

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
January 27, 2015 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 January 27, 2015, the following members were present: Vince Lang, Chair, William Summers and Mary Hook, Proxy on behalf of Timothy Longmeyer.

In addition, those present were Becky Stephens, KRS, Liza Welch, KRS, Jennifer Jones, KRS, Deborah Crocker, KRS and Tracy Chambers, Recording Secretary.

It was moved by Ms. Hook, seconded by Mr. Summers, and carried to approve the Minutes of the November 25, 2014 Disability Appeals Committee Meeting.

Mr. Lang noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 11-D-28, 13-D-59, 14-D-11, 14-D-10, 13-D-112, 13-D-52, 14-D-02, 13-D-46, 13-D-82, 13-D-17, 13-D-127, 12-D-123, 14-D-32, 13-D-96 and 13-D-95.

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

Deborah Crocker departed during closed session while discussing the disability application of Administrative Action Number: 11-D-28.

Jennifer Jones departed during closed session after discussing the disability application of Administrative Action Number: 11-D-28.

Deborah Crocker entered during closed session after discussing the disability application of Administrative Action Number: 11-D-28.

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It was moved by Ms. Hook, seconded by Mr. Summers, 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: 11-D-28, to reject the Hearing Officer's Report on Remand to approve disability retirement benefits, and to instead, issue a Board of Trustees Order, denying claimant's application for disability retirement benefits.

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It was moved by Mr. Summers, 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-59, to accept the Hearing Officer's Report on Remand, 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 Mr. Summers, 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-11, 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 Mr. Summers, 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: 14-D-10, 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 and duty-related disability retirement benefits. Furthermore, the Board hereby denies the Claimant's Motion for Leave to File Late Exceptions. The law is quite clear on this issue. "[A]n administrative agency **cannot** enlarge statutorily prescribed time frames." (emphasis added) Curtis v. Belden Electronic Wire and Cable, 760 S.W.2d 97, 99 (Ky.App. 1988). Therefore, the Board does not have the authority to grant this claimant (or any other claimant) additional time to file Exceptions.

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It was moved by Ms. Hook, seconded by Mr. Summers, 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-112, 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 Mr. Summers, 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-52, 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. Hook, seconded by Mr. Summers, 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-02, 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. Approval is based solely upon the claimant's orthopedic conditions.

It was moved by Mr. Summers, 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-46, to reject the Hearing Officer's Report to deny disability retirement benefits, and to instead, issue a Board of Trustees Order, approving claimant's application for disability retirement benefits. Approval is based solely upon the claimant's bilateral knee condition; review shall occur in five years.

It was moved by Ms. Hook, seconded by Mr. Summers, 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-82, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for hazardous duty disability retirement benefits.

It was moved by Mr. Summers, seconded by Mr. Lang, 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-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. Hook abstained.

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It was moved by Mr. Summers, 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-127, 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 his application for duty-related disability retirement benefits. The approval is based solely upon the claimant's back condition and review shall occur in two years. Furthermore, the Board hereby denies the Claimant's Motion for Leave to File Exceptions. The referenced Exceptions were late, having been tendered after the fifteen (15) day statutory deadline. The law is quite clear on this issue. "[A]n administrative agency **cannot** enlarge statutorily prescribed time frames." (emphasis added) Curtis v. Belden Electronic Wire and Cable, 760 S.W.2d 97, 99 (Ky.App. 1988). Therefore, the Board cannot grant the claimant additional time to file these Exceptions.

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It was moved by Ms. Hook, seconded by Mr. Summers, and carried unanimously, that the Committee members having considered the record, including the recommended order dismissing appeal and any exceptions duly filed, in the case of Administrative Action Number: 12-D-123, to accept the Recommended Order Dismissing Appeal and to dismiss claimant's appeal of his denial for hazardous in-line-of-duty disability retirement benefits, at the claimant's own request.

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It was moved by Mr. Summers, seconded by Ms. Hook, 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: 14-D-32, to accept the Recommended Order of Dismissal and to dismiss, with prejudice, claimant's appeal of her denial for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Mr. Summers, and carried unanimously, that the Committee members having considered the record, including the recommended order dismissing appeal and any exceptions duly filed, in the case of Administrative Action Number: 13-D-96, to accept the Recommended Order Dismissing Appeal and to dismiss claimant's appeal of her denial for disability retirement benefits, at the claimant's own request.

It was moved by Mr. Summers, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order dismissing appeal and any exceptions duly filed, in the case of Administrative Action Number: 13-D-95, to accept the Recommended Order Dismissing Appeal and to dismiss claimant's appeal of his denial for duty-related disability retirement benefits, at the request of claimant's beneficiary.

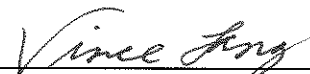
There being no further business, the meeting was adjourned at 9:40 A.M., E.T. to meet on March 31, 2015 at 9:00 A.M., E.T.

CERTIFICATION

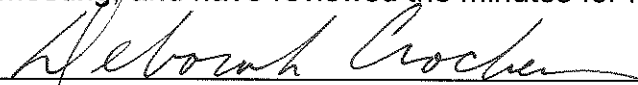
I, Tracy Chambers, do certify that I was present at this meeting, and I have recorded the above action of the Committee on the various items considered by it at this meeting.


 Tracy Chambers Date 3-31-15
 Recording Secretary

I, Vince Lang, do certify that the Minutes of the meeting held on January 27, 2015 were approved by the Disability Appeals Committee on March 31, 2015.


 Vince Lang, Chair Date 3-31-15
 Disability Appeals Committee

I, Deborah Crocker, was present at the January 27, 2015 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.


 Deborah Crocker Date 3/31/15
 KRS Staff Attorney