

**MINUTES OF
JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY
RETIREMENT SYSTEMS AND COUNTY EMPLOYEES' RETIREMENT SYSTEM MEETING
December 21, 2023 at 9:30 A.M. E.T.
Via Video Teleconference
1260 Louisville Road
Frankfort, Kentucky 40601**

The meeting of the Joint Disability and Administrative Appeals Committees, held on December 21, 2023, was called to order by Mr. Peercy at 9:31 a.m. E.T. The following members were present via live video teleconference: Betty Pendergrass, and Dr. Crystal Miller.

In addition, those present from KPPA were Wendi Pierce, Victoria Hale, JJ Alleman, Andrea Freadreacea, Ashley McIntosh, KPPA Recording Secretary, and Shelley Dalton. Ed Owens, CEO of CERS was also present.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously to approve the Minutes of the October 24, 2023, Joint Disability and Administrative Appeals Committees Meeting.

Mr. Peercy noted the necessity of closed session for the purpose of reviewing the disability applications and administrative appeals of Administrative Action Numbers:

21-D-46, 20-D-45, 21-D-47, 22-T-08, 21-T-27, 21-T-25, 22-T-10, 21-T-10, 22-T-56, 22-T-58, 22-T-64, 22-PS-13, 21-T-22.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously to enter closed session.

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

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-D-46, to deny KPPA's Motion to Strike Claimant's Supplemental Exceptions and to adopt the Hearing Officer's Recommendation to Approve Claimant's application for disability retirement benefits as modified in the Board Final Order with a review in five (5) years, at which time KPPA shall order a Functional Capacity Examination to be completed in conjunction with the review.

It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 20-D-45, to grant KPPA's Motion to Strike two statements contained in Claimant's Exceptions on Remand, filed on November 14, 2023, which were not admitted into evidence in the Administrative Record which had closed on May 17, 2023 by Order of the Hearing Officer, dated May 17, 2023. It was further moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members adopt the Hearing Officer's Recommendation to Deny Claimant's application for disability retirement benefits.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-D-47, to adopt the Hearing Officer's Recommendation to Approve Claimant's application for hazardous disability retirement benefits with a review in five (5) years and to Deny in-line-of-duty disability retirement benefits as modified in the Board Final Order.

It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-08, to adopt the Hearing Officer's Recommendation to Continue Claimant's disability retirement benefits as modified in the Board Final Order with a review in two (2) years.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-T-27, to adopt the Hearing Officer's Recommendation to Continue Claimant's disability retirement benefits as modified in the Board Final Order with a review in three (3) years.

It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-T-25, to adopt the Hearing Officer's Recommendation to Continue the Claimant's disability retirement benefits as modified in the Board Final Order with a review in five (5) years.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-10, to adopt the Hearing Officer's Recommendation to Continue Claimant's disability retirement benefits as

modified in the Board Final Order with a review in five (5) years.

It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-T-10, to adopt the Hearing Officer's Recommendation to Continue Claimant's disability retirement benefits as modified in the Board Final Order with a review in three (3) years.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-56 to adopt the Hearing Officer's Recommendation to Dismiss Claimant's Appeal With Prejudice.

It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-58, to adopt the Hearing Officer's Recommendation to Dismiss Claimant's Appeal With Prejudice.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-64, to adopt the Hearing Officer's Recommendation to Dismiss Claimant's Appeal With Prejudice.

It was moved by Dr. Miller, 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: 22-PS-13, to adopt the Hearing Officer's Recommendation to Dismiss Claimant's Appeal as Moot as modified in the Board Final Order.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, 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: 21-T-22, to amend the Board Remand Order dated June 22, 2023 by Rescinding the Remand Order in its entirety and adopt the original Hearing Officer's Recommendation to Continue Claimant's application for disability retirement benefits as modified in the Board Final Order with a review in five (5) years.
