## MINUTES

OF

## DISABILITY APPEALS COMMITTEE October 29, 2020 at 10:00 A.M. E.T. Via Video Teleconference 1260 Louisville Road Frankfort, Kentucky 40601

At the meeting of the Disability Appeals Committee, held on October 29, 2020, the following members were present via live video teleconference due to SB 150, signed into law by the Governor on March 30, 2020, and Executive Order 2020-215 declaring a State of Emergency effective March 6, 2020 due to COVID-19: Betty Pendergrass, Chair, Jerry Powell, and Gordon Rowe, Proxy on behalf of Gerina D. Whethers.

In addition, those present were Erin Surratt, KRS, Liza Welch, KRS, Victoria Hale, KRS, Justin McNeil, KRS, Shaun Case, KRS, Mary Nichols, KRS, and Tracy Chambers, Recording Secretary.

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It was moved by Mr. Powell, seconded by Ms. Pendergrass, and carried to approve the Minutes of the August 26, 2020 Disability Appeals Committee Meeting.

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Mr. Case departed the meeting prior to entering closed session.

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Ms. Pendergrass noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 19-D-04, 19-D-38, 18-D-53, 19-D-21, 20-D-16, and 20-D-09.

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

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It was moved by Mr. Powell, seconded by Mr. Rowe, 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: 19-D-04, 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.

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It was moved by Mr. Powell, seconded by Mr. Rowe, 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: 19-D-38, to reject the Hearing Officer's Report to deny hazardous in-line-of-duty disability retirement benefits and to instead issue a Board Final Order approving Claimant's application for hazardous in-line-of-duty disability retirement benefits, with a review in three years.

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It was moved by Mr. Powell, seconded by Mr. Rowe, 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: 18-D-53, to accept the Hearing Officer's Report on Remand, as modified in the Board Final Order, and to approve Claimant's application for hazardous disability retirement benefits, with a review in two years.

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It was moved by Mr. Powell, seconded by Mr. Rowe, 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: 19-D-21, 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 a review in one year.

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It was moved by Mr. Powell, seconded by Mr. Rowe, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Appeal With Prejudice and any exceptions duly filed, in the case of Administrative Action Number: 20-D-16, to accept the Hearing Officer's Recommended Order Dismissing Appeal With Prejudice, and to dismiss Claimant's application for disability retirement benefits with prejudice.

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It was moved by Mr. Powell, seconded by Mr. Rowe, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Appeal Without Prejudice and any exceptions duly filed, in the case of Administrative Action Number: 20-D-09, to accept the Hearing Officer's Recommended Order Dismissing Appeal Without Prejudice, and to dismiss Claimant's application for disability retirement benefits without prejudice.

There being no further business, the meeting was adjourned at 11:10 A.M., E.T. to meet on December 16, 2020 at 10:00 A.M., E.T. (NOTE: The December 16, 2020 meeting was rescheduled to February 24, 2021).

## 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 Recording Secretary	
I, Betty Pendergrass, do certify that the Minutes of the meeting held on October 29, 2020 were approved by the Disability Appeals Committee on February 24, 2021.	
151 Letty a Pendergram	02/25/2021
Betty Pendergrass, Chair Obsability Appeals Committee	Date
I, Victoria Hale, was present at the October 29, 2020 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.  Victoria Hale  Date  KRS Staff Attorney	