

**MINUTES  
OF  
DISABILITY APPEALS COMMITTEE  
December 10, 2018 at 10:00 A.M. E.T.  
Board Room  
Perimeter Park West, 1270 Louisville Road  
Frankfort, Kentucky 40601**

At the meeting of the Disability Appeals Committee, held on December 10, 2018, the following members were present: Betty Pendergrass, Chair, Jerry Powell, and Donna Shelton, Proxy on behalf of Thomas Stephens.

In addition, those present were Erin Surratt, KRS, Liza Welch, KRS, Alan Hurst, KRS, and Tracy Chambers, Recording Secretary.

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It was moved by Ms. Shelton, seconded by Mr. Powell, and carried to approve the Minutes of the October 29, 2018 Disability Appeals Committee Meeting.

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Ms. Pendergrass noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 17-D-25, 11-D-139, 17-D-24, 17-D-08, 18-D-02, 17-D-63, and 18-D-16.

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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 Ms. Pendergrass, and carried by a majority, that the Committee members having considered the record, including the recommended order, any exceptions duly filed, and Kentucky Retirement Systems' Motion to Remand Matter to Submit Additional Evidence, in the case of Administrative Action Number: 17-D-25, to grant the motion and remand this matter in order for the hearing officer to reopen the administrative record and admit new evidence obtained from claimant's employer. Ms. Shelton abstained.

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It was moved by Ms. Shelton, seconded by Mr. Powell, and carried unanimously, that the Committee members having considered the record, including the Kentucky Court of Appeals Opinion Reversing and Remanding, in the case of Administrative Action Number: 11-D-139, to remand this case in order for the hearing officer to issue a recommended order consistent with the opinion of the Court of Appeals.

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It was moved by Mr. Powell, seconded by Ms. Shelton, 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: 17-D-24, to reject the Hearing Officer's Report to approve disability retirement benefits and to instead issue a Board Final Order denying claimant's application for disability retirement benefits. Ms. Pendergrass abstained.

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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: 17-D-08, 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 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-02, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for duty-related disability retirement benefits.

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It was moved by Ms. Shelton, seconded by Ms. Pendergrass, 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: 17-D-63, to reject the Hearing Officer's Report to approve disability retirement benefits and to instead issue a Board Final Order denying claimant's application for disability retirement benefits. Mr. Powell dissented.

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