

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
August 27, 2015 at 1:00 P.M. E.T.
Board Room
Perimeter Park West, 1270 Louisville Road
Frankfort, Kentucky 40601**

At the meeting of the Disability Appeals Committee, held on August 27, 2015, the following members were present: Ed Davis, Chair, Mary Helen Peter and Mary Hook, Proxy on behalf of Timothy Longmeyer.

In addition, those present were Becky Stephens, KRS, Liza Welch, KRS, Joseph Bowman, KRS, Alan Hurst, KRS and Tracy Chambers, Recording Secretary.

It was moved by Ms. Hook, seconded by Ms. Peter, and carried to approve the Minutes of the June 22, 2015 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-161, 14-D-59, 14-D-52, 14-D-70, 14-D-41, 14-D-80, 14-D-62, 13-D-111, 14-D-60, 14-D-08, 07-D-17, 14-D-74, 14-D-88, 14-D-97 and 13-D-105.

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

It was moved by Ms. Hook, seconded by Ms. Peter, 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-161, 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 two years.

It was moved by Ms. Peter, 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-59, 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 Ms. Peter, 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-52, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for hazardous disability retirement benefits.

It was moved by Ms. Peter, 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-70, to remand this matter to the hearing officer, pursuant to its statutory authority in KRS 13B.120(2), with instructions that Claimant undergo a comprehensive Independent Psychological Evaluation (IPE) with Dr. Paul Ebben, Psy.D with Insight Psychological Consultants, PSC. The results of that evaluation shall be submitted as evidence and made part of the administrative record of this matter. The Systems shall bear the cost of this evaluation. Upon completion, the Hearing Officer shall entertain requests by the parties to submit additional evidence and/or additional briefing, as needed. Thereafter, the hearing officer is ordered to promptly issue Findings of Fact, Conclusions of Law and Recommendation on Remand on whether disability benefits should be approved.

It was moved by Ms. Hook, seconded by Ms. Peter, 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-41, 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 Ms. Peter, 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-80, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to approve claimant's application for hazardous disability retirement benefits based upon the condition of cardiomyopathy under KRS 16.582(1)(b), with review in one year. In addition, the Board hereby issues its Final Order denying claimant's application for hazardous disability retirement benefits based upon the bilateral knee conditions and in the line of duty disability retirement benefits under KRS 16.582(6) and KRS 16.505(19).

It was moved by Ms. Hook, seconded by Ms. Peter, 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-62, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits and for duty-related disability retirement benefits. Mr. Bowman recused from participation because of prior involvement in this matter.

It was moved by Ms. Peter, 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-111, 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. Peter, seconded by Mr. Davis, 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: 14-D-60, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for hazardous disability retirement benefits. Ms. Hook abstained.

It was moved by Ms. Hook, seconded by Ms. Peter, 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-08, 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. Peter, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the remand from the Franklin Circuit Court, 08-CI-908, Order issued July 16, 2015, in response to the order of the Court of Appeals (2011-CA-000043-MR), hereby remands this case to the hearing officer for further proceedings consistent with the order(s) of the court(s) including: "entry of additional findings of fact because of the change in classification of claimant's job duties as very heavy work" (Administrative Action Number: 07-D-17).

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It was moved by Ms. Hook, seconded by Ms. Peter, 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-74, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for hazardous in line of duty disability retirement benefits.

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It was moved by Ms. Peter, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 14-D-88, to accept the Recommended Order of Dismissal and to dismiss claimant's application for disability retirement benefits, at the claimant's own request.

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It was moved by Ms. Hook, seconded by Ms. Peter, and carried unanimously, that the Committee members having considered the record, including the recommended order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 14-D-97, to accept the Recommended Order of Dismissal and to dismiss claimant's appeal of her denial for disability retirement benefits, at the claimant's own request.

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It was moved by Ms. Peter, seconded by Ms. Hook, and carried unanimously, that the Committee members having considered the record, including the recommended order of dismissal and any exceptions duly filed, in the case of Administrative Action Number: 13-D-105, to accept the Recommended Order of Dismissal and to dismiss claimant's application for disability retirement benefits, at the claimant's own request.

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