

**MINUTES OF
JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY
RETIREMENT SYSTEMS AND COUNTY EMPLOYEES RETIREMENT SYSTEM MEETING
April 18, 2022 at 9:30 A.M. E.T.
Via Video Teleconference
1260 Louisville Road
Frankfort, Kentucky 40601**

At the meeting of the Joint Disability and Administrative Appeals Committees, held on April 18, 2022, the following members were present via live video teleconference: Keith Peercy, Chair, and Betty Pendergrass.

In addition, those present were Erin Surratt, KPPA, Liza Welch, KPPA, John Chilton, KPPA, Victoria Hale, KPPA, Andrea Freadreacea, KPPA, Phillip Cook, KPPA, and Tracy Chambers, Recording Secretary.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, and carried to approve the Minutes of the February 23, 2022 Joint Disability and Administrative Appeals Committee Meeting.

Mr. Cook departed the meeting prior to entering closed session.

Mr. Peercy noted the necessity of closed session for the purpose of reviewing the disability applications and administrative appeals of Administrative Action Numbers: 20-D-48, 20-D-37, 20-D-36, 20-T-12, 20-T-11, 18-PS-01, 18-T-03, 19-T-03, 20-A-10, and 21-A-04.

Mr. Chilton entered the meeting during closed session.

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

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, 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: 20-D-48, 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. Pendergrass, seconded by Mr. Peercy, 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: 20-D-37, 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.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, 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: 20-D-36, 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.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, 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: 20-T-12, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to continue Claimant's disability retirement benefits, with a review in one year.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, 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: 20-T-11, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to continue Claimant's disability retirement benefits, with a review in two years.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, and carried unanimously, that the Committee members having considered the record, including the Opinion and Remand Order of the Franklin Circuit Court, the Opinion and Remand Order of the Commonwealth of Kentucky Court of Appeals, and the Kentucky Supreme Court's ruling in *Jefferson County Sheriff's Office v. Kentucky Retirement Systems*, 626 S.W.3d 554 (Ky. 2021), in the case of Administrative Action Number: 18-PS-01, hereby reject the Hearing Officer's Recommended Order, as modified in the Board Final Order, and to grant Claimant's appeal and overrule Kentucky Retirement Systems' determination. Furthermore, the two subsequent paragraphs on page five (5) of the Recommended Order, located just prior to the "Findings of Fact" heading, are stricken from the Recommended Order as the information contained therein is from another administrative matter and not 18-PS-01.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, and any exceptions duly filed, in the case of Administrative Action Number: 18-T-03, to accept the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, as modified in the Board Final Order, and to dismiss Claimant's appeal with prejudice.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, and any exceptions duly filed, in the case of Administrative Action Number: 19-T-03, to accept the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, as modified in the Board Final Order, and to dismiss Claimant's appeal with prejudice.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Claimant's Appeal without prejudice, and any exceptions duly filed, in the case of Administrative Action Number: 20-A-10, to accept the Hearing Officer's Recommended Order Dismissing Claimant's Appeal without prejudice, as modified in the Board Final Order, and to dismiss Claimant's appeal without prejudice.

It was moved by Ms. Pendergrass, seconded by Mr. Peercy, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, and any exceptions duly filed, in the case of Administrative Action Number: 21-A-04, to accept the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, as modified in the Board Final Order, and to dismiss Claimant's appeal without prejudice.

There being no further business, the meeting was adjourned at 10:12 A.M., E.T. to meet on June 30, 2022 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 Committees on the various items considered by them at this meeting.

Tracy Chambers 7-1-22
Tracy Chambers Date
Recording Secretary

I, Keith Peercy, do certify that the Minutes of the meeting held on April 18, 2022 were approved by the Joint Disability and Administrative Appeals Committees of the Board of Trustees of the County Employees Retirement System and the Board of Trustees of the Kentucky Retirement Systems on June 30, 2022.

Keith Peercy 6/30/22
Keith Peercy, Chair Date
Joint Disability and Administrative Appeals Committees

I, Victoria Hale, was present at the April 18, 2022 Joint Disability and Administrative Appeals Committees meeting, and have reviewed the minutes for form and legality.

/s/ Victoria A. Hale

June 30, 2022

Victoria Hale
General Counsel

Date