

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
October 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 October 24, 2013, the following members were present: Susan Smith, Chair, Edwin Davis 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 Mr. Davis, seconded by Ms. Hook, and carried to approve the Minutes of the September 30, 2013 Disability Appeals Committee Meeting.

Ms. Smith noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 12-D-04, 11-D-103, 11-D-65, 12-D-89, 12-D-34, 12-D-38, 12-D-56, 12-D-94, 12-D-63, 09-D-165, 12-D-07, 12-D-41, 12-D-80, 12-D-101 and 12-D-105.

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

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-04, 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 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-103, 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 hepatitis C, diabetes, carpal tunnel syndrome, neuropathy and chronic pain.

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-65, 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 five years. The approval is based solely upon the claimant's post-traumatic stress disorder (PTSD).

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-89, to reject the Hearing Officer's Report to deny hazardous duty disability retirement benefits, and to instead, issue a Board of Trustees Order, approving claimant's application for hazardous duty disability retirement benefits, with review in one year. Approval is based solely upon the claimant's right shoulder rotator cuff tear with resulting cartilage damage and calcium deposits.

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-34, 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 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-38, 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. 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: 12-D-56, 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. Ms. Hook abstained.

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-94, 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 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-63, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for 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: 09-D-165, 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 psychiatric issues and chronic cystitis.

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-07, 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. Ms. Smith abstained.

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-41, to reject the Hearing Officer's Report to deny disability retirement benefits, and to instead, issue a Board of Trustees Order, approving claimant's application for disability retirement benefits, with review in five years. Approval is based upon the cumulative effect of the claimant's bulging, herniated discs with spurs on her neck that go across her shoulders and down her left arm; a pinched nerve in her left elbow that hurts her neck, shoulders and arm; pain in her lower back and right leg; weakness; panic disorder; depression; anxiety disorder; diabetes; hypertension; cholesterol problems; arthritis; blackouts and sleep apnea.

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-80, 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 order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 12-D-101, to accept the Order of Dismissal and to dismiss claimant's appeal of her denial for disability retirement benefits, with prejudice.

It was moved by Ms. Hook, seconded by Mr. Davis, 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-105, to accept the Order of Dismissal and to dismiss claimant's application for disability retirement benefits, at the claimant's own request.

There being no further business, the meeting was adjourned at 10:36 A.M., E.T. to meet on November 21, 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.

Tracy Chambers 11 / 21 / 13
Tracy Chambers Date
Recording Secretary

I, Susan Smith, do certify that the Minutes of the meeting held on October 24, 2013 were approved by the Disability Appeals Committee on November 21, 2013.

Ed Davis for Susan Smith 11-21-13
Susan Smith, Chair Date
Disability Appeals Committee

I, Deborah Crocker, was present at the October 24, 2013 Disability Appeals Committee meeting and have reviewed the minutes for form, content and legality.

Deborah Crocker 11/21/13
Deborah Crocker Date
KRS Staff Attorney