadway. This large amount of water splashed up over the hood of his vehicle and apparently flooded the engine. He testified that he heard a ticking sound immediately afterwards and the check engine light on his dashboard was activated. The Claimant further testified that the ditch alongside the road was full of water and a large log or tree was also situated in the ditch. He did not know how long the log had been present in the ditch and he did not have any reason to believe that the Respondent was aware of either the log in the ditch or that the roadway had been flooded due to a heavy rainstorm. The Claimants submitted invoices in the amount of \$3,680.86; their collision insurance required a deductible of \$1,000.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any water flooding the roadway or logs clogging the ditches adjacent to the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of flooding on the roadway or of logs in the ditches adjacent to West Virginia Route 3, Lilly Mountain Road, on the date of the Claimant's incident.

AMOUNT CLAIMED: \$3,680.86

AMOUNT AWARDED: \$0.00

CC-18-0589 ROBERT B. STOLLINGS v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's negligence was the cause of damage to his vehicle. At the hearing, the Claimant testified that he had filed a claim in 2016 when his vehicle struck a pothole. He submitted a receipt for \$42.75 in support of his claim. The Respondent reviewed the claim materials and stipulated to his claim in an Omnibus Order. Around the same time the Order was entered, the Claimant submitted a supplemental invoice in the amount of \$380.00. The supplemental invoice was not included in the amount of the payment authorized by the Omnibus Order. The Claimant did not challenge the amount listed in the Order and did not ask for his claim to be removed from the Order and scheduled for a hearing. The Claimant's claim was submitted to the Legislature in the 2017 Claims Bill, which was approved

and funded. The Claimant executed a Release for this claim in June 16, 2017 and cashed his payment check. The Claimant filed this claim in 2018 to recover the amount of the supplemental invoice that he had submitted in support of his 2016 claim.

The Respondent disputed the validity of the claim in its pleadings and at the hearing, asserting that the duly executed release barred the Claimant from seeking any additional damages related to the 2016 pothole claim.

The Legislative Claims Commission found that the language in the release was clear and unambiguous. By executing the release in 2017, the Claimant settled any and all claims related to the 2016 pothole claim. The Claims Commission further found that the doctrine of *res judicata* applied to bar the Claimant's claim and accordingly, the claim was denied.

AMOUNT CLAIMED: \$380.00

AMOUNT AWARDED: \$0.00

CC-18-1048 LATAUSHA TAYLOR v. DIVISION OF HIGHWAYS

The Claimant filed this claim alleging that the Respondent's failure to properly maintain the road was the cause of damage to her vehicle. At the hearing, the Claimant testified that on June 17, 2018, she was driving her 2012 Jeep Laredo on Interstate 64 East near Cross Lanes, Kanawha County, when a very large tire rolling in the traveling portion of the roadway struck her vehicle. She did not know how long the tire had been in the roadway or whether the Respondent knew of the tire in the road before it struck her vehicle. The Claimant submitted invoices in the amount of \$2,990.92; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of rolling tires or any other objects in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of rolling tires or other unknown objects situated on Interstate 64 East on the date of the Claimant's incident.

AMOUNT CLAIMED: \$2,990.92

AMOUNT AWARDED: \$0.00

CC-15-2058 WILLIAM A. TAYLOR, II v. DIVISION OF HIGHWAYS

The Claimant filed a claim against the Respondent alleging that its failure to remove road debris from the road caused damage to his vehicle. At the hearing, the Claimant testified that on October 11, 2015, he was driving his 2006 Volkswagen Beetle on Interstate 81 near Inwood, Berkeley County, when his vehicle struck an object in the traveling portion of the roadway. The Claimant believed the object to be the carcass of a dead animal. He did not know how long the dead animal had been in the roadway or whether the Respondent knew of its presence in the road. The Claimant submitted invoices in the amount of \$2,111.81; his collision insurance required a deductible of \$1,000.00. The Claimant testified that he was only seeking damages in

the sum of \$900.00 as that was the amount his insurance company required him to pay towards the vehicle repairs.

The Respondent disputed the validity of the claim, asserting that it had no notice of any dead animals or other objects in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that the Respondent did not have either actual or constructive notice of dead animals or any other objects situated on Interstate 81 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$900.00

AMOUNT AWARDED: \$0.00

CC-19-1109 ANITA WEST v. DIVISION OF HIGHWAYS AND KELLY PAVING, INC.

The Claimant filed this claim alleging that the negligence of the Respondent was the cause of damage to her vehicle. Because her incident occurred in a construction zone, the Respondent's contractor sought to be added to the claim as an Intervenor-Respondent. At the hearing, the Claimant testified that she was driving her 2016 Subaru Legacy on West Virginia Route 5 in Elizabeth, Wirt County, on July 22, 2019. As she traveled through the construction zone where a culvert was being replaced, she was directed by a flagman into a single lane of traffic. As she was driving, she heard a loud, rattling, banging noise and then learned that her tire had been damaged. After replacing her tire, she learned that a large hitch pin had been lodged in her tire. She believed that the hitch pin was situated on the roadway in the construction zone but she did not know where the hitch pin came from, how long it had been situated in the roadway or whether the Respondent was aware of the hitch pin's location within the traveling portion of the roadway. The Claimant submitted invoices in the amount of \$334.34; her collision insurance required a deductible of \$500.00.

The Respondent disputed the validity of the claim, asserting that it had no notice of any objects or debris in the roadway on the date of the Claimant's incident. The Respondent further argued that the contractor was responsible for the construction zone pursuant to the contract between the two parties and accordingly, the Intervenor-Respondent contractor should be ultimately responsible. The Intervenor-Respondent also asserted that it had no notice of any objects or other debris in the roadway on the date of the Claimant's incident.

The Legislative Claims Commission found that in order to hold the Respondent liable, the Claimant must prove that the Respondent had either actual or constructive notice of the road defect and a reasonable amount of time to correct the defect. The Claims Commission further found that the evidence presented demonstrated that neither the Respondent nor the Intervenor-Respondent had either actual or constructive notice of a large hitch pin situated on West Virginia Route 5 on the date of the Claimant's incident.

AMOUNT CLAIMED: \$334.34

AMOUNT AWARDED: \$0.00

