

JUSTICE AND PUBLIC SAFETY CABINET
(Amended at ARRS Committee)

500 KAR 1:030. Request for hearing.

RELATES TO: KRS Chapter 13B, 61.315

STATUTORY AUTHORITY: KRS 61.315(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.315(2) authorizes payment to the surviving spouse and surviving children or parents of a police officer who dies in the line of duty. KRS 61.315(4) authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations establishing criteria and procedures for death benefits for police officers who die in the line of duty. This administrative regulation provides the procedures for a claimant to request a hearing for denial of benefits for the death of a police officer in the line of duty pursuant to KRS 61.315(4).

Section 1. Administrative Review.

(1) A claimant may, within thirty (30) days after notification of ineligibility by the claim administrator, request a hearing before the secretary to review the claimant's request for death benefits. The request for a hearing shall:

- (a) Be in writing;
- (b) Be received by the office of the secretary within thirty (30) days of the date of the notice of ineligibility; and
- (c) Establish the exceptions taken to the notice of ineligibility.

(2) The hearing shall be held within ninety (90) days of receipt of the request for a hearing and shall be conducted by the secretary or the secretary's designated hearing officer. If a hearing officer conducts the hearing, the hearing officer shall submit findings of fact, conclusions of law, and a recommended decision to the secretary. The hearing shall be held at a time and place designated by the secretary or the designated hearing officer with written notice sent to the claimant and the cabinet's representative, if any, pursuant to KRS Chapter 13B.

(3) The hearing shall provide the claimant and the cabinet's representative, if any, with an opportunity to be heard publicly, to be represented by counsel, and to put on proof by sworn witnesses, certified records, affidavits, exhibits, or other evidence as the hearing officer or secretary may determine to be required or useful in evaluating the claim. The claimant shall have the opportunity to cross-examine or rebut adverse testimony or evidence. The hearing shall be recorded and the original of the complete transcript shall be made a part of the claims record at claimant's cost, if requested by the claimant to be transcribed.

(4) Failure of the claimant or claimant's representative to appear at the hearing shall be deemed an abandonment of the claimant's request for a review of the decision adverse to the claimant's request for benefits unless within ten (10) days of the hearing good cause is shown to the secretary or the hearing officer for the claimant's failure to appear by means of affidavit filed with the secretary.

(5) The secretary or secretary's designated hearing officer may, whenever necessary, administer oaths, examine witnesses, or continue the hearing to facilitate the receipt of evidence.

(6) The claimant shall bear the burden of proof by substantial, reliable, and probative evidence.

(7) A payment shall not be made of any portion of a death benefit until all determinations, hearings, and reviews that may affect that payment have been completed.

(8) In conducting the hearing, the secretary or secretary's designated hearing officer shall not be bound by common law or statutory rules of evidence or by technical or formal

rules of procedures, but he or she shall conduct the hearing in a manner to best ascertain the rights of the claimant. The secretary or secretary's designated hearing officer may additionally schedule a prehearing conference upon its own motion or motion of a party to consider such matters that will aid in the simplification of the hearing or avoidance of costly or unnecessary proof or manner for presenting proof.

(9) Within sixty (60) days following the hearing, the secretary shall issue a written opinion, containing findings of facts and conclusions of law to support the decision. A copy of the decision shall be provided to all parties at their last known address. The decision of the secretary shall be the final decision of the cabinet and shall be subject to review as provided by KRS Chapter 13B.

(10) Upon a favorable decision to claimant, which has become final, payment shall be made to the claimant as soon thereafter as practicable, with the cabinet presenting the claim to the State Treasurer within five (5) working days.

(12 Ky.R. 1564; eff. 4-17-1986; Am. 19 Ky.R. 1124; eff. 1-4-1993; Crt eff. 2-25-2020; 51 Ky.R. 783, 1285; eff. 4-2-2025.)

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