

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
September 29, 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 September 29, 2014, the following members were present: Vince Lang, Chair, William Summers and Mary Hook, Proxy on behalf of Timothy Longmeyer.

In addition, those present were Liza Welch, KRS, Deborah Crocker, KRS, Carrie Slayton, KRS and Tracy Chambers, Recording Secretary.

It was moved by Ms. Hook, seconded by Mr. Summers, and carried to approve the Minutes of the July 29, 2014 Disability Appeals Committee Meeting.

Mr. Lang noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 13-D-73, 13-D-59, 13-D-83, 14-D-12, 13-D-90, 13-D-58, 13-D-44, 13-D-102, 12-D-51 and 10-D-118.

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

It was moved by Ms. Hook, seconded by Mr. Summers, 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-73, 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. Approval is based solely upon bipolar disorder.

It was moved by Mr. Summers, 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-59, to remand this case to the hearing officer with the following instructions:

- (1) The hearing officer shall mark the records from Dr. Alexander Brown and the Arthritis Center of Lexington submitted on April 10, 2014 as **Exhibit 28** and then review and consider them as part of the administrative record because they were timely submitted and received.
- (2) The hearing officer shall consider the cumulative effect of the claimant's multiple conditions, per the *Bowens* case, and make a corresponding Finding of Fact on this issue in a Recommended Order on Remand.
- (3) The hearing officer shall correct **Conclusions of Law #3** which appears to refer to a completely different claimant who is not a party to this action.

Once these three issues have been fully addressed, the hearing officer is hereby ordered to issue a Recommended Order on Remand as soon as possible, in order to minimize any further delay to the parties.

It was moved by Ms. Hook, seconded by Mr. Summers, 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-83, 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. Summers, 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: 14-D-12, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to approve claimant's application for hazardous in-line-of-duty (ILOD) disability retirement benefits. Approval is based solely on the claimant's rotator cuff injury; review shall occur on the same schedule established in the claimant's earlier hazardous disability award.

It was moved by Ms. Hook, seconded by Mr. Summers, 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-90, 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. Summers, 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-58, 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.

It was moved by Mr. Summers, 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: 13-D-44, 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 Ms. Hook, seconded by Mr. Summers, 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-102, 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. Summers, 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-51, 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 solely upon the claimant's psychiatric conditions.

It was moved by Mr. Summers, 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-118, 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.

There being no further business, the meeting was adjourned at 9:26 A.M., E.T. to meet on November 25, 2014 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 11-25-14
Tracy Chambers Date
Recording Secretary

I, Vince Lang, do certify that the Minutes of the meeting held on September 29, 2014 were approved by the Disability Appeals Committee on November 25, 2014.

Vince Lang 11-25-14
Vince Lang, Chair Date
Disability Appeals Committee

I, Deborah Crocker, was present at the September 29, 2014 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.

Deborah Crocker 11/25/14
Deborah Crocker Date
KRS Staff Attorney