



# Illinois Municipal Retirement Fund

Suite 500 2211 York Road Oak Brook IL 60523-2337

Member Services Representatives 1-800-ASK-IMRF

www.imrf.org

## MEETING NO: 12-10-D BENEFIT REVIEW COMMITTEE

The Regular Meeting of the Benefit Review Committee of the Board of Trustees was held Thursday, October 25, 2012. Present at the meeting were Committee members, Henry, Stulir, and Faklis; IMRF Psychiatric Consultant Dr. Miller; and IMRF staff members, Dixon, Seputis, Janicki Clark, and Raitt.

### (12-10-01)(Roll call)

Ms. Faklis presided as chairperson and called the meeting to order at 11:00 a.m.

### (12-10-02)(Approval of prior meeting minutes)

The Benefits Manager presented the minutes from the Committee meeting held on August 23, 2012.

**After discussion, Mrs. Henry moved to approve the minutes. Seconded by Mr. Stulir.**

Motion passed by unanimous voice vote

Dr Rao, IMRF Medical Consultant, joined the meeting

### (12-10-03)(Temporary Disability Claim Hearing – Extent Denial – Kathleen Ice – Elementary SD #159)

See the attached report

**After further discussion, the Committee recommends that the Board uphold staff's determination to deny the application for temporary disability benefits filed by Kathleen Ice.**

Motion: Henry  
Second: Stulir  
Ayes: Stulir, Henry, Faklis  
Nays: None  
Motion Passed: 3-0

### (12-10-04)(Total and Permanent Disability Claim Hearing – Pre-existing and Extent Denial – Larry Storm – Huntley SD #158)

See the attached report

**After further discussion, the Committee recommends that the Board overturn staff's determination and approve the application for total and permanent**

**disability benefits for the medical condition that was originally filed by Larry Storm.**

Motion: Henry  
Second: Stulir  
Ayes: Henry, Stulir, Faklis  
Nays: None  
Motion Passed: 3-0

Dr. Miller left the meeting

(12-10-05)(Total and Permanent Disability Claim Hearing – Extent Denial – Steven Mumaw – City of Springfield)

Steven Mumaw appeared before the Committee via telephone conference call. The Committee heard comments from Mr. Mumaw regarding his claimed medical condition and his daily activities. Mr. Mumaw answered questions from the Committee. The Committee heard comments from Dr. Rao. Finally, the Committee reviewed the written materials that were submitted to the Committee by staff.

**After further discussion, the Committee defers making a recommendation at this time. The Committee requests that Mr. Mumaw submit the medical records for the psychiatric treatment that he indicated that he has been receiving for the past several years. Furthermore, the Committee provided staff with additional direction regarding this matter.**

Motion: Henry  
Second: Stulir  
Ayes: Henry, Stulir, Faklis  
Nays: None  
Motion Passed: 3-0

(12-10-06)(Lunch Break)

Dr. Rao left the meeting  
Kathy O'Brien, IMRF General Counsel, joined the meeting  
Thomas Pavlik joined the meeting as a public observer.

(12-10-07)(Disputed IMRF Eligibility to Participate Hearing – Elizabeth Pechous – Berwyn Township Public Health District)

See the attached report

After further discussion, the Committee recommends that the Board overturn staff's determination and approve the IMRF participation of Elizabeth Pechous as President of the Berwyn Township Public Health District.

Motion: Henry  
Second: Stulir  
Ayes: Henry, Stulir, Faklis  
Nays: None  
Motion Passed: 3-0

(12-10-08)(Adjournment)

Mrs. Henry made a motion to adjourn at 1:45 p.m. Seconded by Mr. Stulir.

Motion passed by unanimous voice vote

The next regular scheduled meeting of the Committee will be at 10:30 a.m. on Thursday December 20, 2012.

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Chairperson



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Clerk

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Date

10/30/12

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Date

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**ILLINOIS MUNICIPAL RETIREMENT FUND  
BENEFIT REVIEW COMMITTEE HEARING**

**Larry Storm  
STL – 7188W**

The Benefit Review Committee met October 25, 2012 to hear the benefit appeal of Larry Storm. Ruth Faklis presided as chairperson. Other Committee members present were Gwen Henry, and Jeff Stulir. Also present was IMRF Medical Consultant, Dr. Rao; IMRF Psychiatric Consultant Dr. Miller; and IMRF staff members Dixon, Seputis, Janicki Clark, and Raitt. Marilyn Storm and a friend appeared before the Committee. Mrs. Storm appeared as her husband's designated spokesperson.

**BACKGROUND**

- On August 20, 2007 Mr. Storm began IMRF participation.
- On December 08, 2010 he last worked as a Technician 3 at Huntley School District 158.
- February 3, 2011 was the last date Mr. Storm was paid for by the District.
- On January 10, 2011 he applied for temporary disability benefits based on a diagnosis of post traumatic stress syndrome and extreme anxiety.
- On April 01, 2011 his claim for IMRF temporary disability benefits was approved and benefits were paid to him through April 30, 2012.
- On July 25, 2011 Mr. Storm was terminated by the District.
- On April 17, 2012 Dr. Miller, IMRF Psychiatric Consultant, reviewed the medical records and reports in our files and opined that he was no longer unable to perform the duties of his IMRF job after April 30, 2012.
- On April 20, 2012, after review of medical records and the Consultant report, staff terminated Mr. Storm's temporary disability benefits effective May 1, 2012.
- On May 09, 2012, Mr. Storm requested a hearing, indicating that he would submit additional medical documentation in support of his request.
- The additional medical information submitted by Mr. Storm was reviewed by staff. Based on his additional conditions of post traumatic stress disorder and depression his temporary disability benefits were reinstated. He will receive temporary benefits through October 31, 2012. This will exhaust his temporary benefits.
- Prior to the expiration of Mr. Storm's disability benefits staff investigated his eligibility for T&P benefits. It was determined that he received treatment for his claimed illnesses prior to his IMRF participation date, and that his condition of Sjorgen's Syndrome was diagnosed after he was terminated after he was terminated by the District.
- Therefore on August 7, 2012, his claim for T&P benefits was declined based upon his claimed conditions pre-existing his participation date in IMRF and that his condition of Sjorden's Syndrome was not diagnosed until after his IMRF participation was terminated and therefore also cannot be considered.

- On August XX, 2012 Mr. Storm appealed staff's decision.
- On October 5, 2012, following review of additional medical information, staff scheduled this matter for a hearing before the Benefit Review Committee on October 25, 2012.

See the attached timeline.

## **ISSUES**

Is Larry Storm eligible for IMRF total and permanent disability benefits as of November 1, 2012 based upon his original claimed diagnosis of post traumatic stress syndrome and extreme anxiety or his subsequent diagnosis of Sjorden's Syndrome?

## **SCOPE OF REVIEW**

The Committee heard the comments of Mrs. Storm concerning her husband's claimed medical condition and daily activities. Mrs. Storm answered questions from the Committee. The Committee answered questions from her. The Committee also heard the comments of Dr. Miller concerning her opinion rendered following her review of the medical records submitted by Mr. Storm. Finally, the Committee reviewed the information packet submitted to them by staff prior to the hearing.

Attached is a listing of medical records and documents that were reviewed by the Committee.

## **FINDINGS AND CONCLUSIONS**

1. The Benefit Review Committee finds as fact the statements set forth in the "Background" section of these minutes.
2. Larry Storm is an IMRF participant who applied for disability benefits based on a diagnosis of post traumatic stress syndrome and extreme anxiety.
3. His IMRF covered position was Technician 3.
4. After reviewing all of the medical records in our files it is the opinion of IMRF staff that Mr. Storm's claimed condition of post traumatic stress syndrome and extreme anxiety was treated as early as 1997 and therefore pre-existed his participation date of August 20, 2007. Furthermore that his subsequent diagnosis of Sjorden's Syndrome was diagnosed after his IMRF participation was terminated by the Huntley School District. Therefore, these claims cannot be considered for eligibility for total and permanent disability benefits under article 7 of the Illinois Pension Code.

5. The IMRF Board of Trustees Appeal Procedures provided Mr. Storm with sufficient time to submit medical records in support of his appeal.
6. Mr. Storm bears the burden of proof in establishing his eligibility for disability benefits (Marconi v. Chicago Heights Police Pension Board, 225 Ill.d2 497 2006).
7. After further discussion the Committee finds that Mr. Storm's original claimed medical condition did not pre-exist his participation date of August 20, 2007.
8. The Committee finds that Mr. Storm has meant his burden of proof in that it believes that there is sufficient medical evidence of his "qualifying" claimed medical condition in our files indicating that Larry Storm is unable to engage in any gainful activity as of November 1, 2012.
9. Larry Storm does meet the statutory eligibility requirement for IMRF total and permanent disability benefits as of November 1, 2012.
10. The Benefit Review Committee recommends that the full Board of Trustees approve the application for total and permanent disability benefits filed by Larry Storm.

#### **MOTION**

Mrs. Henry moved to recommend approval of the application for total and permanent disability benefits for the medical condition that was originally filed by Larry Storm.

Seconded by Mr. Stulir

Ayes: Stulir, Henry, Faklis

Nays: None

Motion passed 3-0.

Storm - T&P eligibility Approval –pre-existing – 10-2012

Larry Storm  
STL-7188W

- 08-20-07 - Date of participation
- 12-08-10 - Date last worked
- 12-08-10 - Date of first treatment
- 01-10-11 - Mr. Storm's complete claim received
- 02-03-11- Date last paid
- 04-01-11 - Staff approved temporary disability benefits. Mr. Storm received benefits through April 30, 2012.
- 07-25-11 - Date Mr. Storm was terminated by his employer.
- 04-17-12 - Dr. Miller, IMRF Medical Consultant reviewed the medical records and opined that Mr. Storm no longer was eligible for temporary benefits based on his claim medical conditions.
- 05-09-12 - Mr. Storm appealed the termination of temporary benefits. He submitted additional medical information regarding a new medical condition.
- 05-xx-12 - Staff reviewed the additional medical information and reinstated temporary disability benefits. Benefits were paid through August 31, 2012. This exhausted his temporary benefits.
- 08-07-12 - After investigating Mr. Storm's eligibility for T&P benefits staff denied his claim because his disabling medical condition pre-existed his participation date. (Mr. Storm had less than 5 years of IMRF service when he filed for disability benefits.)
- 09-xx-12 - Mr. Storm appealed staff's decision.
- 10-xx-12- Staff worked with Mr. Storm to schedule this matter for a hearing on October 25, 2012.

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Timeline - Larry Storm - 10-2012



Claim Documentation for Hearing  
IMRF Form BD-41DH (2/06)

MEMBER NAME Larry Storm	MID NUMBER STL-7188W
DATE OF HEARING October 25, 2012	

	NAME OF PROVIDER	DATE OF SERVICE	TYPE OF DOCUMENTATION
1	Larry Storm	1/8/2011-7/22/2012	5.40 Member's Application-Disability Claim; 540A Disability Claim Data information sheet; BW-80, BW-80A Employee activity Questionnaire; Employee Phone Questionnaire; Social Security Award Letter; Workers Compensation Correspondence; Correspondence from Marilyn Storm; 5.70 Request for a hearing; Statement of Claim Correspondence
2	Huntley School District	1/5/2011-3/23/2012	5.41 Employer's Statement-Disability Claim; Employer Phone Questionnaire; Job Description; Employee Pre-employment exam; 6.41 Termination of IMRF Participation Form.
3	Dr. Dennis Flynn	12/8/2010-1/8/2011	5.42 Physician's Statement-Temporary Disability Claim; Medical Records
4	Dr. Syed Anwar	5/9/2011-6/20/2012	5.42A Physician's Statement-Temporary Disability Claim; Medical Records; BW-81 Physician's Questionnaire
5	Steven Meisner	3/11/2011	BW-81 Physician's Questionnaire
6	Mayo Clinic	5/8/2008-5/22/2012	Medical Records
7	IMRF Medical Consultant	4/17/2012	Medical Consultant Report

Illinois Municipal Retirement Fund  
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Service Representatives 1-800-ASK-IMRF (1-800-275-4673)



**ILLINOIS MUNICIPAL RETIREMENT FUND  
BENEFIT REVIEW COMMITTEE HEARING**

**Kathleen Ice  
ICK – 3571U**

The Benefit Review Committee of the Board of Trustees of the Illinois Municipal Retirement Fund met on October 25, 2012 to hear the appeal of Kathleen Ice. Ms. Ice and her attorney Matt Gruca appeared before the Committee. Present at the meeting were Committee members Faklis, Henry, and Stulir; IMRF Psychiatric Consultant, Dr. Miller; IMRF Medical Consultant, Dr. Rao; and IMRF staff members Dixon, Seputis, Janicki Clark, and Raitt.

Ms. Faklis presided as chairperson and called the hearing to order.

**BACKGROUND**

- Kathleen Ice first became an IMRF participant on August 29, 1994. When she applied for disability she was as an employee of Elementary School District #159 in the capacity of Administrative Assistant to Deputy Superintendent. Ms. Ice last worked for the District on August 17, 2011.
- Ms. Ice was last paid by the District for September 16, 2011.
- On October 04, 2011 she applied for IMRF disability benefits based upon a diagnosis of stress, depression, anxiety, migraine headaches w/facial pain & pressure, memory loss, dizziness with chest pain.
- On November 21, 2011 the IMRF Psychiatric Consultant, Dr. Miller, reviewed the medical records in our files and opined that Ms. Ice was not disabled from performing her IMRF job duties.
- On November 22, 2011 the IMRF Medical Consultant, Dr Rao, reviewed the medical records in our files and opined that did not meet our definition of temporary disability.
- On November 29, 2011 staff concurred with the consultant's opinions and denied Ms. Ice's application for temporary disability benefits.
- On January 31, 2012 Ms. Ice requested a hearing before the Benefit Review Committee and indicated that additional medical records regarding her claimed condition would be submitted.

- On September 21, 2012 the additional medical information was reviewed by the IMRF Psychiatric Consultant, Dr. Miller. After reviewing the information, she opined that her review did not change her previous opinion that Ms. Ice was not disabled from performing her IMRF job duties.
- On September 22, 2012 the additional medical information was reviewed by the IMRF Medical Consultant, Dr. Rao. After reviewing the information, he opined that his review did not change his previous opinion that Ms. Ice does not meet the IMRF definition of temporary disability.
- On September XX, 2012 staff concurred with the consultant's opinions and advised Ms. Ice that this matter would be scheduled for a hearing on October 25, 2012.

See the attached timeline.

The reasons for denial were provided to Ms. Ice.

## **ISSUE**

Was Kathleen Ice unable to perform the duties of any position that might reasonably be assigned to her by the Elementary SD #159, due to a mental or physical disability caused by bodily injury or disease during the period of time from August 18, 2011 through December 19, 2012 (the end of her trial work period)? Ms. Ice returned to work, with trial work agreement, on December 19, 2011.

## **SCOPE OF REVIEW**

The Committee heard the comments from Kathleen Ice and her attorney. Ms. Ice and her attorney answered questions from the Committee concerning her claimed condition. The Committee answered questions from Mr. Gruca. The Committee heard the oral reports from Dr. Miller and Dr. Rao. The Committee reviewed the reports from Dr. Miller and Dr. Rao. Finally, the Committee reviewed the information packet sent to them prior to the hearing.

Attached is a listing of the medical records and documents that were reviewed by the Committee.

## **FINDINGS AND CONCLUSIONS**

The Benefit Review Committee finds as fact the statements set forth in the "Background" section of these minutes.

- Kathleen Ice is an IMRF participant who applied for temporary disability benefits based upon a diagnosis of stress, depression, anxiety, migraine headaches w/facial pain & pressure, memory loss, dizziness with chest pain.

- Her IMRF position is Administrative Assistant to Deputy Superintendent.
- It is the most recent opinion of the IMRF Psychiatric Consultant that, "In conclusion, review of the neuropsychological evaluation by Dr. Delehant did not provide a significant basis for changing the previous recommendations that Ms. Ice is not eligible for temporary disability benefits as of 8/7/11 since she did not meet IMRF's definition of temporary disability. Her work conflict situation with her supervisor is not recognized as a covered source of disability, there is still no clear documentation of fulfillment of DSM criteria for a psychiatric disorder with a GAF score, she had not followed monthly medication management by a psychiatrist and weekly individual psychotherapy, she has shown non-compliance with recommended treatment (i/e/ psychotropic medication management), and her activities, include caring for her adolescent daughter, are not consistent with a disabling condition as of 8/17/11."
- The most recent opinion of the IMRF Medical Consultant is that, "I do not have convincing medical evidence why she cannot do 8 hours per day work and perform her job duties as an administrative assistant. In my opinion, it is to be noted this is restricted to her medical condition and does not include her psychological condition which will be addressed by the psychiatric consultant. Her medical impairments are not significant enough to stop her from working full time as an administrative assistant."
- The opinions of the IMRF Consultants are based upon their independent reviews of the medical records submitted by Kathleen Ice.
- Ms. Ice bears the burden of proof in establishing her eligibility for disability benefits (*Marconi v. Chicago Heights Police Pension Board*, 225 LLL.2d 497 (2006)).
- The Committee finds that Ms. Ice has failed to meet her burden of proof and feels that there is not sufficient medical record evidence in our files that indicates that she is unable to perform the duties of her job as a Administrative Assistant, or any other similar duties that the Elementary School District #159 could reasonably assign to her.
- Based upon a review of the medical records that have been submitted to IMRF, as well as, the independent reviews of said records by the IMRF Consultants, and the comments during the hearing, Kathleen Ice was not unable to perform the duties of any position that might reasonably be assigned to her by the District due to a mental or physical disability caused by bodily injury or disease for the period of time from August 18, 2011 through the present.
- Therefore, Kathleen Ice does not meet the statutory requirements for temporary disability benefits for the period of time from August 18, 2011 through the present.
- The Benefit Review Committee recommends that the full Board of Trustees uphold staff's determination to deny the claim for temporary disability benefits filed by Kathleen Ice based on the extent of her claimed disability.

## **MOTION**

After further discussion, Mrs. Henry moved to recommend that the Board uphold staff's determination to deny the claim for temporary disability benefits filed by Kathleen Ice based on the extent claimed medical condition. Seconded by Mr. Stulir.

Ayes: Stulir, Henry, Faklis

Nays: None

Motion passed 3-0

Ice - Denial temporary eligibility – 10-2012

Kathleen Ice  
ICK-3571U

- 08-29-94 - Earliest date of participation
- 08-17-11 - Date last worked
- 08-18-11 - Date of first treatment
- 09-16-11 - Date last paid
- 10-04-11 - Date complete claim received
- 11-21-11 - Dr. Miller reviewed the medical records and opined that Ms. Ice was not disabled from performing her IMRF job duties.
- 11-22-11 - Dr. Rao reviewed the medical records and opined that Ms. Ice did not meet our definition of temporary disability.
- 11-29-11 - Staff concurred with Dr. Miller and Dr. Rao and advised Ms. Ice that her application for temporary disability benefits was being denied.
- 01-31-12 - Ms. Ice requested a hearing on this matter. She and her attorney advised that additional medical records would be submitted.
- 09-21-12 - Dr. Miller reviewed the medical records and opined that her review did not change her prior opinion that Ms. Ice was not disabled from performing her IMRF job duties.
- 09-22-12 - Dr. Rao reviewed the medical records and opined that his review did not change his prior opinion that Ms. Ice did not meet our definition of temporary disability.
- 09-xx-12 - Staff concurred and scheduled a hearing before the Benefit Review Committee on October 25, 2012.
- 10-11-12 - We received a report of the Neuropsychological Examination. Following staff's review, the report was referred to Dr. Miller.
- 10-12-12 - Dr. Miller reviewed the report and opined that her review did not change her prior opinion. Staff concurred.
- 10-12-12 - Staff advised Ms. Ice and her attorney that the hearing was still scheduled for October 25<sup>th</sup>.

Timeline - Kathleen Ice - 10-2012



Claim Documentation for Hearing  
IMRF Form BD-41DH (2/06)

MEMBER NAME  Kathleen M. Ice	MID NUMBER  ICK-3571U
DATE OF HEARING	

	NAME OF PROVIDER	DATE OF SERVICE	TYPE OF DOCUMENTATION
1	Kathleen M. Ice/Deborah Spector, Attorney at law	09/26/11-04/13/12	5.40, 5.45, 5.70 Employee Activity Questionnaires, Employee Telephone Interview, physician's release, medical records, Social Security documents & correspondence
2	Elementary School Dist #159	10/03/11-11/16/11	5.41, 5.45, job description, physician's release & Employer Phone Questionnaire
3	Alexandria Echols-Simpson, MD	08/18/11-06/22/12	5.42, Physician's Questionnaires & medical records
4	Advanced Chiropractic Wellness Center	08/31/11-03/06/12	Office progress treatment notes
5	Zenaida Vivar, MD	10/26/11-12/01/11	Psychiatric Evaluation report & office progress notes
6	Loyola Medical Center	02/15/12-06/20/12	Hospital records & diagnostic test reports
7	Mark A. Amdur, MD	04/23/12	Psychiatric evaluation report
8	Palos Community Hospital	08/23/11-09/22/11	Hospital records & diagnostic test reports
9	David I. Markovitz, MD	09/29/11	Telephone consultation note
10	Dr. Branovacki	12/30/11	Consultation report
11	AHC Orland Square	12/30/11	X-ray report
12	Lynn Wachtel-Shapiro, LCSW	9/9/11-10/21/11	Physician/Provider questionnaire & clinical notes
13	Noel Rao, MD	11/22/11-09/22/12	IMRF Medial Consultant reports
14	Rachelle Miller, MD	11/21/11-09/21/12	IMRF Psychiatric Consultant reports

**ILLINOIS MUNICIPAL RETIREMENT FUND  
BENEFIT REVIEW COMMITTEE HEARING**

**ELIZABETH PECHOUS PEE 5690**

The Benefit Review Committee met on October 25, 2012 to hear the appeal of Elizabeth Pechous. Ms. Pechous appeared in person at the hearing Present also were Committee members Henry, Faklis and Stulir, and IMRF staff members Raitt, Dixon, Janicki Clark, and Seputis.

Ms. Faklis presided as chairperson and called the hearing to order.

**BACKGROUND**

Elizabeth Pechous was elected in 2009 as Berwyn Township Supervisor (ER# 3143) and as the President of the Berwyn Township Public Health District (ER #3440 ). Both employers are under the 600 hour standard, but this appeal only involved the Berwyn Township Public Health District. In May of 2012, General Counsel Kathleen O'Brien sent a letter to Ms. Pechous explaining that in response to an audit letter sent by IMRF, IMRF had received and reviewed logs sent by two other members of the elected Berwyn Township Public Health District Board of Health and determined that they did not meet the hourly standard for participation in IMRF. As such, the IMRF determination would extend to all elected positions with the Berwyn Township Public Health District. Ms. Pechous' position is that the position of President of the Board of Trustees of the Berwyn Township Public Health District meets the 600 hour standard for IMRF participation.

**ISSUES**

- 1) In the past, was the position of President of the Berwyn Township Public Health District a position which was reasonably expected to meet the hourly standard of 600 hours per year?
- 2) Is the position of President of the Berwyn Township Public Health District currently a position which is reasonably expected to meet the hourly standard of 600 hours per year?
- 3) If the position of President of the Berwyn Township Public Health District is not currently a position which can reasonably be expected to meet the

600 hour standard, but met such standard in the past, when did the requirements of the position change?

### **SCOPE OF REVIEW**

The Committee heard testimony and reviewed evidence presented by Ms. Pechous and reviewed the record as presented.

### **FINDINGS AND CONCLUSIONS**

The evidence presented, including form 6.93 and testimony, by Ms. Pechous showed that her position as President of the Berwyn Township Health Board met the required hourly standard for participation in IMRF. Ms. Pechous is properly enrolled as an elected participant in IMRF.

### **MOTION**

After further discussion, the Committee recommended that the Board overturn staff's determination and approve the IMRF participation of Elizabeth Pechous as President of the Berwyn Township Public Health District.

Motion: Henry  
Second: Stulir  
Ayes: Henry, Stulir, Faklis  
Nays: None  
Motion Passed: 3-0