

**MINUTES  
OF  
DISABILITY APPEALS COMMITTEE  
January 24, 2013 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 24, 2013, the following members were present: Vince Lang, Chair, Susan Smith and Mary Hook, Proxy on behalf of Timothy Longmeyer.

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

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It was moved by Ms. Smith, seconded by Ms. Hook, and carried to approve the Minutes of the December 17, 2012 Disability Appeals Committee Meeting.

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Mr. Lang noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 11-D-40, 11-D-101, 11-D-106, 06-D-23, 11-D-89, 11-D-72, 11-D-75, 11-D-64, 10-D-85, 11-D-68, 11-D-94, 10-D-109 and 07-D-01.

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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. Smith, 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: 11-D-40, 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 upon the Claimant's cervical spine condition.

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It was moved by Ms. Hook, seconded by Ms. Smith, 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: 11-D-101, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, 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.

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It was moved by Ms. Smith, 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: 11-D-106, to accept the Hearing Officer's Report on Remand, as modified in the Board of Trustees Final Order, and to approve the Claimant's application for disability retirement benefits, with review in one year. Approval is based upon the Claimant's depression masked by a mood disorder and conversion disorder.

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It was moved by Ms. Hook, seconded by Ms. Smith, and carried unanimously, that the Committee members having considered the record, including the recommended order on remand and any exceptions duly filed, in the case of Administrative Action Number: 06-D-23, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law on Remand, and to deny both the Claimant's application for disability retirement benefits and his application for duty-related disability retirement benefits.

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It was moved by Ms. Smith, 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: 11-D-89, to remand this case for the hearing officer to consider the Claimant's brief position statement and correct her Order to reflect the fact that he did in fact file a position statement.

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It was moved by Ms. Hook, seconded by Ms. Smith, 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: 11-D-72, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to approve the Claimant's application for disability retirement benefits, with review in three years. Approval is based upon the Claimant's cumulative effect of fibromyalgia, depression and anxiety.

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It was moved by Ms. Hook, seconded by Ms. Smith, 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: 11-D-75, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve the

Claimant's application for disability retirement benefits with review in three years. Approval is based upon the Claimant's back condition.

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It was moved by Ms. Smith, 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: 11-D-64, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve the Claimant's application for hazardous disability retirement benefits with review in five years. Approval is based upon the cumulative effect of the Claimant's orthopedic issues, primarily her knee and foot conditions.

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It was moved by Ms. Hook, seconded by Mr. Lang, 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: 10-D-85, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny Claimant's application for duty-related disability retirement benefits. The Board also moves to deny Claimant's Motion for Additional Time to File More Detailed Exceptions, as it is not empowered to alter the statutory deadlines set for in KRS Chapter 13B. Ms. Smith abstained.

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It was moved by Ms. Smith, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order on remand and any exceptions duly filed, in the case of Administrative Action Number: 11-D-68, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law on Remand to deny the Claimant's application for disability retirement benefits.

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It was moved by Ms. Hook, seconded by Ms. Smith, 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: 11-D-94, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, as modified in the Board of Trustees Final Order and to deny the Claimant's application for disability retirement benefits.

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It was moved by Ms. Smith, 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-109, to accept

