

**MINUTES OF  
JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY  
RETIREMENT SYSTEMS AND COUNTY EMPLOYEES RETIREMENT SYSTEM MEETING  
December 19, 2022 at 9:30 A.M. E.T.  
Via Video Teleconference  
1260 Louisville Road  
Frankfort, Kentucky 40601**

At the meeting of the Joint Disability and Administrative Appeals Committees, held on December 19, 2022, the following members were present via live video teleconference: Keith Percy, Chair, Betty Pendergrass, and Dr. Crystal Miller.

In addition, those present were Erin Surratt, KPPA, Liza Welch, KPPA, Victoria Hale, KPPA, Andrea Freadreacea, KPPA, JJ Alleman, KPPA, Shaun Case, KPPA, Jillian Hall, KPPA, and Crystal Smith-Harrod, KPPA Recording Secretary.

\*\*\*\*\*

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried to approve the Minutes of the October 31, 2022 Joint Disability and Administrative Appeals Committee Meeting.

\*\*\*\*\*

Mr. Percy noted the necessity of closed session for the purpose of reviewing the disability applications and administrative appeals of Administrative Action Numbers: 21-T-08, 19-D-01, 21-D-13.

\*\*\*\*\*

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

\*\*\*\*\*

It was moved by Dr. Miller, seconded by Ms. Pendergrass, 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: 21-T-08, to adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendation, and to continue Claimant's hazardous duty disability retirement benefits as modified in the Board Final Order, with a review in one (1) year.

\*\*\*\*\*

It was moved by Ms. Pendergrass, seconded by Dr. Miller, 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-01, to reject in part the Hearing Officer's Findings of Facts, Conclusions of Law and Recommended Order, regarding the

discussion of and references to the Magic Coal Company v. Fox case by striking those portions of Paragraph N in the Hearing Officer's Recommended Order, and, with those portions having been stricken, to adopt the Hearing Officer's recommendation of denial of Claimant's application for non-hazardous disability retirement benefits as modified in the Board Final Order.

\*\*\*\*\*

It was moved by Ms. Pendergrass, seconded by Dr. Miller, 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: 21-D-13, to adopt the Hearing Officer's Recommendation, and to deny Claimant's application for non-hazardous disability retirement benefits as modified in the Board Final Order.

\*\*\*\*\*

KPPA Attorney Jillian Hall conducted training for the Joint Committee members and staff regarding Box.com.

\*\*\*\*\*

There being no further business, the meeting was adjourned at 10:00 A.M., E.T. to meet on February 23, 2023 at 9:30 A.M., E.T.

**CERTIFICATION**

I, Crystal Smith-Harrod, do certify that I was present at this meeting, and I have recorded the above action of the Committees on the various items considered by them at this meeting.

/s/ Crystal A. Smith-Harrod 2/27/2023  
Crystal Smith-Harrod Date  
Recording Secretary

I, Keith Peercy, do certify that the Minutes of the meeting held on December 19, 2022 were approved by the Joint Disability and Administrative Appeals Committees of the Board of Trustees of the County Employees Retirement System and the Board of Trustees of the Kentucky Retirement Systems on February 23, 2023.

 2-24-23  
Keith Peercy, Chair Date  
Joint Disability and Administrative Appeals Committees

I, Victoria Hale, was present at the December 19, 2022 Joint Disability and Administrative Appeals Committees meeting, and have reviewed the minutes for form and legality.

/s/ Victoria A. Hale 2-25-23

Victoria Hale  
General Counsel

Date