



MEETING NO: 18-08 D BENEFIT REVIEW COMMITTEE

A meeting of the Benefit Review Committee of the Board of Trustees was held on Thursday August 23, 2018. Present at the meeting were Committee members Copper, Wallace, Miller, Thompson, and Kuehne. Staff members present were: Dixon, Rockett, Osipczuk, Shuliga, Carter, Collins, Janicki-Clark, and Davis.

(18-08-01)(Visual roll call)

Mr. Miller presided as chairperson and called the meeting to order at 9:00 a.m.

(18-08-02) Approval of the committee meeting minutes from May 17, 2018.

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

Committee Member Kuehne joined the meeting at 9:08 am.

(18-08-03) Edna Roque – Total and Permanent Disability Denial

Written materials including medical records; member, employer, and physician questionnaires; written opinions by medical, psychiatric, 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. Ms. Roque appeared via telephone before the Committee. The Committee heard testimony from the member. The Committee also heard comments from its medical and psychiatric consultants and from IMRF staff.

After deliberation, the Committee recommends that the Board uphold the staff decision denying total and permanent disability benefits to Ms. Roque. 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 where Ms. Roque's testimony was inconsistent with the medical evidence in the record. For example, Ms. Roque testified to being "home confined" by doctor order, yet there was nothing in the medical records to support Ms. Roque being medically required to stay home. The Committee found the opinions of the medical, psychiatric, and vocational rehab consultants to be more persuasive because the opinions were based on the restrictions found in the medical records.

Motion: Copper
Second: Wallace
Ayes: Miller, Wallace, Copper, Thompson, and Kuehne
Nays: None
Motion Passed: 5-0

(18-08-04) Mairicait O'Neill – Total and Permanent Disability Denial

Written materials including medical records; member, employer, and physician questionnaires; written opinions by medical, psychiatric, 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. Ms. O'Neill appeared in person with her attorney Stephen Tousey. The Committee heard testimony from the member and heard argument from Attorney Tousey. The Committee also heard comments from its medical and psychiatric consultants and from IMRF staff.

After deliberation, the Committee recommends that the Board uphold the staff decision denying total and permanent disability benefits to Ms. O'Neill. 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 found the opinions of the medical, psychiatric, and vocational rehab consultants to be more persuasive than Ms. O'Neill's testimony because the opinions were based on the restrictions found in the medical records. Moreover, those opinions found that, considering the restrictions found in the medical records, Ms. O'Neill was capable of performing work at a light physical demand level.

Motion: Copper
Second: Kuehne
Ayes: Wallace, Thompson, Copper, Miller and Kuehne
Nays: None
Motion Passed: 5-0

(18-08-05) Findings and Conclusion of the IMRF Hearing Officer - James O'Donnell

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

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

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

Motion Passed: 5-0

(18-08-06) Findings and Conclusion of the IMRF Hearing Officer - Danny Hartline

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

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

Motion: Kuehne
Second: Copper
Ayes: Wallace, Thompson, Copper, Miller and Kuehne
Nays: None
Motion Passed: 5-0

(18-08-07) David Benson – Return to Work

This matter was previously before the Committee at its May 17, 2018 meeting at which Mr. Benson appeared in person and testified and Business Director Uta Robinson appeared on behalf of Collinsville CUSD No. 10 via telephone. The matter was continued to allow the parties to submit additional documentation following the May 17, 2018 hearing. The Committee members received and reviewed additional documentation from Collinsville CUSD No. 10. The Committee also reviewed the original documentation presented by both Mr. Benson and Collinsville CUSD No. 10.

After deliberation, a motion was made finding that Mr. Benson returned to work in an IMRF qualifying position while receiving retirement benefits; that Mr. Benson received a prepayment of retirement benefits that he was not entitled to in the amount of \$12,685.08 which must be repaid to IMRF; and that the Collinsville CUSD No. 10 shall be held liable for one half of the prepayment owed by Mr. Benson. The Committee further directed its legal counsel to draft a written findings and decision setting forth the basis of its decision, to be approved at a future Benefit Review Committee meeting.

Motion: Miller
Second: Kuehne
Ayes: Wallace, Thompson, Copper, Miller and Kuehne
Nays: None
Motion Passed: 5-0

(18-08-08) Findings and Conclusion of the IMRF Hearing Officer - Blake Lindner

This matter was previously before the Committee at its May 17, 2018 meeting. The Committee continued this matter to allow the IMRF Hearing Officer to appear before the Committee to answer questions regarding her recommendation. Associate General Counsel Shuliga and Hearing Officer Brunner presented Hearing Officer Brunner's findings and conclusion in the above referenced case. The Committee reviewed the findings and conclusions of the IMRF hearing officer and discussed the basis for the decision with Hearing Officer Brunner.

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

Motion: Kuehne
Second: Wallace
Ayes: Wallace, Thompson, Miller and Kuehne
Nays: Copper
Motion Passed: 4-1

(18-08-09) Findings and Conclusion of the IMRF Hearing Officer - Robert Allen

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

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

Motion: Wallace
Second: Thompson
Ayes: Wallace, Thompson, Copper, Miller and Kuehne
Nays: None
Motion Passed: 5-0

(18-08-10) Findings and Conclusion of the IMRF Hearing Officer - Richard Chappell

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

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

Motion: Miller
Second: Wallace
Ayes: Wallace, Thompson, Copper, Miller and Kuehne
Nays: None
Motion Passed: 5-0

(18-08-11) Findings and Conclusion of the IMRF Hearing Officer - Jerrell Childers

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

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

Motion: Wallace
Second: Thompson
Ayes: Wallace, Thompson, Copper, Miller and Kuehne
Nays: None
Motion Passed: 5-0

(18-08-12) Findings and Conclusion of the IMRF Hearing Officer - Douglas Domeracki

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

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

Motion: Kuehne
Second: Thompson
Ayes: Wallace, Thompson, Copper, Miller and Kuehne
Nays: None
Motion Passed: 5-0

(18-08-13) Public Comments

None

(18-08-14) Old Business


There was no old business discussed.

(18-08-15) New Business

The Committee and staff discussed potential changes to the process by which hearings are presented before the Committee. No final action was taken.

(18-08-16) Adjournment

Thompson made a motion to adjourn at 1:27 p.m. Seconded by Copper. Motion passed by unanimous voice vote

	<u>12-13-2018</u>
Chairperson	Date
	<u>12-13-2018</u>
Clerk	Date