

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
February 27, 2015 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 February 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, Deborah Crocker, KRS and Leigh Taylor, Recording Secretary.

It was moved by Ms. Hook, seconded by Ms. Peter, and carried to approve the Minutes of the December 18, 2014 Disability Appeals Committee Meeting.

Mr. Davis noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 13-D-78, 13-D-100, 13-D-134, 14-D-29, 13-D-63, 13-D-45, 12-D-133, 14-D-28, 14-D-26, 14-D-16, 13-D-67, 13-D-114, 13-D-69 and 12-D-137.

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

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-78, 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 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: 13-D-100, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny both the claimant's application for disability retirement benefits and his application for duty-related disability retirement benefits. Ms. Hook abstained.

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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: 13-D-134, 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. 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-29, 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. 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: 13-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 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 and any exceptions duly filed, in the case of Administrative Action Number: 13-D-45, 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. 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: 12-D-133, 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. 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-28, 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-26, 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 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-16, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny claimant's application for hazardous duty 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: 13-D-67, 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 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-114, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny claimant's application for disability retirement benefits.

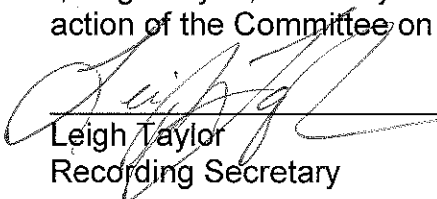
It was moved by Ms. Hook, seconded by Mr. Davis, and carried by a majority, that the Committee members having considered the record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 13-D-69, to accept the Hearing Officer's Report, as modified in the Board of Trustees Final Order, and to deny both the claimant's application for disability retirement benefits and her application for duty-related disability retirement benefits. Ms. Peter dissented.

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-137, to remand this case to the hearing officer. The claimant in this matter has less than sixteen (16) years of service credit, and the issue of possible pre-existing conditions was properly raised during the administrative process. The hearing officer's recommended order, however, failed to address pre-existing causation. Therefore, the hearing officer is hereby ordered to consider the issue of pre-existing causation in this case and make corresponding Findings of Fact and Conclusions of Law. Once this has been accomplished, the hearing officer is then ordered to promptly issue a Recommended Order on Remand in order to minimize any further delay to the parties.

There being no further business, the meeting was adjourned at 11:25 A.M., E.T. to meet on April 24, 2015 at 9:00 A.M., E.T.

CERTIFICATION

I, Leigh Taylor, 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.


Leigh Taylor
Recording Secretary

27 April 2015
Date

I, Ed Davis, do certify that the Minutes of the meeting held on February 27, 2015 were approved by the Disability Appeals Committee on April 24, 2015.

Ed Davis 4-24-15
Ed Davis, Chair Date
Disability Appeals Committee

I, Deborah Crocker, was present at the February 27, 2015 Disability Appeals Committee meeting, and have reviewed the minutes for form, content and legality.

Deborah Crocker 4/24/15
Deborah Crocker Date
KRS Staff Attorney