

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
December 21, 2016 at 10:00 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 December 21, 2016, the following members were present: Ed Davis, Chair, David Rich and Donna Shelton, Proxy on behalf of Thomas Stephens.

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 Mr. Rich, seconded by Ms. Shelton, and carried to approve the Minutes of the October 27, 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-80, 15-D-78, 15-D-76, 15-D-01, 15-D-90 and 15-D-93.

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

It was moved by Ms. Shelton, seconded by Mr. Rich, 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-80, 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. Shelton, seconded by Mr. Rich, 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 accept the Hearing Officer's Report on Remand, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

It was moved by Ms. Shelton, seconded by Mr. Rich, 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-76, to reject the Hearing Officer's Report to approve disability retirement benefits and duty-related disability retirement benefits and to instead issue a Board Final Order denying claimant's application for disability retirement benefits and duty-related disability retirement benefits.

It was moved by Ms. Shelton, seconded by Mr. Rich, 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-01, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for hazardous and in-line-of-duty disability retirement benefits.

It was moved by Ms. Shelton, seconded by Mr. Rich, 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-90, 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. Claimant submitted a procedural "Motion to File Exceptions" which were outside the prescribed fifteen (15) day period set forth in KRS 13B.110 (4), therefore, claimant's motion is hereby denied.

It was moved by Ms. Shelton, seconded by Mr. Rich, 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-93, 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.

There being no further business, the meeting was adjourned at 10:37 A.M., E.T. to meet on February 21, 2017 at 10:00 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 2.21.17
Tracy Chambers Date
Recording Secretary

I, Ed Davis, do certify that the Minutes of the meeting held on December 21, 2016 were approved by the Disability Appeals Committee on February 21, 2017.

Ed Davis 2/21/2017
Ed Davis, Chair Date
Disability Appeals Committee

I, Joseph P. Bowman, was present at the December 21, 2016 Disability Appeals Committee meeting, and have reviewed the minutes for form and legality.

[Signature] 2/21/17
Joseph P. Bowman Date
KRS Staff Attorney