

**MINUTES  
OF  
DISABILITY APPEALS COMMITTEE  
January 23, 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 January 23, 2014, the following members were present: Edwin Davis, Chair, David Rich and Mary Hook, Proxy on behalf of Timothy Longmeyer.

In addition, those present were Mike Cherry, KRS Board Member, Richard Tanner, KRS Board Member, Charlene Haydon, KRS, Deborah Crocker, KRS and Leigh Taylor, Recording Secretary.

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It was moved by Ms. Hook, seconded by Mr. Rich, and carried to approve the Minutes of the December 18, 2013 Disability Appeals Committee Meeting.

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The following case was decided at the last meeting and was deferred so that a Final Order could be drafted: Administrative Action Number: 12-D-103. Final Board of Trustees Order was approved and signed in open session.

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Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 12-D-65, 13-D-01, 12-D-49, 12-D-121, 12-D-98, 12-D-88, 12-D-23, 06-D-202, 10-D-95, 12-D-79, 13-D-64 and 11-D-83.

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Richard Tanner departed during closed session.

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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 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-65, 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-01, 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 four years. Approval is based upon degenerative disc disease in the claimant's cervical, thoracic and lumbar spines.

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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-49, to reject the Hearing Officer's Report to approve disability retirement benefits, and to instead, issue a Board of Trustee's Order, denying 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-121, to remand this case to the hearing officer. The hearing officer is instructed to take proper judicial notice of the outside source he cited in Finding of Fact #11 as set forth in KRS 13B.090(5). Once this has been accomplished, the hearing officer should issue a Recommended Order on Remand as soon as possible to minimize any further delay to the parties.

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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-98, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to approve claimant's application for disability retirement benefits, with review in four years. Approval is based on the cumulative effect of the claimant's left eye blindness, degenerative joint disease (spine and both knees), difference in leg length, fused right ankle and left hip pain.

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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-88, to reject the Hearing Officer's Report to approve disability retirement benefits, and to instead, issue a Board of Trustee's Order, denying 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-23, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to approve claimant's application for disability retirement benefits, with review in two years. Approval is based upon the cumulative effect of the claimant's rheumatoid arthritis, degenerative joint disease, osteoarthritis, five bulging spinal discs, clinical depression, right knee replacement and fibromyalgia.

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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: 06-D-202, to accept the Hearing Officer's Report on Remand, 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 recommended order and any exceptions duly filed, in the case of Administrative Action Number: 10-D-95, to remand this matter to the hearing officer for the correct consideration of the role of pre-existing conditions and substantial aggravation in this particular case which deals with hazardous duty 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-79, 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-64, 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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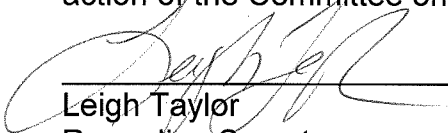
It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 11-D-83, to accept the Order of Dismissal and to dismiss claimant's appeal, at the request of Claimant's beneficiary.

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There being no further business, the meeting was adjourned at 10:53 A.M., E.T. to meet on February 21, 2014 at 9:00 A.M., E.T.


**CERTIFICATION**

I, Leigh Taylor, 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.

  
\_\_\_\_\_  
Leigh Taylor  
Recording Secretary


02.21.2014  
\_\_\_\_\_  
Date

I, Edwin Davis, do certify that the Minutes of the meeting held on January 23, 2014 were approved by the Disability Appeals Committee on February 21, 2014.

  
\_\_\_\_\_  
Edwin Davis, Chair  
Disability Appeals Committee

2/21/14  
\_\_\_\_\_  
Date

I, Deborah Crocker, was present at the January 23, 2014 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.

  
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Deborah Crocker  
KRS Staff Attorney

2/21/14  
\_\_\_\_\_  
Date