

**MINUTES  
OF  
ADMINISTRATIVE APPEALS COMMITTEE  
June 26, 2017 at 9:39 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 June 26, 2017, the following members were present: Betty Pendergrass, Chair, David Rich and Donna Shelton, Proxy on behalf of Thomas Stephens.

In addition, those present were Becky Stephens, KRS, Liza Welch, KRS, Mark Blackwell, KRS, Alan Hurst, KRS and Tracy Chambers, Recording Secretary.

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It was moved by Ms. Shelton, seconded by Ms. Pendergrass, and carried to approve the Minutes of the April 27, 2017 Administrative Appeals Committee Meeting.

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Ms. Pendergrass noted the necessity of closed session for the purpose of reviewing the administrative appeals of Administrative Action Numbers: 16-A-08, 15-T-04, 16-PS-05, 16-PS-06, and 16-A-10.

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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 Ms. Shelton, seconded by Mr. Rich, 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: 16-A-08, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to affirm Kentucky Retirement Systems' determination that claimant was employed without notifying the Systems in violation of KRS 61.615(1).

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It was moved by Ms. Shelton, seconded by Mr. Rich, 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-T-04, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to continue claimant's disability retirement benefits, with review in one year.

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It was moved by Ms. Shelton, seconded by Mr. Rich, 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: 16-PS-05, to reject the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to sustain Kentucky Retirement Systems' determination of pension spiking pursuant to KRS 61.598 and 105 KAR 1:140 Section 8 (9) requiring claimant, as the last employer prior to member's retirement, to remit to Kentucky Retirement Systems the actuarial cost of the pension spike in the amount of \$14,750.62.

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It was moved by Ms. Shelton, seconded by Mr. Rich, 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: 16-PS-06, to reject the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to sustain Kentucky Retirement Systems' determination of pension spiking pursuant to KRS 61.598 and 105 KAR 1:140 Section 8 (9) requiring claimant, as the last employer prior to member's retirement, to remit to Kentucky Retirement Systems the actuarial cost of the pension spike in the amount of \$258.01.

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It was moved by Mr. Rich, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Agreed Order to Dismiss and any exceptions duly filed, in the case of Administrative Action Number: 16-A-10, to accept the Hearing Officer's Agreed Order to Dismiss and dismiss claimant's appeal pursuant to the Agreed Order and repayment agreement.

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There being no further business, the meeting was adjourned at 10:10 A.M., E.T. to meet on August 28, 2017 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                                          8-28-17  
Tracy Chambers                                          Date  
Recording Secretary

I, Betty Pendergrass, do certify that the Minutes of the meeting held on June 26, 2017 were approved by the Administrative Appeals Committee on August 28, 2017.

Betty A Pendergrass                                          8/28/2017  
Betty Pendergrass, Chair                                          Date  
Administrative Appeals Committee

I, Alan Hurst, was present at the June 26, 2017 Administrative Appeals Committee meeting, and have reviewed the minutes for form and legality.

Alan Hurst                                                          8/28/17  
Alan Hurst                                                          Date  
KRS Staff Attorney