

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
December 18, 2017 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 18, 2017, the following members were present: David Rich, Chair, Betty Pendergrass, and Donna Shelton, Proxy on behalf of Thomas Stephens.

In addition, those present were Patrick Kelly Downard, KRS Board Member, Erin Surratt, KRS, Liza Welch, KRS, Mark Blackwell, KRS, Alan Hurst, KRS, Crystal Smith, KRS, Tracy Chambers, KRS, and Missy Evans, Recording Secretary.

It was moved by Ms. Shelton, seconded by Ms. Pendergrass, and carried to approve the Minutes of the October 30, 2017 Disability Appeals Committee Meeting.

Mr. Rich noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 16-D-67, 16-D-42, 16-D-82, 16-D-71, 16-D-54, 16-D-70, 17-D-11, 16-D-55, and 17-D-49.

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

It was moved by Ms. Shelton, seconded by Ms. Pendergrass, 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-D-67, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for disability retirement benefits and duty-related disability retirement benefits.

It was moved by Ms. Pendergrass, 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: 16-D-42, to remand this case in order for the hearing officer to make an additional finding on the issue of pre-existing conditions and to submit a new recommended order regarding whether the claimant is entitled to disability retirement benefits.

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It was moved by Ms. Shelton, seconded by Ms. Pendergrass, 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-D-82, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Pendergrass, 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: 16-D-71, 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.

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It was moved by Ms. Shelton, seconded by Ms. Pendergrass, 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-D-54, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Pendergrass, seconded by Mr. Rich, 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: 16-D-70, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for in-line-of-duty disability retirement benefits. Ms. Shelton abstained.

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It was moved by Ms. Shelton, seconded by Ms. Pendergrass, 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-11, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for in-line-of-duty disability retirement benefits.

It was moved by Ms. Pendergrass, 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: 16-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.

It was moved by Ms. Shelton, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Order Dismissing Appeal without Prejudice and any exceptions duly filed, in the case of Administrative Action Number: 17-D-49, to accept the Hearing Officer's Order Dismissing Appeal without Prejudice, and to dismiss claimant's application for hazardous disability retirement benefits and in-line-of-duty disability retirement benefits, without prejudice.

There being no further business, the meeting was adjourned at 10:47 A.M., E.T. to meet on February 26, 2018 at 10:00 A.M., E.T.

CERTIFICATION

I, Missy Evans, 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.


Missy Evans _____ Date 2/26/18
Recording Secretary

I, David Rich, do certify that the Minutes of the meeting held on December 18, 2017 were approved by the Disability Appeals Committee on February 26, 2018.


David Rich, Chair _____ Date 2 26 18
Disability Appeals Committee

I, Alan Hurst, was present at the December 18, 2017 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.

Alan Hurst
Alan Hurst
KRS Staff Attorney

2/26/18
Date