## MINUTES OF

## JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY RETIREMENT SYSTEMS AND COUNTY EMPLOYEES' RETIREMENT SYSTEM MEETING December 21, 2023 at 9:30 A.M. E.T.

## Via Video Teleconference 1260 Louisville Road Frankfort, Kentucky 40601

The meeting of the Joint Disability and Administrative Appeals Committees, held on December 21, 2023, was called to order by Mr. Peercy at 9:31 a.m. E.T. The following members were present via live video teleconference: Betty Pendergrass, and Dr. Crystal Miller.

In addition, those present from KPPA were Wendi Pierce, Victoria Hale, JJ Alleman, Andrea Freadreacea, Ashley McIntosh, KPPA Recording Secretary, and Shelley Dalton. Ed Owens, CEO of CERS was also present.

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It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously to approve the Minutes of the October 24, 2023, Joint Disability and Administrative Appeals Committees Meeting.

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Mr. Peercy noted the necessity of closed session for the purpose of reviewing the disability applications and administrative appeals of Administrative Action Numbers:

21-D-46, 20-D-45, 21-D-47, 22-T-08, 21-T-27, 21-T-25, 22-T-10, 21-T-10, 22-T-56, 22-T-58, 22-T-64, 22-PS-13, 21-T-22.

It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously to enter closed session.

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

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It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-D-46, to deny KPPA's Motion to Strike Claimant's Supplemental Exceptions and to adopt the Hearing Officer's Recommendation to Approve Claimant's application for disability retirement benefits as modified in the Board Final Order with a review in five (5) years, at which time KPPA shall order a Functional Capacity Examination to be completed in conjunction with the review.

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It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 20-D-45, to grant KPPA's Motion to Strike two statements contained in Claimant's Exceptions on Remand, filed on November 14, 2023, which were not admitted into evidence in the Administrative Recordwhich had closed on May 17, 2023 by Order of the Hearing Officer, dated May 17, 2023. It was further moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members adopt the Hearing Officer's Recommendation to Deny Claimant's application for disability retirement benefits.

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It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-D-47, to adopt the Hearing Officer's Recommendation to Approve Claimant's application for hazardous disability retirement benefits with a review in five (5) years and to Deny in-line-of-duty disability retirement benefits as modified in the Board Final Order.

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It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-08, to adopt the Hearing Officer's Recommendation to Continue Claimant's disability retirement benefits as modified in the Board Final Order with a review in two (2) years.

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It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-T-27, to adopt the Hearing Officer's Recommendation to Continue Claimant's disability retirement benefits as modified in the Board Final Order with a review in three (3) years.

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It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-T-25, to adopt the Hearing Officer's Recommendation to Continue the Claimant's disability retirement benefits as modified in the Board Final Order with a review in five (5) years.

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It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-10, to adopt the Hearing Officer's Recommendation to Continue Claimant's disability retirement benefits as

modified in the Board Final Order with a review in five (5) years.

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It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 21-T-10, to adopt the Hearing Officer's Recommendation to Continue Claimant's disability retirement benefits as modified in the Board Final Order with a review in three (3) years.

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It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-56 to adopt the Hearing Officer's Recommendation to Dismiss Claimant's Appeal With Prejudice.

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It was moved by Dr. Miller, seconded by Ms. Pendergrass, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-58, to adopt the Hearing Officer's Recommendation to Dismiss Claimant's Appeal With Prejudice.

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It was moved by Ms. Pendergrass, seconded by Dr. Miller, and carried unanimously, that the Committee members having considered the Administrative Record, including the recommended order and any exceptions duly filed, in the case of Administrative Action Number: 22-T-64, to adopt the Hearing Officer's Recommendation to Dismiss Claimant's Appeal With Prejudice.

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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: 22-PS-13, to adopt the Hearing Officer's Recommendation to Dismiss Claimant's Appeal as Moot as modified in the Board Final Order.

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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-T-22, to amend the Board Remand Order dated June 22, 2023 by Rescinding the Remand Order in its entirety and adopt the original Hearing Officer's Recommendation to Continue Claimant's application for disability retirement benefits as modified in the Board Final Order with a review in five (5) years.

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There being no further business, the meeting was adjourned at 10:11 a.m., E.T. to meet on February 29, 2024, at 9:30 A.M., E.T.

## **CERTIFICATION**

I, Ashley McIntosh, do certify that I was present at this meeting, and I have recorded the at	oove
action of the Committees on the various items considered by them at this meeting.	

s Ashley McIntosh	2 29 2024	
Ashley McIntosh	Date	
Recording Secretary		

I, Keith Peercy, do certify that the Minutes of the meeting held on December 21, 2023, 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 29, 2024.

s/Keith Peercy	02292024
Keith Peercy, Chair	Date
Joint Disability and Administrative App	eals Committees

I, Victoria Hale, was present at the December 21, 2023, Joint Disability and Administrative Appeals Committees meeting and have reviewed the minutes for form and legality.

ISI Victoria A. Hale	2-29-24	
Victoria Hale	Date	
General Counsel		