

**MINUTES OF
JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY
RETIREMENT SYSTEMS AND COUNTY EMPLOYEES RETIREMENT SYSTEM MEETING
November 29, 2021 at 10:00 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 November 29, 2021, the following members were present via live video teleconference: Jerry Powell, Chair, Dr. Patricia Carver, and Larry Totten.

In addition, those present were Erin Surratt, KPPA, Liza Welch, KPPA, Ed Owens, KPPA, Victoria Hale, KPPA, Andrea Freadreacea, KPPA, Shaun Case, KPPA, Glenna Frasher, KPPA, and Lisa Perry, Recording Secretary.

Vice-Chair Election – Dr. Patricia Carver nominated Larry Totten and the nomination passed.

It was moved by Mr. Totten, seconded by Dr. Carver, and carried to approve the Minutes, as modified, of the September 22, 2021 Joint Disability and Administrative Appeals Committee Meeting.

Mr. Case and Ms. Frasher departed the meeting prior to entering closed session.

Mr. Powell noted the necessity of closed session for the purpose of reviewing the disability applications and administrative appeals of Administrative Action Numbers: 19-T-05, 20-D-06, 20-D-34, 20-D-02, 20-D-32, 20-A-09, 20-D-51, 20-D-54, and 20-D-35.

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

It was moved by Mr. Totten, seconded by Dr. Carver, 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-T-05, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to continue Claimant's disability retirement benefits, with a review in two years.

It was moved by Mr. Totten, seconded by Dr. Carver, 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: 20-D-06, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny Claimant's application for disability retirement benefits and duty-related disability retirement benefits. Furthermore, the Boards, having reviewed Claimant's Motion for Extension of Time to File Exceptions, hereby deny the Motion.

It was moved by Dr. Carver, seconded by Mr. Totten, 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: 20-D-34, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny Claimant's application for disability retirement benefits. Furthermore, the Boards, having fully considered the record, including the recommended order and any exceptions duly filed, hereby strike Exhibit 23 from the record.

It was moved by Dr. Carver, seconded by Mr. Powell, 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: 20-D-02, to accept the Hearing Officer's Report on Remand, as modified in the Board Final Order, and to deny Claimant's application for disability retirement benefits. Furthermore, the Boards, having reviewed Kentucky Public Pensions Authority's Motion to Strike and Notice of Objection, hereby grant the Motion. In so granting Kentucky Public Pensions Authority's Motion to Strike, the Boards, hereby sustain Kentucky Public Pensions Authority's objection to Claimant's request that the matter be remanded, for a second time, therefore, Claimant's request is denied. Mr. Totten dissented.

It was moved by Mr. Totten, seconded by Dr. Carver, 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: 20-D-32, to remand this case in order for the Hearing Officer to issue a new Recommended Order regarding whether the Claimant is entitled to disability retirement benefits.

It was moved by Dr. Carver, seconded by Mr. Totten, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Claimant's Appeal and any exceptions duly filed, in the case of Administrative Action Number: 20-A-09, to accept the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, as modified in the Board Final Order, and to dismiss Claimant's appeal without prejudice.

It was moved by Dr. Carver, seconded by Mr. Totten, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Claimant's Appeal and any exceptions duly filed, in the case of Administrative Action Number: 20-D-51, to accept the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, as modified in the Board Final Order, and to dismiss this action without prejudice.

It was moved by Mr. Totten, seconded by Dr. Carver, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Order of Dismissal and any exceptions duly filed, in the case of Administrative Action Number: 20-D-54, to accept the Hearing Officer's Order of Dismissal, and to dismiss this action without prejudice.

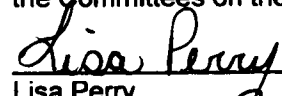
It was moved by Mr. Totten, seconded by Dr. Carver, and carried unanimously, that the Committee members having considered the record, including the Hearing Officer's Recommended Order Dismissing Claimant's Appeal and any exceptions duly filed, in the case of Administrative Action Number: 20-D-35, to accept the Hearing Officer's Recommended Order Dismissing Claimant's Appeal, as modified in the Board Final Order, and to dismiss Claimant's application for disability retirement benefits.

It was moved by Mr. Totten, seconded by Dr. Carver, and carried to amend and withdraw the original motion to approve the Minutes, as modified, of the September 22, 2021 Joint Disability and Administrative Appeals Committee Meeting and to accept the Minutes as presented.

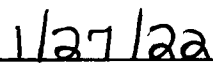
There being no further business, the meeting was adjourned at 11:05 A.M., E.T. to meet on January 26, 2022 at 10:00 A.M., E.T.

CERTIFICATION

I, Lisa Perry, 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.

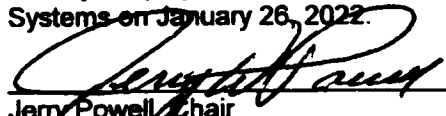


Lisa Perry
Recording Secretary



Date

I, Jerry Powell, do certify that the Minutes of the meeting held on November 29, 2021 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 January 26, 2022.



Jerry Powell, Chair
Joint Disability and Administrative Appeals Committees

01/26/2022

Date

I, Victoria Hale, was present at the November 29, 2021 Joint Disability and Administrative Appeals Committees meeting, and have reviewed the minutes for form and legality.

/s/ Victoria A. Hale

Victoria Hale
KPPA Staff Attorney Supervisor

1-26-2022

Date