



## MEETING NO: 19-12 D BENEFIT REVIEW COMMITTEE

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

(19-12-01)(Visual roll call)

Ms. Copper presided as chairperson and called the meeting to order at 1:00 p.m.

(19-12-02) Approval of the committee meeting minutes from November 19, 2019.

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

(19-12-03) Katie Lind – Denial of Temporary Disability

Written materials including medical records, member, employer, and physician questionnaires; written opinions by the psychiatric 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. The Committee heard testimony from Ms. Lind via teleconference.

**After deliberation, the Committee recommends that the Board uphold the staff decision denying temporary disability benefits to Ms. Lind. The Committee was not persuaded by Ms. Lind's testimony regarding the basis of her not seeking additional treatment for her conditions. The Committee was persuaded by the opinions of the psychiatric consultant that Ms. Lind's level of treatment is not reflective of a disabling psychological condition. Therefore, the Committee was not persuaded that Ms. Lind met the eligibility requirement that the disabling condition prevented Ms. Lind from performing her job duties as required by Section 7-146 of the Illinois Pension Code.**

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

IMRF staff members Dixon, Rockett, and Osipczuk left the meeting at 1:30 pm.

(19-12-04) Affirmation of the Benefit Review Committee Charter

The Committee reviewed the existing Benefit Review Committee Charter and a motion was made to affirm it without any changes.

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

(19-12-05) Findings and Conclusion of the IMRF Hearing Officer – Pike 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

(19-12-06) Findings and Conclusion of the IMRF Hearing Officer – Martin Rita

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

(19-12-07) Brenda Dale – Return to Work

Ms. Dale appeared via teleconference before the Committee. The employer, Edwardsville School District #7, 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 testimony from Ms. Dale via teleconference.

**After deliberation, a motion was made finding that Ms. Dale returned to work in an IMRF qualifying position while receiving retirement benefits; that Ms. Dale**

**received a prepayment of retirement benefits that she was not entitled to which must be repaid to IMRF; and that Edwardsville School District #7 shall be held liable for one half of the prepayment owed by Ms. Dale.**

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

**Trustee Miller then made a motion reconsider the previous vote in the Brenda Dale appeal and to instead direct staff to provide additional information regarding Ms. Dale's pension following the calculation of her pension with the inclusion of the return to work period. The motion was seconded by Trustee Wallace, and approved by a unanimous 3-0 voice vote.**

(19-12-08) Veronica Nonan – Return to Work

This matter was previously before the Committee at its November 21, 2019 meeting at which Ms. Nonan appeared via teleconference. The employer, DuPage County, did not appear before the Committee in November. The matter was continued to allow IMRF staff to do further research into the nature of the relationship between Ms. Nonan and DuPage County. The Committee received and reviewed additional documentation regarding Ms. Nonan's employment relationship with DuPage County. The Committee heard testimony from DuPage County through its authorized agent, Joanne Uitto, and Assistant State's Attorney Paul Bruckner.

**After deliberation, a motion was made finding that Ms. Nonan returned to work in an IMRF qualifying position while receiving retirement benefits; that Ms. Nonan Received a prepayment of retirement benefits that she was not entitled to which must be repaid to IMRF; and that DuPage County shall be held liable for one half of the prepayment owed by Ms. Nonan. The Committee recommends that the Board adopt the attached findings and decision setting forth the basis of its decision.**

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

(19-12-09) Findings and Conclusion of the IMRF Hearing Officer – Marcia Straub

This matter was previously heard by the Committee and remanded back to the IMRF Hearing Officer in order to draft an amended decision. Associate General Counsel Shuliga presented the revised findings and conclusion of the IMRF Hearing Officer. 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

(19-12-10) Findings and Conclusion of the IMRF Hearing Officer – Thomas Penn and Peoria County

This matter was previously heard by the Committee and remanded back to the IMRF Hearing Officer in order to draft an amended decision. Associate General Counsel Shuliga presented the revised findings and conclusion of the IMRF Hearing Officer. 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

(19-11-11) 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.

(19-11-12) New Business

None

(19-11-13) Adjournment

Trustee Wallace made a motion to adjourn at 3:52 p.m. Seconded by Trustee Miller. Motion passed by unanimous voice vote.

  
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Chairperson

\_\_\_\_\_  
Date 2-27-20

  
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Clerk

\_\_\_\_\_  
Date 2-27-20

2019-12 Board Minutes