

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
November 21, 2013 at 9:00 A.M. E.T.
Information Security Conference Room
Perimeter Park West, 1270 Louisville Road
Frankfort, Kentucky 40601**

At the meeting of the Disability Appeals Committee, held on November 21, 2013, the following members were present: Edwin Davis, Vice Chair 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.

It was moved by Ms. Hook, seconded by Mr. Davis, and carried to approve the Minutes of the October 24, 2013 Disability Appeals Committee Meeting.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 11-D-163, 12-D-13, 12-D-86, 12-D-112, 11-D-59, 12-D-62, 12-D-91, 11-D-78, 10-D-159, 12-D-104, 12-D-99, 12-D-85, 12-D-21 and 13-D-35.

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

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: 11-D-163, 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 Mr. Davis, 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-13, 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 Mr. Davis, 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-86, 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.

It was moved by Mr. Davis, 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-112, to remand this case with the following orders. Systems shall promptly notify the hearing officer whenever the case of Kentucky Retirement Systems v. Roger West, (2011-SC-000471-DG) becomes final and move for a Recommended Order on Remand. The hearing officer is then directed to re-evaluate this case in light of the final holdings in West, and issue a Recommended Order on Remand as soon as possible. Both the Claimant and Systems will be afforded the usual opportunity to file Exceptions to the Recommended Order on Remand per KRS Chapter 13B. All parties are urged to comply with these directives in a prompt and timely fashion in order to minimize any further delays for the Claimant.

It was moved by Mr. Davis, 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-59, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for both disability retirement benefits and duty-related disability retirement benefits.

It was moved by Mr. Davis, 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-62, 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 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-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 Mr. Davis, 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-78, to remand this case in order for the hearing officer to rule on the appropriate post-hearing submissions. The hearing officer is also directed to correct **page 4, lines 3-6** and the incorrect statutory cite contained in **Conclusion of Law # 1**. After completion of these tasks, the hearing officer shall issue a Recommended Order on Remand as soon as possible in order to avoid any further delay in the proceedings.

It was moved by Mr. Davis, 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-159, to reject the Hearing Officer's Report to deny disability retirement benefits, and to instead, issue a Board of Trustee's Order, approving claimant's application for disability retirement benefits, with a review in one year.

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-104, 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 Mr. Davis, 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-99, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny both the claimant's application for disability retirement benefits and duty-related disability retirement benefits.

It was moved by Mr. Davis, 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-85, to defer this case to the December 18, 2013 meeting.

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-21, 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 Mr. Davis, 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-35, 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.

There being no further business, the meeting was adjourned at 10:30 A.M., E.T. to meet on December 18, 2013 at 9:00 A.M., E.T.

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.

In acy. Chambers *12/18/13*
Tracy Chambers Date
Recording Secretary

I, Edwin Davis, do certify that the Minutes of the meeting held on November 21, 2013 were approved by the Disability Appeals Committee on December 18, 2013.

Edwin Davis *12/18/13*
Edwin Davis, Vice Chair Date
Disability Appeals Committee

I, Deborah Crocker, was present at the November 21, 2013 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.

Deborah Crocker *12/18/13*
Deborah Crocker Date
KRS Staff Attorney