

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
August 30, 2016 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 August 30, 2016, the following members were present: Ed Davis, Chair, Mary Helen Peter and Donna Shelton, Proxy on behalf of Thomas Stephens.

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

It was moved by Ms. Peter, seconded by Ms. Shelton, and carried to approve the Minutes of the July 18, 2016 Disability Appeals Committee Meeting.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 15-D-73, 14-D-75, 15-D-43, 15-D-45, 14-D-86, 15-D-70, 15-D-39, 15-D-32, 15-D-77, 15-D-78 and 15-D-33.

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

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: 15-D-73, to reject the Hearing Officer's Report to approve disability retirement benefits and to instead, issue a Board Final Order, denying claimant's application for disability retirement benefits. Ms. Shelton abstained.

It was moved by Ms. Shelton, 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-75, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to approve claimant's application for disability retirement benefits, with review in one year and denying claimant's application for duty-related disability retirement benefits. Mr. Bowman recused from participation because of prior involvement in this matter.

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It was moved by Ms. Peter, seconded by Ms. Shelton, 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: 15-D-43, to remand this case in order for the hearing officer to issue a new recommendation on remand regarding whether the claimant is entitled to disability retirement benefits and duty-related disability retirement benefits.

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It was moved by Ms. Shelton, 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: 15-D-45, to reject the Hearing Officer's Report to approve hazardous disability retirement benefits and to instead, issue a Board Final Order, denying claimant's application for hazardous disability retirement benefits.

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It was moved by Ms. Peter, seconded by Ms. Shelton, 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-86, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for hazardous in-line-of-duty disability retirement benefits.

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It was moved by Ms. Shelton, 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: 15-D-70, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits and duty-related disability retirement benefits.

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It was moved by Ms. Peter, seconded by Ms. Shelton, 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: 15-D-39, to accept the Hearing Officer's Report, as modified in the Board 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. Shelton, 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: 15-D-32, 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. Shelton, 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: 15-D-77, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny claimant's application for disability retirement benefits and duty-related disability retirement benefits. The Board hereby grants KRS Motion to Strike those portions of claimant's exceptions that contain purported new evidence after the close of the administrative record.

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It was moved by Ms. Shelton, 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: 15-D-78, to remand this case to the hearing officer with the expressed purpose of issuing additional recommended findings of fact and conclusions of law whether claimant satisfied her burden of proving the absence of pre-existing condition(s).

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It was moved by Ms. Peter, seconded by Ms. Shelton, and carried unanimously, that the Committee members having considered the record, including the Order Dismissing Case without Prejudice and any exceptions duly filed, in the case of Administrative Action Number: 15-D-33, to accept the Order Dismissing Case without Prejudice and to dismiss claimant's disability appeal without prejudice.

