

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

**November 30, 2022 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 30, 2022, the following members were present via live video teleconference: Jerry Powell, Chair, Dr. Patricia Carver, and Lynn Hampton.

In addition, those present were Erin Surratt, KPPA, Liza Welch, KPPA, Victoria Hale, KPPA, Andrea Freadreacea, KPPA, JJ Alleman, KPPA, Phillip Cook, KPPA, Ed Owens, CERS, Crystal Smith-Harrod , Recording Secretary, KPPA, Jillian Hall, KPPA, and Jessica Beaubien, KPPA.

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It was moved by Dr. Carver, seconded by Ms. Hampton, and carried to approve the Minutes of the September 26, 2022 Joint Disability and Administrative Appeals Committee 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-PS-28, 21-A-03, 19-PS-06. It was moved by Ms. Hampton, seconded by Dr. Carver, and carried unanimously to enter closed session.

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Jessica Beaubien moved herself to the waiting room while cases were discussed because she is not a KPPA Attorney. Jillian Hall was allowed to stay during closed session because she is a KPPA Attorney.

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

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Being no longer in closed session, Jessica Beaubien returned from the waiting room.

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It was moved by Dr. Carver, seconded by Ms. Hampton, 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-PS-28, to reject the Hearing Officer's Report, and remand back to the Hearing Officer with instructions that the burden of proof be assigned to KPPA, and that the parties be given the opportunity to present new evidence and

argue the case under this new burden. If the parties chose not to conduct a new hearing, the parties would be given the opportunity to submit new Position Statements and Reply Briefs setting forth their respective arguments based on the newly assigned burden of proof. Additionally, on remand the Hearing Officer is to issue Findings of Fact and Conclusions of Law as to the burden of proof and the issue in the case and is to separate his Recommendation from his Conclusions of Law.

It was moved by Dr. Carver, seconded by Ms. Hampton, 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-03, to reject the Hearing Officer's Report, and remand back to the Hearing Officer with instructions that the burden of proof be assigned to Claimant, and Claimant be given ten (10) calendar days to determine if she wishes to have a new evidentiary hearing since she is being assigned the burden of proof. Additionally, the matter was remanded with instructions that the Hearing Officer provide the parties the opportunity to present new evidence and argue the case under this new burden, which includes re-opening the Administrative Record to submit additional non-testimonial evidence. If Claimant chooses not to conduct a new hearing, the parties would be given the opportunity to submit new Position Statements and Reply Briefs setting forth their respective arguments based on the newly assigned burden of proof. The Hearing Officer was then instructed to issue a new Recommended Order taking into consideration the correct burden of proof and any new evidence introduced and admitted. Due to the length of time it has taken for this case to come before the Joint Committee, the Hearing Officer was encouraged to expedite this matter.

It was moved by Dr. Carver, seconded by Ms. Hampton, 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: 19-PS-06, to accept the Hearing Officer's Report, as modified in the Board Final Order, to Dismiss the appeal with prejudice.

Attorney Jillian Hall conducted training for the Joint Committee members and staff regarding Box.com.

There being no further business, the meeting was adjourned at 11:07 A.M., E.T. to meet on January 25, 2023 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 action of the Joint Committees on the various items considered by them at this meeting is true and correct.


/s/ Crystal A. Smith-Harrod

1/30/2023

Crystal Smith-Harrod
Paralegal Consultant

Date

I, Jerry Powell, do certify that the Minutes of the meeting held on November 30, 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 January 25, 2023.



Jerry Powell, Chair
Joint Disability and Administrative Appeals Committees

01/28/2023

Date

I, Victoria Hale, was present at the November 30, 2022 Joint Disability and Administrative Appeals Committees meeting, and have reviewed the minutes for form and legality.

/s/ Victoria A. Hale

Victoria Hale
General Counsel

1-29-23

Date