

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
February 24, 2016 at 9:00 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 February 24, 2016, the following members were present: Ed Davis, Chair, Mary Helen Peter and Donna Shelton, Proxy on behalf of Thomas Stephens.

In addition, those present were Becky Stephens, KRS, Liza Welch, KRS, Joseph Bowman, KRS, Alan Hurst, KRS and Tracy Chambers, Recording Secretary.

It was moved by Ms. Peter, seconded by Ms. Shelton, and carried to approve the Minutes of the December 21, 2015 Disability Appeals Committee Meeting.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 15-D-04, 13-D-108, 15-D-02, 14-D-70, 15-D-08, 13-D-137, 14-D-110, 13-D-93, 14-D-101, 15-D-15, 15-D-23, 15-D-31 and 15-D-56.

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

It was moved by Mr. Davis, 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: 15-D-04, 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 three years.

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: 13-D-108, 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. Ms. Shelton abstained.

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: 15-D-02, 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.

It was moved by Ms. Shelton, 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: 14-D-70, to reject the Hearing Officer's Report on Remand to approve disability retirement benefits and to instead, issue a Board of Trustees Final Order, denying claimant's application for disability retirement benefits.

It was moved by Ms. Peter, 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: 15-D-08, 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.

It was moved by Ms. Shelton, 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-137, 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. Furthermore, the Board hereby grants Kentucky Retirement Systems' Motion to Strike Claimant's Untimely Exceptions and denies Claimant's Motion to Enlarge Time and Leave to File Exceptions.

It was moved by Ms. Peter, 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: 14-D-110, 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 five years.

It was moved by Ms. Shelton, 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-93, to reject the Hearing Officer's Report to approve disability retirement benefits and to instead, issue a Board of Trustees Final Order, denying claimant's application for disability retirement benefits.

It was moved by Ms. Peter, 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: 14-D-101, to reject the Hearing Officer's Report to approve disability retirement benefits and to instead, issue a Board of Trustees Final Order, denying claimant's application for disability retirement benefits.

It was moved by Ms. Shelton, 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: 15-D-15, 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. Peter, 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: 15-D-23, to remand this matter back to the Hearing Officer for additional fact-finding and analysis.

It was moved by Ms. Shelton, 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: 15-D-31, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for in-line-of-duty disability retirement benefits.

It was moved by Ms. Peter, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the recommended order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 15-D-56, to accept the Recommended Order of Dismissal and to dismiss claimant's application for disability retirement benefits, without prejudice, at the claimant's request.

There being no further business, the meeting was adjourned at 10:40 A.M., E.T. to meet on April 26, 2016 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 4/26/16
Tracy Chambers Date
Recording Secretary

I, Ed Davis, do certify that the Minutes of the meeting held on February 24, 2016 were approved by the Disability Appeals Committee on April 26, 2016.

Ed Davis 4/26/16
Ed Davis, Chair Date
Disability Appeals Committee

I, Joseph P. Bowman, was present at the February 24, 2016 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.

Joseph P. Bowman 4/26/16
Joseph P. Bowman Date
KRS Staff Attorney