

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
July 27, 2017 at 9:30 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 July 27, 2017, the following members were present: Keith Percy, Chair, Vince Lang, and Donna Shelton, Proxy on behalf of Thomas Stephens.

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

It was moved by Mr. Lang, seconded by Ms. Shelton, and carried to approve the Minutes of the May 31, 2017 Disability Appeals Committee Meeting.

Mr. Percy noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 16-D-58, 16-D-47, 15-D-96, 16-D-41, 16-D-59, 16-D-46, 16-D-12, and 16-D-80.

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

It was moved by Ms. Shelton, seconded by Mr. Lang, 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-58, 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 Mr. Lang, 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-47, to remand this case in order for the hearing officer to issue a new Recommended Order regarding whether the claimant is entitled to hazardous and in-line-of-duty disability retirement benefits.

It was moved by Ms. Shelton, seconded by Mr. Lang, 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-D-96, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for hazardous disability retirement benefits, with a review in two years and denying claimant's application for in-line-of-duty disability retirement benefits. Furthermore, the Board, having reviewed Kentucky Retirement Systems' Motion to Strike, hereby grants the Motion.

It was moved by Mr. Lang, seconded by Mr. Percy, 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-41, to remand this case in order for the hearing officer to address the inconsistency in the Findings of Fact and Conclusions of Law. Ms. Shelton abstained.

It was moved by Ms. Shelton, seconded by Mr. Lang, 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-59, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits, with a review in three years.

It was moved by Mr. Lang, 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-46, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for hazardous disability retirement benefits and in-line-of-duty disability retirement benefits, with a review in five years.

It was moved by Ms. Shelton, seconded by Mr. Lang, 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-12, to remand this case in order for the hearing officer to issue a new Recommended Order regarding whether the claimant is entitled to hazardous disability retirement benefits.

It was moved by Mr. Lang, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Order of Dismissal and any exceptions duly filed, in the case of Administrative Action Number: 16-D-80, to accept the Hearing Officer's Order of Dismissal and to dismiss claimant's application for disability retirement benefits.

There being no further business, the meeting was adjourned at 9:58 A.M., E.T. to meet on September 28, 2017 at 9:30 A.M., E.T.

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 9.28.17
Tracy Chambers Date
Recording Secretary

I, Keith Percy, do certify that the Minutes of the meeting held on July 27, 2017 were approved by the Disability Appeals Committee on September 28, 2017.

Keith Percy 9.28.17
Keith Percy, Chair Date
Disability Appeals Committee

I, Alan Hurst, was present at the July 27, 2017 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.

Alan Hurst 9/28/17
Alan Hurst Date
KRS Staff Attorney