

**MINUTES
OF
ADMINISTRATIVE APPEALS COMMITTEE
September 28, 2015 at 9:48 A.M., E.T.
Board Room
Perimeter Park West, 1270 Louisville Road
Frankfort, KY 40601**

At the meeting of the Administrative Appeals Committee, held on September 28, 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, Joseph Bowman, KRS, Alan Hurst, KRS and Tracy Chambers, Recording Secretary.

It was moved by Ms. Hook, seconded by Mr. Summers, and carried to approve the Minutes of the July 27, 2015 Administrative Appeals Committee Meeting.

Mr. Lang noted the necessity of closed session for the purpose of reviewing the administrative appeals of Administrative Action Numbers: 14-PS-07, 14-A-20, 15-PS-06, 15-PS-07, 15-A-06, 14-PS-08, 14-PS-10 and 14-A-15.

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

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: 14-PS-07, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and hereby issues its Final Order that the increase in creditable compensation greater than ten percent (10%) at issue was not the direct result of a bona fide promotion or career advancement pursuant to KRS 61.598. The claimant shall be required to pay for the additional actuarial costs assessed at \$83.61. Ms. Hook dissented.

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-A-20, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and hereby issues its Final Order that Claimant must repay the Agency the sum of \$6,306.72 representing all benefits she received in error during which she violated the retired-reemployed provisions of KRS 61.637 and 105 KAR 1:390.

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: 15-PS-06, to accept the Recommended Order of Dismissal and to dismiss this action. After the recalculation it was determined that there was no longer a spike under KRS 61.598 making this matter moot.

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: 15-PS-07, to accept the Recommended Order of Dismissal and to dismiss this action. After the recalculation it was determined that there was no longer a spike under KRS 61.598 making this matter moot.

It was moved by Mr. Summers, seconded by Ms. Hook, 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-A-06, to accept the Agreed Order of Dismissal as there being no justiciable controversy between the parties to dismiss this action as resolved by the parties through a repayment agreement in the total amount of \$10,581.84.

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-PS-08, to accept the Recommended Order of Dismissal and to dismiss this action. After the recalculation it was determined that there was no longer a spike under KRS 61.598 making this matter moot.

It was moved by Mr. Summers, seconded by Ms. Hook, 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: 14-PS-10, to accept the Agreed Order of Dismissal and to dismiss this action pursuant to the terms of the Agreed Order in which the claimant agreed to pay the additional actuarial costs of annual increases in the employee's creditable compensation greater than 10% which has been determined to be \$638.28.

It was moved by Ms. Hook, seconded by Mr. Summers, and carried unanimously, that the Committee members having considered the record, including the agreed recommended order and any exceptions duly filed, in the case of Administrative Action Number: 14-A-15, to accept the Agreed Recommended Order and to dismiss the claimant's appeal per the terms of the Agreed Recommended Order. Per the language of the Agreed Order, claimant agrees to repay \$2,000 to KRS, which represents the benefits erroneously overpaid to claimant from May 2013 through September 2013. Claimant and KRS agreed that the claimant will owe KRS \$5,000 at the time of her death, whereupon KRS will withhold the full \$5,000 death benefit. Furthermore, in the event that Seven Counties Services remits contributions on behalf of claimant after April 2013, claimant will have the option of purchasing her service credit from May 2013 through September 2013. If she does so, she must repay the pension benefits she received from May 2013 through September 2013 totaling \$8,218.10 less the \$2,000 paid in settlement, with interest at the assumed rate of 7.5% compounded annually. In addition, her waiver of the death benefit will be null and void.

There being no further business, the meeting was adjourned at 10:15 A.M., E.T. to meet on November 30, 2015 immediately following the Disability Appeals Committee meeting.

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
Tracy Chambers
Recording Secretary

11.30.15
Date

I, Vince Lang, do certify that the Minutes of the meeting held on September 28, 2015 were approved by the Administrative Appeals Committee on November 30, 2015.

Vince Lang 11-30-15
Vince Lang, Chair Date
Administrative Appeals Committee

I, Joseph P. Bowman, was present at the September 28, 2015 Administrative Appeals Committee meeting, and have reviewed the minutes for form and legality.

[Signature] 11-30-15
Joseph P. Bowman Date
KRS Staff Attorney