

**MINUTES  
OF  
DISABILITY APPEALS COMMITTEE  
March 27, 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 March 27, 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 Liza Welch, 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 February 21, 2014 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 in accordance with the decision: Administrative Action Number: 11-D-47. The 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: 13-D-27, 12-D-118, 12-D-78, 12-D-112, 11-D-70, 13-D-18, 11-D-47 (deferred), 13-D-39, 11-D-148, 12-D-72, 12-D-68, 12-D-108, 12-D-39, 13-D-79 and 12-D-92.

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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: 13-D-27, 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 three years. Approval is based upon the claimant's orthopedic and neurological conditions.

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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-118, 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-78, 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 recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-112, to accept the Hearing Officer's Report on Remand, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits. The Board further moves to grant Systems' Motion to Strike Attachments, as this material was submitted after the administrative record officially closed. Furthermore, the Board denies the Claimant's Motion for Rehearing, as this matter has been fairly and impartially administered throughout the entire administrative process, and the hearing officer has now rendered a Recommended Order on Remand based on the totality of the evidence and the correct application of the law to that evidence. The Claimant has appeal rights, as outlined in the Board of Trustees Final Order, if he wishes to continue to pursue his case.

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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: 11-D-70, 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 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-18, 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-39, 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 recommended order and any exceptions duly filed, in the case of Administrative Action Number: 11-D-148, 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-72, 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 recommended order and any exceptions duly filed, in the case of Administrative Action Number: 12-D-68, 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 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-108, to remand this case to Systems. Systems is ordered to resubmit this case to the Medical Review Board, so it can re-review the matter in light of the additional medical evidence submitted at the hearing. Following this review, the case will be resubmitted to the hearing officer who will give both parties an opportunity to respond to the review or waive their right to do so. The hearing officer is then ordered to promptly submit a Recommended Order on Remand as soon as possible, in order to minimize 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-39, to accept the Hearing Officer's Report on Remand, 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 major depressive disorder with associated symptoms.

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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-79, to accept the Order of Dismissal and to dismiss claimant's application for disability retirement benefits.

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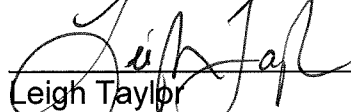
It was moved by Ms. Hook, seconded by Mr. Rich, and carried unanimously, that the Committee members having considered the record, including the order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 12-D-92, to accept the Order of Dismissal and to dismiss claimant's application for disability retirement benefits, at the claimant's own request.

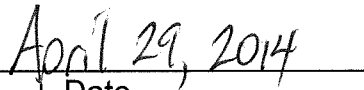
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There being no further business, the meeting was adjourned at 10:50 A.M., E.T. to meet on April 29, 2014 at 9:00 A.M., E.T.


**CERTIFICATION**

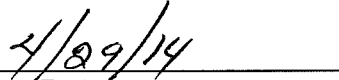
I, Leigh Taylor, do certify that I was present at this meeting, and I have recorded the above action of the Committee on the various items considered by it at this meeting.

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


  
\_\_\_\_\_  
Date

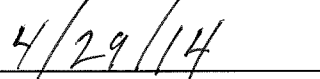
I, Ed Davis, do certify that the Minutes of the meeting held on March 27, 2014 were approved by the Disability Appeals Committee on April 29, 2014.

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

  
\_\_\_\_\_  
Date

I, Deborah Crocker, was present at the March 27, 2014 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.

  
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Deborah Crocker  
KRS Staff Attorney

  
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Date