

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
September 19, 2016 at 12:30 P.M. E.T.
Board Room
Perimeter Park West, 1270 Louisville Road
Frankfort, Kentucky 40601**

At the meeting of the Disability Appeals Committee, held on September 19, 2016, the following members were present: Keith Peercy, Chair, Vince Lang 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 Mr. Lang, seconded by Ms. Shelton, and carried to approve the Minutes of the July 18, 2016 Disability Appeals Committee Meeting.

Mr. Peercy noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 15-D-26, 15-D-82, 15-D-95, 13-D-107, 15-D-68, 15-D-100, 15-D-59, 14-D-111 and 15-D-44.

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

It was moved by Mr. Lang, 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-26, 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. Shelton, seconded by Mr. Lang, 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-82, to remand this matter back to the hearing officer to issue additional findings, conclusions and Recommended Order on Remand without application of the doctrine of *res judicata*.

It was moved by Mr. Lang, 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-95, 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.

It was moved by Ms. Shelton, seconded by Mr. Lang, 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-107, 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 five years.

It was moved by Mr. Lang, 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-68, 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. Shelton, seconded by Mr. Lang, 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-100, 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.

It was moved by Mr. Lang, 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-59, 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. Shelton, seconded by Mr. Lang, 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-111, 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.

It was moved by Mr. Lang, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the Agreed Order of Dismissal and any exceptions duly filed, in the case of Administrative Action Number: 15-D-44, to accept the Agreed Order of Dismissal and to dismiss this administrative appeal.

There being no further business, the meeting was adjourned at 12:50 P.M., E.T. to meet on November 21, 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 11.21.16
Tracy Chambers Date
Recording Secretary

I, Keith Percy, do certify that the Minutes of the meeting held on September 19, 2016 were approved by the Disability Appeals Committee on November 21, 2016.

Keith Percy 11.21.16
Keith Percy, Chair Date
Disability Appeals Committee

I, Joseph P. Bowman, was present at the September 19, 2016 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.



Joseph P. Bowman
KRS Staff Attorney

11/21/16

Date