MINUTES OF

DISABILITY APPEALS COMMITTEE August 28, 2017 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 August 28, 2017, the following members were present: Betty Pendergrass, Chair, David Rich, and Donna Shelton, Proxy on behalf of Thomas Stephens.

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

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It was moved by Ms. Shelton, seconded by Mr. Rich, and carried to approve the Minutes of the June 26, 2017 Disability Appeals Committee Meeting.

Ms. Pendergrass noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 16-D-40, 16-D-17, 16-D-31, 16-D-19, 16-D-30, 16-D-56, and 16-D-38.

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

It was moved by Ms. Shelton, seconded by Mr. Rich, 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: 16-D-40, to remand this case in order for the hearing officer to make the required Findings of Fact and Conclusions of Law regarding permanent incapacity and to issue a new recommended order regarding whether the claimant is entitled to disability retirement benefits.

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It was moved by Mr. Rich, 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: 16-D-17, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits. Ms. Shelton abstained.

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It was moved by Ms. Shelton, seconded by Mr. Rich, 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: 16-D-31, to remand this case in order for the hearing officer to make a detailed finding regarding substantial aggravation and issue a new recommended order regarding whether the claimant is entitled to disability retirement benefits.

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It was moved by Ms. Shelton, seconded by Mr. Rich, 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: 16-D-19, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Mr. Rich, 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: 16-D-30, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for hazardous disability retirement benefits and claimant's application for in-line-of-duty disability retirement benefits.

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It was moved by Ms. Shelton, seconded by Mr. Rich, 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: 16-D-56, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Mr. Rich, 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: 16-D-38, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for disability retirement benefits.

There being no further business, the meeting was adjourned at 10:20 A.M., E.T. to meet on October 30, 2017 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 Date Recording Secretary
I, Betty Pendergrass, do certify that the Minutes of the meeting held on August 28, 2017 were approved by the Disability Appeals Committee on October 30, 2017.
Betty Pendergrass, Chair Date
Disability Appeals Committee
I, Alan Hurst, was present at the August 28, 2017 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality. 10/30/20/7 Alan Hurst Date KRS Staff Attorney