

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
July 18, 2016 at 10:30 A.M. E.T.
Previously Scheduled for June 28, 2016.
Board Room
Perimeter Park West, 1270 Louisville Road
Frankfort, Kentucky 40601**

At the meeting of the Disability Appeals Committee, held on July 18, 2016, the following members were present: Ed Davis, Chair, Mary Helen Peter, Donna Shelton and Chris Lewis, Dual 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 April 26, 2016 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-37, 15-D-40, 15-D-58, 15-D-41, 15-D-63, 15-D-28, 15-D-19, 15-D-16, 07-D-17 and 15-D-75.

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

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-37, 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.

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-40, 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.

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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-58, 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 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-41, 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 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-63, 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. 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-28, 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. 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-19, 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 review in two years.

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-16, to remand this case in order for the Hearing Officer to issue a new Recommendation on Remand whether the Claimant is entitled to disability retirement benefits, upon review of all the tendered objective medical evidence.

It was moved by Ms. Shelton, seconded by Ms. Peter, and carried unanimously, that the Committee members having considered the record, including the Order(s) of the Court of Appeals and Franklin Circuit Court and the recommended order on remand, in the case of Administrative Action Number: 07-D-17, accept the Hearing Officer's Report on Remand, Findings of Fact, Conclusions of Law, and 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 Hearing Officer Order of Dismissal and any exceptions duly filed, in the case of Administrative Action Number: 15-D-75, to accept the Hearing Officer's Order of Dismissal and to dismiss this action with prejudice.

There being no further business, the meeting was adjourned at 11:11 A.M., E.T. to meet on August 30, 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 8/30/16
Tracy Chambers Date
Recording Secretary

I, Ed Davis, do certify that the Minutes of the meeting held on July 18, 2016 were approved by the Disability Appeals Committee on August 30, 2016.

Ed Davis 8/30/16
Ed Davis, Chair Date
Disability Appeals Committee

I, Joseph P. Bowman, was present at the July 18, 2016 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.

Joseph P. Bowman 8/30/16
Joseph P. Bowman Date
KRS Staff Attorney