

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
May 26, 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 May 26, 2015, the following members were present: Vince Lang, Chair, William Summers and Donna Shelton, Proxy on behalf of Timothy Longmeyer.

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

It was moved by Mr. Summers, seconded by Ms. Shelton, and carried to approve the Minutes of the March 31, 2015 Disability Appeals Committee Meeting.

Mr. Lang noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 13-D-119, 14-D-13, 13-D-07, 14-D-35, 13-D-101, 14-D-09, 14-D-40, 14-D-37, 13-D-43, 13-D-133, 14-D-51, 14-D-77, 14-D-14, 14-D-42 and 12-D-44.

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

It was moved by Mr. Summers, 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: 13-D-119, 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 one year. Approval is based upon the cumulative effect of the claimant's Crohn's disease and peripheral neuropathy.

It was moved by Mr. Summers, 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-13, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, 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. 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: 13-D-07, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits. The Board further moves to deny the Claimant's Motion to File Late Exceptions. In Kentucky "[A]n administrative agency cannot enlarge statutorily prescribed time frames." Curtis v. Belden Electronic Wire and Cable, 760 S.W.2d 97, 99 (Ky. App. 1988) (overruled on other grounds by Humana, Inc. v. Blose, 247 S.W.3d 892 (Ky. 2008).

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It was moved by Mr. Summers, 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-35, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits based on orthopedic low back disease with significant contributing cervical spine disease. Review shall occur in three years.

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It was moved by Mr. Summers, 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: 13-D-101, 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 Mr. Summers, 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-09, 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 Mr. Summers, 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-40, 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 Mr. Summers, 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-37, 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 Mr. Summers, 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: 13-D-43, to reject the Hearing Officer's Report to approve hazardous in-line-of-duty disability retirement benefits, and to instead, issue a Board of Trustees Order, denying claimant's application for hazardous in-line-of-duty disability retirement benefits.

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It was moved by Mr. Summers, 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: 13-D-133, 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 Mr. Summers, 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-51, 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 Mr. Summers, 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: 14-D-77, to accept the Recommended Order of Dismissal and to dismiss both the claimant's application for disability retirement benefits and his application for duty-related disability retirement benefits, at the claimant's own request.

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It was moved by Mr. Summers, 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: 14-D-14, to accept the Recommended Order of Dismissal and to dismiss claimant's application for disability retirement benefits, at the claimant's own request.

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It was moved by Mr. Summers, 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: 14-D-42, to accept the Recommended Order of Dismissal and to dismiss claimant's application for disability retirement benefits, at the claimant's own request.

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It was moved by Mr. Summers, 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: 12-D-44, to accept the Recommended Order of Dismissal and to dismiss claimant's application for disability retirement benefits, at the request of claimant's beneficiary.

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There being no further business, the meeting was adjourned at 9:21 A.M., E.T. to meet on July 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 7-27-15
Tracy Chambers Date
Recording Secretary

I, Vince Lang, do certify that the Minutes of the meeting held on May 26, 2015 were approved by the Disability Appeals Committee on July 27, 2015.

Vince Lang 7-27-15
Vince Lang, Chair Date
Disability Appeals Committee

I, Jennifer A. Jones, was not present at the May 26, 2015 Disability Appeals Committee meeting, but have reviewed the minutes for form and legality.

J. A. Jones 7-27-15
Jennifer A. Jones Date
KRS Assistant General Counsel