

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
December 18, 2014 at 8:30 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 18, 2014, the following members were present: Ed Davis, Chair, Mary Helen Peter and Mary Hook, Proxy on behalf of Timothy Longmeyer.

In addition, those present were Becky Stephens, KRS, Deborah Crocker, KRS, Carrie Slayton, KRS and Tracy Chambers, Recording Secretary.

It was moved by Ms. Hook, seconded by Ms. Peter, and carried to approve the Minutes of the October 31, 2014 Disability Appeals Committee Meeting.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 12-D-107, 13-D-94, 13-D-26, 13-D-57, 13-D-113, 13-D-120, 13-D-110, 13-D-115, 13-D-81, 13-D-92, 13-D-22 and 12-D-108.

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

It was moved by Ms. Hook, seconded by Ms. Peter, 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: 12-D-107, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits and denying her application for duty-related disability retirement benefits. The approval is based upon orthopedic and neurological disease involving the claimant's lower back along with lumbar degenerative disc disease. Review will occur in three years.

It was moved by Ms. Peter, seconded by Ms. Hook, 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: 13-D-94, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Ms. Peter, 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: 13-D-26, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Peter, seconded by Ms. Hook, 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: 13-D-57, to remand this case in order for the hearing officer to issue a finding as to whether the claimant's obesity was a pre-existing condition since the issue was raised by the medical examiners in their review. Unlike the claimant in *Kentucky Retirement Systems v. Robb*, 2009-CA-000437-MR, the claimant in this case alleged obesity as one of the conditions for which he was filing disability. Additionally the Board remands this case in order for the hearing officer to reopen the record to require the parties to submit evidence as to the distribution of ground level verses rooftop HVAC units in Kentucky. In light of this evidence, the hearing officer shall determine whether the claimant, since his last day of paid employment, has been physically incapacitated to perform jobs of like duties, from which he received his last paid employment, pursuant to KRS 61.600(3)(a). Once the directives of this Order are completed; the hearing officer shall issue a Recommended Order on Remand without further delay.

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It was moved by Ms. Hook, seconded by Ms. Peter, 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: 13-D-113, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny both the claimant's application for disability retirement benefits and her application for duty-related disability retirement benefits.

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It was moved by Ms. Peter, seconded by Ms. Hook, 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: 13-D-120, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits, with review in three years. This approval is based upon the cumulative effect of the claimant's rheumatoid arthritis (RA), osteoarthritis, trochanteric bursitis, cervical and lumbar degenerative disc disease, tarsal tunnel syndrome and carpal tunnel syndrome.

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It was moved by Ms. Hook, seconded by Ms. Peter, 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: 13-D-110, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for hazardous and in-line-of-duty disability retirement benefits.

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It was moved by Ms. Peter, seconded by Ms. Hook, 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: 13-D-115, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to approve claimant's application for disability retirement benefits, with review in two years. Approval is based on the claimant's permanently incapacitating back conditions consisting of displacement intervertebral disc w/o myelopathy; disorders of sacrum; spinal stenosis in lumbar region; thoracic/lumbosacral neuritis/radiculitis; degenerative lumbar intervertebral disc and lumbago.

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It was moved by Ms. Hook, seconded by Ms. Peter, 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: 13-D-81, to accept the Hearing Officer's Report on Remand, Findings of Fact, Conclusions of Law, and to deny both the claimant's application for disability retirement benefits and his application for duty-related disability retirement benefits.

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It was moved by Ms. Peter, seconded by Ms. Hook, 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: 13-D-92, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

It was moved by Ms. Hook, seconded by Ms. Peter, 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: 13-D-22, to accept the Hearing Officer's Report on Remand, Findings of Fact, Conclusions of Law, and to deny both the claimant's application for disability retirement benefits and her application for duty-related disability retirement benefits.

It was moved by Ms. Peter, seconded by Mr. Davis, 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: 12-D-108, to accept the Hearing Officer's Report on Remand, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits, with review in two years. Approval is based solely upon the claimant's COPD. Ms. Hook dissented.

There being no further business, the meeting was adjourned at 10:46 A.M., E.T. to meet on February 27, 2015 at 9:00 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 3-2-15
Tracy Chambers Date
Recording Secretary

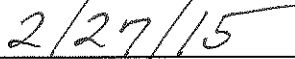
I, Ed Davis, do certify that the Minutes of the meeting held on December 18, 2014 were approved by the Disability Appeals Committee on February 27, 2015.

Ed Davis 2/27/15
Ed Davis, Chair Date
Disability Appeals Committee

I, Deborah Crocker, was present at the December 18, 2014 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.



Deborah Crocker
KRS Staff Attorney



Date