

**MINUTES OF
JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY
RETIREMENT SYSTEMS AND COUNTY EMPLOYEES' RETIREMENT SYSTEM MEETING
October 24, 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 October 24, 2023, was called to order by Ms. Pendergrass at 9:36 a.m. E.T. The following members were present via live video teleconference: Betty Pendergrass, and Dr. Crystal Miller. Keith Peercy, Chair, joined the meeting at 9:59 a.m. E.T. during closed session.

In addition, those present from KPPA were Liza Welch, Victoria Hale, JJ Alleman, Andrea Freadreacea, Crystal Smith-Harrod, KPPA Recording Secretary, and Ashley McIntosh. Ed Owens, CEO of CERS was also present.

It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried to approve the Minutes of the August 31, 2023, Joint Disability and Administrative Appeals Committees Meeting.

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

21-D-11, 22-D-02, 20-D-46, 20-D-45, 21-D-52, 22-T-37, 22-T-02, 21-D-50 22-PS-12, 22-PS-10, 22-PS-14.

It was moved by Dr. Miller, seconded by Ms. Pendergrass, 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-11, 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 three 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: 22-D-02, to Remand the Hearing Officer's Recommendation to the Hearing Officer to correct errors and issue a Recommended Order on Remand, addressing the issues to be corrected and determining if Claimant is has met his burden of proof to be awarded hazardous 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: 20-D-46, to Remand the Hearing Officer's Recommendation to the Hearing Officer for review and consideration of an additional medical condition which was omitted in the Recommended Order, to correct errors in the exhibits, and issue a Recommended Order on Remand, addressing the issues to be corrected and determining if Claimant has met her burden of proof to be awarded non-hazardous disability retirement benefits.

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 remand the Hearing Officer's Recommendation to the Hearing Officer to address the findings of the Medical Examiners in the most recent review in his Findings and issue a Recommended Order on Remand, addressing the issues to be corrected and determining if Claimant has met his burden of proof to be awarded non-hazardous 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-52, to adopt the Hearing Officer's Recommendation to Deny Claimant's 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 Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-37, to adopt the Hearing Officer's Recommendation to Continue the Claimant's non-hazardous disability retirement benefits with a review in five years, 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 Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-02, to adopt the Hearing Officer's Recommendation to Continue Claimant's non-hazardous disability retirement benefits with a review in three years 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: 21-D-50, to adopt the Hearing Officer's order to Deny Claimant's application for non-hazardous disability retirement benefits and Deny 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 Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-PS-12 to adopt the Hearing Officer's order to Dismiss Claimant's Appeal With Prejudice 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-PS-10, to adopt the Hearing Officer's order 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 record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-PS-14, to adopt the Hearing Officer's order to Dismiss Claimant's Appeal With Prejudice as modified in the Board Final Order.

There being no further business, the meeting was adjourned at 10:27 a.m., E.T. to meet on December 21, 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.

<i>/s/ Crystal Smith-Harrod</i>	12/22/2023
Crystal Smith-Harrod Recording Secretary	Date

I, Keith Percy, do certify that the Minutes of the meeting held on October 24, 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

December 21, 2023.

s/Keith Percy 12212023
Keith Percy, Chair Date
Joint Disability and Administrative Appeals Committees

I, Victoria Hale, was present at the October 24, 2023, Joint Disability and Administrative Appeals Committees meeting and have reviewed the minutes for form and legality.

/s/ Victoria A. Hale 12-21-2023
Victoria Hale Date
General Counsel