MINUTES

OF

DISABILITY APPEALS COMMITTEE December 10, 2018 at 10:00 A.M. E.T.

Board Room

Perimeter Park West, 1270 Louisville Road Frankfort, Kentucky 40601

At the meeting of the Disability Appeals Committee, held on December 10, 2018, the following members were present: Betty Pendergrass, Chair, Jerry Powell, and Donna Shelton, Proxy on behalf of Thomas Stephens.

In addition, those present were Erin Surratt, KRS, Liza Welch, KRS, Alan Hurst, KRS, and Tracy Chambers, Recording Secretary.

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It was moved by Ms. Shelton, seconded by Mr. Powell, and carried to approve the Minutes of the October 29, 2018 Disability Appeals Committee Meeting.

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Ms. Pendergrass noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 17-D-25, 11-D-139, 17-D-24, 17-D-08, 18-D-02, 17-D-63, and 18-D-16.

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Following discussion in closed session, the Committee returned to open session, whereafter the following transpired.

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It was moved by Mr. Powell, seconded by Ms. Pendergrass, and carried by a majority, that the Committee members having considered the record, including the recommended order, any exceptions duly filed, and Kentucky Retirement Systems' Motion to Remand Matter to Submit Additional Evidence, in the case of Administrative Action Number: 17-D-25, to grant the motion and remand this matter in order for the hearing officer to reopen the administrative record and admit new evidence obtained from claimant's employer. Ms. Shelton abstained.

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It was moved by Ms. Shelton, seconded by Mr. Powell, and carried unanimously, that the Committee members having considered the record, including the Kentucky Court of Appeals Opinion Reversing and Remanding, in the case of Administrative Action Number: 11-D-139, to remand this case in order for the hearing officer to issue a recommended order consistent with the opinion of the Court of Appeals.

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It was moved by Mr. Powell, seconded by Ms. Shelton, and carried by a majority, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 17-D-24, to reject the Hearing Officer's Report to approve disability retirement benefits and to instead issue a Board Final Order denying claimant's application for disability retirement benefits. Ms. Pendergrass abstained.

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It was moved by Ms. Shelton, seconded by Mr. Powell, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 17-D-08, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to approve claimant's application for disability retirement benefits, with a review in one year.

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It was moved by Mr. Powell, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 18-D-02, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for duty-related disability retirement benefits.

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It was moved by Ms. Shelton, seconded by Ms. Pendergrass, and carried by a majority, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 17-D-63, to reject the Hearing Officer's Report to approve disability retirement benefits and to instead issue a Board Final Order denying claimant's application for disability retirement benefits. Mr. Powell dissented.

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It was moved by Mr. Powell, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 18-D-16, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits and duty-related disability retirement benefits.

There being no further business, the meeting was adjourned at 11:02 A.M., E.T. to meet on February 26, 2019 at 10:00 A.M., E.T.

CERTIFICATION
I, Tracy Chambers, do certify that I was present at this meeting, and I have recorded the above action of the Committee on the various items considered by it at this meeting.
Tracy Chambers Recording Secretary L 24 19 Date
I, Betty Pendergrass, do certify that the Minutes of the meeting held on December 10, 2018 were approved by the Disability Appeals Committee on February 26, 2019. Letter Charles and 2/ac/2019 Betty Pendergrass, Chair Date Disability Appeals Committee
I, Alan Hurst, was present at the December 10, 2018 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.
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Date

Alan Hurst

KRS Staff Attorney