

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
August 28, 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 August 28, 2014, the following members were present: Ed Davis, Chair, Mary Helen Peter and Mary Hook, Proxy on behalf of Timothy Longmeyer.

In addition, those present were Becky Stephens, KRS, Liza Welch, KRS, Deborah Crocker, KRS, Carrie Slayton, KRS and Tracy Chambers, Recording Secretary.

It was moved by Ms. Hook, seconded by Ms. Peter, and carried to approve the Minutes of the June 24, 2014 Disability Appeals Committee Meeting.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 13-D-91, 13-D-60, 12-D-58, 12-D-119, 13-D-42, 13-D-71, 10-D-118, 13-D-70, 12-D-136, 13-D-05, 13-D-22 and 13-D-80.

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

It was moved by Ms. Peter, 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-91, 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.

It was moved by Ms. Hook, seconded by Mr. Davis, and carried by a majority, 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-60, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny both the claimant's application for disability retirement benefits and his application for duty-related disability retirement benefits. Ms. Peter dissented.

It was moved by Ms. Peter, 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-58, to reject the Hearing Officer's Report to approve disability retirement benefits, and to instead, issue a Board of Trustees Order, denying claimant's application for disability retirement benefits.

It was moved by Ms. Hook, seconded by Mr. Davis, 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-119, 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.

It was moved by Ms. Peter, seconded by Mr. Davis, and carried by a majority, 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-42, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for hazardous disability retirement benefits. Ms. Hook abstained.

It was moved by Ms. Hook, seconded by Ms. Peter, 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-71, 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.

It was moved by Ms. Peter, 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-118, to defer this case to the September 29, 2014 meeting.

It was moved by Ms. Hook, seconded by Ms. Peter, 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-70, to reject the Hearing Officer's Report to approve disability retirement benefits, and to instead, issue a Board of Trustees Order, denying claimant's application for disability retirement benefits.

It was moved by Ms. Peter, 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-136, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

It was moved by Ms. Hook, seconded by Ms. Peter, 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-05, 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.

It was moved by Ms. Peter, 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-22, to remand this case to the hearing officer who shall make Findings of Fact and Conclusions of Law pertaining to the role of pre-existing causation and substantial aggravation in this case. Once this has been done, the hearing officer is hereby ordered to issue a Recommended Order on Remand as soon as possible to avoid further delay to the parties.
