

**MINUTES OF
JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY
RETIREMENT SYSTEMS AND COUNTY EMPLOYEES' RETIREMENT SYSTEM MEETING
June 22, 2023 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 June 22, 2023, the following members were present via live video teleconference: Keith Peercy, Chair, Betty Pendergrass, and Dr. Crystal Miller.

In addition, those present were Erin Surratt, KPPA, Wendi Pierce, KPPA, Victoria Hale, KPPA, JJ Alleman, KPPA, Crystal Smith-Harrod, KPPA Recording Secretary, Robin Goodlett, KPPA

It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried to approve the Minutes of the April 26, 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-33, 21-D-50, 20-D-41, 21-D-05, 20-T-02, 20-PS-06, 21-T-31, 21-A-08, 22-T-14, 21-T-22, 21-A-11. 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 record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-D-33, to adopt the Hearing Officer's Recommendation and to deny Claimant's application for non-hazardous 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 record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-D-50, to adopt the Hearing Officer's Recommendation, and to deny Claimant's application for non-hazardous disability benefits and duty-related disability retirement benefits 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: 20-D-41, to adopt the Hearing Officer's Recommendation, and to deny Claimant's application for non-hazardous disability retirement benefits as modified in the Board Final Order.

It was moved by Dr. Miller, seconded by Chairman 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: 21-D-05, to adopt the Hearing Officer's Recommendation and to deny Claimant's application for non-hazardous disability retirement benefits as modified in the Board Final Order. Ms. Pendergrass recused herself from this case and was removed to the waiting room during its discussion. Chairman Peercy confirmed Ms. Pendergrass did not participate in the closed session discussions.

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: 20-T-02, to reject the Hearing Officer's recommended order and to remand the matter back to Hearing Officer with instructions to send Claimant for a Functional Capacity Evaluation ("FCE") and to send the results of the FCE to the Medical Review Board to conduct an additional medical review. At the conclusion of these new proceedings, including the receipt of new Position Statements and Reply Briefs from the parties, the Hearing Officer was ordered to issue a Recommended Order on Remand taking into consideration any new evidence submitted.

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: 21-A-08, to adopt the Hearing Officer's Recommendation, and to deny the Claimant's appeal because it was untimely filed, 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 reject Hearing Officer's recommended order and to remand the matter back to the Hearing Officer with instructions to send Claimant for an Independent Psychological Evaluation ("IPE") and to send the results of the IPE for another review by the medical review board. At the conclusion of the review, including the receipt of new Position Statements and Reply Briefs from the parties, the Hearing Officer was ordered to issue a Recommended Order on Remand taking into consideration any new evidence submitted.

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: 21-A-11, to adopt the Hearing Officer's Recommendation, and to deny the Claimant's appeal 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: 20-PS-06, to accept the Hearing Officer's order 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: 21-T-31, to accept the Hearing Officer's order 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-T-14, to accept the Hearing Officer's order to Dismiss Claimant's Appeal.

There being no further business, the meeting was adjourned at 10:20 a.m., E.T. to meet on August 31, 2023, at 9:30 A.M., E.T.

CERTIFICATION

I, Crystal Smith-Harrod, 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.

<u>/s/ Crystal A. Smith-Harrod</u>	<u>August 31, 2023</u>
Crystal Smith-Harrod	Date
Recording Secretary	

I, Keith Percy, do certify that the Minutes of the meeting held on June 22, 2023, 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 August 31, 2023.

<u><i>/s/ Keith Percy</i></u>	<u>08312023</u>
Keith Percy, Chair	Date
Joint Disability and Administrative Appeals Committees	

I, Victoria Hale, was present at the June 22, 2023, Joint Disability and Administrative Appeals Committees meeting and have reviewed the minutes for form and legality.

/s/ Victoria A. Hale

9-5-2023

Victoria Hale
General Counsel

Date