

**MINUTES  
OF  
DISABILITY APPEALS COMMITTEE  
April 29, 2014 at 9:00 A.M. E.T.  
Board Room  
Perimeter Park West, 1270 Louisville Road  
Frankfort, Kentucky 40601**

At the meeting of the Disability Appeals Committee, held on April 29, 2014, the following members were present: Ed Davis, Chair, David Rich and Mary Hook, Proxy on behalf of Timothy Longmeyer.

In addition, those present were Charlene Haydon, KRS, Deborah Crocker, KRS and Tracy Chambers, Recording Secretary.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried to approve the Minutes of the March 27, 2014 Disability Appeals Committee Meeting.

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Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 13-D-13, 12-D-124, 12-D-122, 13-D-09, 13-D-06, 13-D-36, 12-D-109, 13-D-12, 12-D-129, 12-D-100, 13-D-21, 10-D-95, 12-D-45, 12-D-87, 13-D-86, 13-D-116, 13-D-47, 13-D-74 and 13-D-124.

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

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It was moved by Mr. Rich, seconded by Ms. Hook, 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: 13-D-13, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits, with review in five years. Approval is based upon the claimant's retinal vein thrombosis of the left eye with associated visual impairment.

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It was moved by Ms. Hook, seconded by Mr. Rich, 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: 12-D-124, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Mr. Rich, 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: 12-D-122, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Mr. Rich, 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: 13-D-09, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits, with review in two years. Approval is based solely upon the claimant's multiple sclerosis (MS).

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It was moved by Mr. Rich, seconded by Ms. Hook, 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: 13-D-06, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Mr. Rich, 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: 13-D-36, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Mr. Rich, seconded by Ms. Hook, 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: 12-D-109, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits based upon the cumulative effect of fibromyalgia and a back condition. Review shall occur in three years.

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It was moved by Ms. Hook, seconded by Mr. Rich, 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: 13-D-12, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits based solely on her back condition. Review shall occur in five years.

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It was moved by Ms. Hook, seconded by Mr. Rich, 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: 12-D-129, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Mr. Rich, seconded by Ms. Hook, 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: 12-D-100, to reject the Hearing Officer's Report to deny hazardous in-line-of-duty disability retirement benefits, and to instead, issue a Board of Trustees Order, approving claimant's application for hazardous in-line-of-duty disability retirement benefits. As the claimant has already been awarded hazardous disability benefits, the annual review period for his case has already been established, and this Order will not change that schedule.

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It was moved by Ms. Hook, seconded by Mr. Rich, 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: 13-D-21, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for disability retirement benefits and denying claimant's application for duty-related disability retirement benefits. The approval is based solely upon the claimant's back condition and first review shall occur in three years.

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It was moved by Mr. Rich, seconded by Ms. Hook, 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: 10-D-95, to accept the Hearing Officer's Report on Remand, Findings of Fact, Conclusions of Law, and to deny claimant's application for hazardous in-line-of-duty disability retirement benefits.

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It was moved by Mr. Rich, seconded by Ms. Hook, 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: 12-D-45, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for in-line-of-duty enhanced disability retirement benefits. Approval is based upon the left knee injury the claimant sustained on September 19, 2008 in the line of duty.

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It was moved by Mr. Rich, seconded by Ms. Hook, 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: 12-D-87, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 13-D-86, to accept the Order of Dismissal and to dismiss claimant's appeal of her denial for disability retirement benefits, at the claimant's own request.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 13-D-116, to accept the Order of Dismissal and to dismiss claimant's appeal of her denial for disability retirement benefits, at the claimant's own request.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the Order Following Telephonic Status Conference dated February 20, 2014, in the case of Administrative Action Number: 13-D-47, to dismiss claimant's appeal of her denial for disability retirement benefits, at the claimant's own request.

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It was moved by Ms. Hook, seconded by Mr. Rich, 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: 13-D-74, grant Systems' Motion for Summary Judgment and, in accordance with KRS 13B.120, issues its Final Order dismissing claimant's application for disability retirement benefits as dictated by the doctrine of *res judicata*. The claimant's initial disability application was thoroughly and impartially litigated to the ultimate conclusion of the KRS Chapter 13B administrative process. The claimant was denied benefits, and chose not to appeal the Board's final decision, despite being fully informed of her right to do so. Therefore, absent any evidence not previously considered, that would address the claimant's alleged disability as of her last date of paid employment, she is not entitled to re-litigate facts and issues that have already been definitively decided.

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It was moved by Mr. Rich, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 13-D-124, to accept the Order of Dismissal and to dismiss claimant's application for disability retirement benefits.

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There being no further business, the meeting was adjourned at 11:23 A.M., E.T. to meet on May 28, 2014 at 9:00 A.M., E.T.

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**CERTIFICATION**

I, Tracy Chambers, do certify that I was present at this meeting, and I have recorded the above action of the Committee on the various items considered by it at this meeting.

Tracy Chambers 5/29/14  
Tracy Chambers Date  
Recording Secretary

I, Ed Davis, do certify that the Minutes of the meeting held on April 29, 2014 were approved by the Disability Appeals Committee on May 28, 2014.

Ed Davis 5/27/14  
Ed Davis, Chair Date  
Disability Appeals Committee

I, Deborah Crocker, was present at the April 29, 2014 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.

Deborah Crocker 5/27/14  
Deborah Crocker Date  
KRS Staff Attorney