



MEETING NO: 19-11 D BENEFIT REVIEW COMMITTEE

A meeting of the Benefit Review Committee of the Board of Trustees was held on Thursday November 21, 2019. Present at the meeting were Committee members Copper, Wallace, Miller, and Kuehne. Staff members present were: Dixon, Rockett, Shuliga, Carter, Janicki-Clark, Claussen, Seputis, and Davis.

(19-11-01)(Visual roll call)

Ms. Copper presided as chairperson and called the meeting to order at 2:00 p.m.

(19-11-02) Approval of the committee meeting minutes from August 22, 2019.

Motion: Wallace
Second: Kuehne
Ayes: Miller, Wallace, Kuehne, and Copper
Nays: None
Motion Passed: 4-0

(19-11-03) Roy Garcia – Denial of Total and Permanent Disability

Written materials including medical records, member, employer, and physician questionnaires; written opinions by the medical consultant; and a written statement of claim along with supplemental information from the member were provided to the committee members for review prior to the hearing. Mr. Garcia appeared in person and was accompanied by a friend Don Zoufal. The Committee heard testimony from IMRF's medical consultant Dr. Noel Rao and Mr. Garcia.

After deliberation, the Committee recommends that the Board accept Mr. Garcia's late submission of evidence and uphold the staff decision denying total and permanent disability to Mr. Garcia. The Committee was persuaded by Mr. Garcia's testimony or records presented from Mr. Garcia's treating physicians. The Committee was persuaded by Dr. Rao's testimony that Mr. Garcia had damage to his liver as evidenced by elevated liver enzymes and low platelet counts prior to his initial date of service in IMRF. The Committee was further persuaded by Dr. Rao's testimony that cirrhosis takes time to develop and the condition underlying cirrhosis could not have arisen in six months' time. Therefore, the Committee was persuaded that Mr. Garcia had a pre-existing condition as defined by Section 7-150(b)(4).

Motion: Kuehne
Second: Wallace
Ayes: Miller, Wallace, Kuehne, and Copper
Nays: None
Motion Passed: 4-0

(19-11-04) Findings and Conclusion of the IMRF Hearing Officer – William Brauer and Gladys Sandstrom

This hearing officer recommended decision was taken out of order on the agenda at the request of Trustee Kuehne and was properly considered by the Benefit Review Committee. Associate General Counsel Shuliga presented the findings and conclusion of the IMRF Hearing Officer in the above referenced case. The Committee reviewed the recommended findings and conclusions of the IMRF hearing officer.

After further discussion, a motion was made to recommend that the Board overturn the staff determination and instead to find that Ms. Sandstrom was qualified as a surviving spouse. The Committee recommends that staff be directed to draft a decision consistent with this ruling.

Motion: Kuehne
Second: Miller
Ayes: Wallace, Copper, Kuehne, and Miller
Nays: None
Motion Passed: 4-0

Trustee Kuehne left the meeting at 3:26 pm.

(19-11-05) Ryan Struble – Denial of Total and Permanent Disability

Written materials including medical records; member, employer, and physician questionnaires; written opinions by medical, and vocational rehab consultants; and a written statement of claim from the member were provided to the committee members for review prior to the hearing. Mr. Struble appeared in person was accompanied by his wife Rebecca Struble and was represented by his attorney Dianne Onichimoswki. The Committee heard testimony from Mr. Struble, Rebecca Struble, and IMRF's medical consultant Dr. Noel Rao. The Committee also heard argument by Ms. Onichimowski and comments by IMRF staff.

After deliberation, the Committee recommends that the Board uphold the staff decision denying total and permanent disability to Mr. Struble. The Committee was not persuaded that the medical evidence in the record rose to the level of total and permanent disability as defined in Section 7-150 of the Illinois Pension Code. The Committee was not persuaded by Mr. Struble's explanation for the Functional Capacity Evaluation (FCE) finding that Mr. Struble gave suboptimal effort throughout the FCE. The Committee found that Mr. Struble's ability to perform certain activities of daily living further supported his ability to perform gainful activity. The Committee found the opinions of the medical and vocational rehab consultants to be persuasive and consistent with Mr. Struble's ability to perform gainful activity.

Motion: Wallace
Second: Miller
Ayes: Miller, Wallace, and Copper
Nays: None

Motion Passed: 3-0

IMRF staff members Dixon and Rockett left the meeting at 4:15 pm.

(19-11-06) Veronica Nonan – Return to Work

Ms. Nonan appeared via teleconference before the Committee. The employer, DuPage County, did not appeal the staff determination, file a statement of claim, appear for the hearing or otherwise participate in the appeal. The Committee received and reviewed the written submissions from the member prior to the hearing. The committee heard comments from the member and IMRF staff.

After deliberation, a motion was made to continue this matter to the December Benefit Review Committee meeting in order to allow staff to further investigate the nature of Ms. Nonan’s employment relationship with DuPage County and to seek additional documentation from DuPage County.

Motion: Miller
Second: Wallace
Ayes: Wallace, Copper, and Miller
Nays: None
Motion Passed: 3-0

(19-11-05) Findings and Conclusion of the IMRF Hearing Officer – Thomas Penn and Peoria County

IMRF Hearing Officer Michael Weinstein presented the findings and conclusion of the IMRF Hearing Officer in the above referenced case. The Committee reviewed the recommended findings and conclusions of the IMRF hearing officer. The Committee heard public comment from Peoria County Attorney Tom Woodrow and Thomas Penn attorney Lee Smith regarding this appeal.

(19-11-06) Findings and Conclusion of the IMRF Hearing Officer – Marcia Straub

IMRF Hearing Officer Michael Weinstein presented the findings and conclusion of the IMRF Hearing Officer in the above referenced case. The Committee reviewed the recommended findings and conclusions of the IMRF hearing officer. The Committee heard public comment from Peoria County Attorney Tom Woodrow and Marcia Straub on her own behalf regarding this appeal.

Trustee Miller made a motion to go into closed session pursuant to Section 2(c)(4) of the Open Meetings Act for the purpose of deliberating over evidence and argument heard in open session regarding the appeals of Thomas Penn and Marcia Straub at 5:55 pm. Trustee Copper seconded the motion which was approved by a unanimous 3-0 roll call vote.

Trustee Wallace made a motion to leave closed session and to enter open session at 6:45 pm. The motion was seconded by Trustee Miller and approved by a unanimous 3-0 roll call vote.

A motion was made to recommend the Board remand the Thomas Penn appeal to the IMRF Administrative Hearing Officer to draft findings of fact and conclusions of law consistent with IMRF's determination that in order to grant omitted service credit, the application for such service credit must be verified by the employers authorized agent.

Motion: Copper
Second: Wallace
Ayes: Wallace, Copper, and Miller
Nays: None
Motion Passed: 3-0

A motion was made to recommend the Board remand the Marcia Straub appeal to the IMRF Administrative Hearing Officer to draft findings of fact and conclusions of law consistent with IMRF's determination that in order to grant omitted service credit, the application for such service credit must be verified by the employers authorized agent.

Motion: Copper
Second: Wallace
Ayes: Wallace, Copper, and Miller
Nays: None
Motion Passed: 3-0

(19-11-07) Findings and Conclusion of the IMRF Hearing Officer – Sangamon County

Associate General Counsel Shuliga presented the findings and conclusion of the IMRF Hearing Officer in the above referenced case. The Committee reviewed the recommended findings and conclusions of the IMRF hearing officer.

After further discussion, a motion was made to recommend the adoption of the findings and conclusion of the IMRF hearing officer in the above referenced case. The recommended findings and conclusions are attached hereto.

Motion: Miller
Second: Wallace
Ayes: Wallace, Copper, and Miller
Nays: None
Motion Passed: 3-0

(19-11-08) Public Comments

Public comment was permitted to be made at earlier portions of the meeting to coincide with the appeals for which the members of the public wished to comment on. Each instance of public comment is noted in the relevant portion of the minutes above.

(19-11-09) New Business

The Committee and staff discussed possible guidelines regarding timelines for the recovery of prepayments. The Committee directed staff to research analogous garnishment statutes and to provide a memo to the Committee at a future Committee meeting. No final action was taken.

(19-11-10) Adjournment

Trustee Miller made a motion to adjourn at 6:57 p.m. Seconded by Trustee Wallace. Motion passed by unanimous voice vote.



Chairperson

12-19-19
Date



Clerk

12-19-19
Date