

49.090 Investigation of claims -- Claims under \$2,500 may be investigated in-house -- Hearings on contested claims of \$2,500 or more -- Order -- Filing fee.

- (1) The Board of Claims may require affected state agencies to investigate claims and the incidents on which they are based and to furnish to the board and the claimant in writing the facts learned by investigation. Such response shall be sufficiently specific to support a decision by the board to pay or deny the claim. If the agency believes the state should refute a claim, the agency shall cite the facts about the incident that support its belief.
- (2) If the claim is under two thousand five hundred dollars (\$2,500), it may be investigated by the board in-house and if the board believes it needs additional facts before deciding the claim, the parties may provide the needed information by letter or as directed by the board.
- (3) The board shall hold hearings on contested claims whose value is two thousand five hundred dollars (\$2,500) or greater but may decide claims under two thousand five hundred dollars (\$2,500) without a hearing.
- (4) At its hearings, the board, or any of its members, or any of its hearing officers appointed by the board shall hear the parties at issue and their representatives and witnesses.
- (5) The award or order shall be made within thirty (30) days after final submission, except in cases involving large or complicated records or unusual questions of law, and shall be made within ninety (90) days after final submission in any event. The order or award, together with a statement of the findings of fact, rulings of law, and other matters pertinent to the question at issue shall be filed with the record of the claim and a copy of the order or award shall immediately be sent to the parties in dispute.
- (6) In cases over two thousand five hundred dollars (\$2,500) that have been assigned to a hearing officer or a member, the hearing officer or member shall tender a recommended order to the full board. The final order in any claim heard by a single member or hearing officer shall be made and entered by a majority of the board.
- (7) In cases of two thousand five hundred dollars (\$2,500) or less decided by a member, a claimant may make an application for review to the full board within fourteen (14) days from the date of the order or award. If an application is made, the full board shall, as soon as practicable, review the evidence, or, if deemed advisable, hear the parties at issue, their representatives and witnesses, and shall make an order or award and file it as specified in subsection (5) above.
- (8) The Office of Claims and Appeals may promulgate an administrative regulation authorizing a filing fee of no more than two hundred dollars (\$200) for all appeals that are brought before the Board of Tax Appeals and the Board of Claims.

Effective: June 29, 2021

History; Amended 2021 Ky. Acts ch. 185, sec. 20, effective June 29, 2021. -- Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 74, sec. 9, effective June 29, 2017. -- Amended 2000 Ky. Acts ch. 304, sec. 2, effective July 14, 2000. -- Amended 1982 Ky. Acts ch. 355, sec. 1, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 299, sec. 1, effective June 17, 1978. -- Created 1960 Ky. Acts ch.

25, sec. 3.

Formerly codified as KRS 44.086.