

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
April 28, 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 April 28, 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 Donna Shelton, Proxy on behalf of Gerina D. Whethers.

In addition, those present were Keith Peercy, Chair, Disability Appeals Committee 2, Campbell Connell, Disability Appeals Committee 2, Erin Surratt, KRS, Liza Welch, KRS, Victoria Hale, KRS, Justin McNeil, KRS, Shaun Case, KRS, Phillip Cook, KRS, Mary Nichols, KRS, and Tracy Chambers, Recording Secretary.

It was moved by Mr. Powell, seconded by Ms. Shelton, and carried to approve the Minutes of the March 9, 2020 Disability Appeals Committee Meeting.

There was a Presentation to Disability Appeals Committees 1 and 2, with Committee Discussion and Action Regarding Conducting Administrative Hearings in Light of the Governor's Executive Order 2020-215 (Declaring a State of Emergency in Kentucky). It was moved by Mr. Powell, seconded by Ms. Shelton, and carried to pursue policies and procedures in order to determine how to effectively conduct administrative hearings and to continue, if possible, with administrative hearings in light of the Governor's Executive Order 2020-215.

Mr. Peercy, Mr. Connell, Mr. Case, and Mr. Cook departed the meeting prior to entering closed session.

Ms. Pendergrass noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 18-D-55, 19-D-13, 18-D-22, 19-D-25, 19-D-48, 18-D-33, and 19-D-23.

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

It was moved by Mr. Powell, 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: 18-D-55, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny Claimant's application for disability retirement benefits. The Board, having reviewed Claimant's Motion for Additional Review by the Medical Review Board, hereby denies the motion. Additionally, the Board, having reviewed Claimant's Request for Oral Argument contained within her Exceptions, hereby denies the Request for Oral Argument.

It was moved by Ms. Shelton, seconded by Mr. Powell, 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-13, 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. Powell, 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-22, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny Claimant's application for duty-related disability retirement benefits.

It was moved by Mr. Powell, 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: 19-D-25, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny Claimant's application for disability retirement benefits.

I, Victoria Hale, was present at the April 28, 2020 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.

/s/ *Victoria A. Hale*

06/30/2020

Victoria Hale
KRS Staff Attorney

Date