

**MINUTES OF
JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY
RETIREMENT SYSTEMS AND COUNTY EMPLOYEES RETIREMENT SYSTEM
MEETING**

**November 29, 2023 at 10:00 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 November 29, 2023, the following members were present via live video teleconference: Jerry Powell, Chair, Dr. Patricia Carver, and Mary Eaves.

In addition, those present from KPPA were Erin Surratt, Liza Welch, Ed Owens, Victoria Hale, Andrea Freadreacea, JJ Alleman, Phillip Cook, Crystal Smith-Harrod, Recording Secretary, Ashley McIntosh, Shelley Dalton.

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It was moved by Dr. Carver, seconded by Ms. Eaves, and carried unanimously to approve the Minutes of the September 18, 2023, Joint Disability and Administrative Appeals Committees Meeting.

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

21-D-54, 21-D-16, 22-D-02, 21-T-03, 22-T-04, 22-T-13, 22-T-21, 22-A-01.

It was moved by Dr. Carver, seconded by Mary Eaves, and carried unanimously to enter closed session.

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

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It was moved by Dr. Carver, seconded by Ms. Eaves, 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-54, to Remand to the Hearing Officer to reopen the Administrative Record, for a period not to exceed thirty (30) days, to allow Claimant to submit the records tendered with her Position Statement and Reply Brief and any additional medical records from visits from the date of the Administrative Hearing on April 20, 2023 through November 29, 2023, subject to KPPA objections.

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It was moved by Dr. Carver, seconded by Ms. Eaves, 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-16, to Remand to the Hearing Officer to issue a new Recommended Order to clarify whether the Claimant is entitled to non-hazardous disability retirement benefits using the correct statutory requirements for the physical exertion requirements, to remove any references to “substantially sedentary” and to either strike any reference, consideration and weight given to the independent research conducted by the Hearing Officer, or to reopen the Administrative Record to allow the parties to address the independent research.

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It was moved by Dr. Carver, seconded by Ms. Eaves, 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-D-02, to accept the Hearing Officer’s Recommended Order, as modified in the Board Final Order, and to Approve Claimant’s hazardous disability retirement benefits based on congestive heart failure, with a review in one (1) year and to Deny the Claimant’s hazardous disability retirement benefits based on spine injury.

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It was moved by Dr. Carver, seconded by Ms. Eaves, 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-03 to accept the Hearing Officer’s Recommended Order, as modified in the Board Final Order, to Continue Claimant’s hazardous disability retirement benefits with a review in five (5) years.

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It was moved by Dr. Carver, seconded by Ms. Eaves, 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-04, to accept the Hearing Officer’s Recommended Order to Continue Claimant’s disability retirement benefits with a review in three (3) years.

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It was moved by Dr. Carver, seconded by Ms. Eaves, 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-13, to accept the Hearing Officer’s Recommended Order, as modified in the Board Final Order, to Continue Claimant’s disability retirement benefits with a review in two (2) years.

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It was moved by Dr. Carver, seconded by Ms. Eaves, 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-21, to accept the Hearing Officer’s Recommended Order, and to Dismiss the appeal With Prejudice.

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It was moved by Dr. Carver, seconded by Ms. Eaves, 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-A-01, to accept the Hearing Officer's Recommended Order, and to Dismiss the appeal With Prejudice.

The Committee scheduled the next meeting for January 24, 2024, at 10:00 A.M., E.T.

There being no further business, the meeting was adjourned at 10:50 A.M., E.T. to meet on January 24, 2024, at 10:00 A.M., E.T.

CERTIFICATION

I, Crystal Smith-Harrod, do certify that I was present at this meeting, and the recorded above actions of the Joint Committees on the various items considered by them at this meeting is true and correct.

ISI Crystal Smith-Harrod
Crystal Smith-Harrod
Recording Secretary

I, Jerry Powell, do certify that the Minutes of the meeting held on November 29, 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 System on January 24, 2024.

Jerry W. Powell 3-5-2024
Jerry Powell, Chair Date
Joint Disability and Administrative Appeals Committees

I, Victoria Hale, was present at the November 29, 2023, Joint Disability and Administrative Appeals Committees meetings, and have reviewed the minutes for form and legality.

ISI Victoria A. Hale 3-5-2024
Victoria Hale Date
General Counsel