

**MINUTES
OF
DISABILITY APPEALS COMMITTEE
October 29, 2020 at 10:00 A.M. E.T.
Via Video Teleconference
1260 Louisville Road
Frankfort, Kentucky 40601**

At the meeting of the Disability Appeals Committee, held on October 29, 2020, the following members were present via live video teleconference due to SB 150, signed into law by the Governor on March 30, 2020, and Executive Order 2020-215 declaring a State of Emergency effective March 6, 2020 due to COVID-19: Betty Pendergrass, Chair, Jerry Powell, and Gordon Rowe, Proxy on behalf of Gerina D. Whethers.

In addition, those present were Erin Surratt, KRS, Liza Welch, KRS, Victoria Hale, KRS, Justin McNeil, KRS, Shaun Case, KRS, Mary Nichols, KRS, and Tracy Chambers, Recording Secretary.

It was moved by Mr. Powell, seconded by Ms. Pendergrass, and carried to approve the Minutes of the August 26, 2020 Disability Appeals Committee Meeting.

Mr. Case departed the meeting prior to entering closed session.

Ms. Pendergrass noted the necessity of closed session for the purpose of reviewing the disability applications of Administrative Action Numbers: 19-D-04, 19-D-38, 18-D-53, 19-D-21, 20-D-16, and 20-D-09.

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

It was moved by Mr. Powell, seconded by Mr. Rowe, 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: 19-D-04, 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.

It was moved by Mr. Powell, seconded by Mr. Rowe, 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: 19-D-38, to reject the Hearing Officer's Report to deny hazardous in-line-of-duty disability retirement benefits and to instead issue a Board Final Order approving Claimant's application for hazardous in-line-of-duty disability retirement benefits, with a review in three years.

It was moved by Mr. Powell, seconded by Mr. Rowe, 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: 18-D-53, to accept the Hearing Officer's Report on Remand, as modified in the Board Final Order, and to approve Claimant's application for hazardous disability retirement benefits, with a review in two years.

It was moved by Mr. Powell, seconded by Mr. Rowe, 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: 19-D-21, 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 a review in one year.

It was moved by Mr. Powell, seconded by Mr. Rowe, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Appeal With Prejudice and any exceptions duly filed, in the case of Administrative Action Number: 20-D-16, to accept the Hearing Officer's Recommended Order Dismissing Appeal With Prejudice, and to dismiss Claimant's application for disability retirement benefits with prejudice.

It was moved by Mr. Powell, seconded by Mr. Rowe, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Appeal Without Prejudice and any exceptions duly filed, in the case of Administrative Action Number: 20-D-09, to accept the Hearing Officer's Recommended Order Dismissing Appeal Without Prejudice, and to dismiss Claimant's application for disability retirement benefits without prejudice.

