

**MINUTES
OF
ADMINISTRATIVE APPEALS COMMITTEE
October 27, 2016 at 9:58 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 October 27, 2016, the following members were present: Ed Davis, Chair, David Rich and Donna Shelton, Proxy on behalf of Thomas Stephens.

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

It was moved by Ms. Shelton, seconded by Mr. Davis, and carried to approve the Minutes of the August 30, 2016 Administrative Appeals Committee Meeting.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the administrative appeals of Administrative Action Numbers: 16-T-02, 15-PS-19, 15-A-13, 15-PS-21, 15-A-11, 15-A-08 and 15-PS-12.

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

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-T-02, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to reinstate claimant's application for disability retirement benefits, with review in five years.

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-PS-19, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to affirm Kentucky Retirement Systems' determination pursuant to KRS 61.598 that claimant failed to prove that the increases in the member's creditable compensation greater than 10% over the last five fiscal years of employment prior to retirement were the result of a bona fide promotion or career advancement.

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-A-13, to reject the Hearing Officer's Report and to instead, issue a Board Final Order, upholding Kentucky Retirement Systems' determination that claimant was reemployed in violation of KRS 61.637 and 105 KAR 1:390 resulting in an overpayment in the amount of \$20,062.77.

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-PS-21, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to overturn Kentucky Retirement Systems' determination that claimant is required to pay actuarial costs associated with the increase in creditable compensation pursuant to KRS 61.598.

It was moved by Ms. Shelton, seconded by Mr. Rich, 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: 15-A-11, to accept the Hearing Officer's Order of Dismissal and to dismiss this administrative appeal per the explicit terms of the parties' Agreed Order of Settlement adopted and incorporated in the hearing officer's order of dismissal.

It was moved by Ms. Shelton, seconded by Mr. Rich, 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: 15-A-08, to accept the Hearing Officer's Order of Dismissal and to dismiss this administrative appeal per the explicit terms of the parties' Settlement Agreement adopted and incorporated in the hearing officer's order of dismissal.

It was moved by Ms. Shelton, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the Order of Dismissal and any exceptions duly filed, in the case of Administrative Action Number: 15-PS-12, that upon additional evidence, it was determined that the member's increase in creditable compensation was attributable to a bona fide promotion or career advancement as codified in KRS 61.598. Accordingly, claimant is not responsible for the additional actuarial costs resulting from the increased compensation and therefore, this administrative appeal is dismissed.

There being no further business, the meeting was adjourned at 10:23 A.M., E.T. to meet on December 21, 2016 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.

<i>Tracy Chambers</i>	12.21.16
Tracy Chambers	Date
Recording Secretary	

I, Ed Davis, do certify that the Minutes of the meeting held on October 27, 2016 were approved by the Administrative Appeals Committee on December 21, 2016.

<i>Ed Davis</i>	12.21.16
Ed Davis, Chair	Date
Administrative Appeals Committee	

I, Joseph P. Bowman, was present at the October 27, 2016 Administrative Appeals Committee meeting, and have reviewed the minutes for form and legality.



Joseph P. Bowman
KRS Staff Attorney

12/21/16
Date