

**MINUTES OF
JOINT DISABILITY AND ADMINISTRATIVE APPEALS COMMITTEES OF KENTUCKY
RETIREMENT SYSTEMS AND COUNTY EMPLOYEES RETIREMENT SYSTEM MEETING
September 22, 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 September 22, 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, Carrie Bass, KPPA, Victoria Hale, KPPA, Shaun Case, KPPA, Glenna Frasher, KPPA, Lisa Perry, KPPA, and Tracy Chambers, Recording Secretary.

It was moved by Dr. Carver, seconded by Mr. Totten, and carried to approve the Minutes of the July 28, 2021 Disability Appeals Committee Meeting.

It was moved by Dr. Carver, seconded by Mr. Totten, and carried to approve the Minutes of the July 28, 2021 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: 20-D-22, 19-T-04, 20-T-01, 20-D-02, 20-D-24, 20-D-11, 19-D-51, 20-T-09, and 19-D-24.

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

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-22, to reject the Hearing Officer's Report to deny disability retirement benefits and to instead issue a Board Final Order approving Claimant's application for disability retirement benefits, with a review in one year.

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-04, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to continue Claimant's hazardous in-line-of-duty disability retirement benefits, with a review in three 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-T-01, to reject in part the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny Claimant's application for the reinstatement of disability retirement benefits.

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-02, 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. Furthermore, the Boards, having reviewed the Kentucky Public Pension Authority's Motion to Strike Portions of Claimant's Exceptions, hereby grants the Motion.

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-24, 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.

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-11, 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 and duty-related disability retirement benefits.

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-D-51, to accept the Hearing Officer's Report, as modified in the Board Final Order, and to deny Claimant's application for disability retirement benefits.

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-T-09, to accept the Hearing Officer's Report, Findings of Fact, Conclusions of Law, and to deny the reinstatement of Claimant's disability retirement benefits.

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-D-24, 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.

There being no further business, the meeting was adjourned at 11:40 A.M., E.T. to meet on November 29, 2021 at 10:00 A.M., E.T.

CERTIFICATION

I, Tracy Chambers, 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.

Tracy Chambers 12-1-21
Tracy Chambers Date
Recording Secretary

I, Jerry Powell, do certify that the Minutes of the meeting held on September 22, 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 November 29, 2021.

Jerry Powell 11/30/2021
Jerry Powell, Chair Date
Joint Disability and Administrative Appeals Committees

I, Victoria Hale, was present at the September 22, 2021 Joint Disability and Administrative Appeals Committees meeting, and have reviewed the minutes for form and legality.

/s/ Victoria A. Hale 12-1-21
Victoria Hale Date
KPPA Staff Attorney Supervisor