

MEETING NO: 18-12 D BENEFIT REVIEW COMMITTEE

A meeting of the Benefit Review Committee of the Board of Trustees was held on Thursday December 13, 2018. Present at the meeting were Committee members Copper, Wallace, Miller, Thompson and Kuehne. Staff members present were: Dixon, Rockett, Shuliga, Carter, Janicki-Clark, and Davis.

(18-12-01)(Visual roll call)

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

(18-12-02) Approval of the committee meeting minutes from August 24, 2018.

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

(18-12-03) Jamie McIntyre – 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. Prior to the hearing, Ms. McIntyre's attorney notified IMRF staff of a conflict preventing her from appearing at the hearing.

A motion was made to table this matter to the next regularly scheduled Benefit Review Committee meeting.

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

(18-12-04) Findings and Conclusion of the IMRF Hearing Officer - Dawn Wallis

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

(18-12-05) Findings and Conclusion of the IMRF Hearing Officer - Michael Grider

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: Thompson
Second: Wallace
Ayes: Wallace, Thompson, and Miller
Nays: None
Abstain: Copper
Absent: Kuehne
Motion Passed: 3-0

(18-12-06) Findings and Conclusion of the IMRF Hearing Officer - Village of Channahon

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

Committee Member Kuehne joined the meeting at 9:20 am.

(18-12-07) Findings and Conclusion of the IMRF Hearing Officer - Pembroke Township

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

(18-12-08) Findings and Conclusion of the IMRF Hearing Officer - Scott-Morgan CUSD #2

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

After the conclusion of the vote, Trustee Copper made a motion to reconsider the appeal of Scott-Morgan CUSD #2.

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

After further discussion, a motion was made to recommend the adoption of the findings and conclusion of the IMRF hearing officer in the Scott-Morgan CUSD #2 appeal. The recommended findings and conclusions are attached hereto.

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

(18-12-09) Findings and Conclusion of the IMRF Hearing Officer - Lisle School District #202

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

(18-12-10) Findings and Conclusion of the IMRF Hearing Officer - Matthew Prochaska

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

(18-12-11) Findings and Conclusion of the IMRF Hearing Officer - Raymond Paradiso

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 and in light of the fact that the Committee only received a copy of the recommended findings and conclusion of the IMRF hearing officer the day prior to the Committee meeting, a motion was made to table to the next regularly scheduled Benefit Review Committee meeting to allow the Committee members to more thoroughly review the recommended findings and conclusion.

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

(18-12-12) Gertrude Filipos – Total and Permanent Disability Denial

Written materials including medical records; member, employer, and physician questionnaires; written opinions by medical and vocational rehab consultants; the report of a functional capacity evaluation; and a written statement of claim from the member were provided to the committee members for review prior to the hearing. Ms. Filipos appeared in person before the Committee with her attorney Joseph Nichele. The Committee heard testimony from the member and argument from her attorney.

After deliberation, the Committee recommends that the Board uphold the staff decision terminating total and permanent disability benefits to Ms. Filipos and to further direct staff to recalculate any prepayment that may apply based on the information in the file. The Committee was not persuaded that the medical evidence in the record, along with the testimony of Ms. Filipos, 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 Ms. Filipos's subjective descriptions of her limitations where the FCE report conducted by an independent occupational therapist stated that Ms. Filipos exhibited self-limiting behavior throughout the evaluation. Additionally, the Committee was persuaded by the vocational rehab consultant report which outlined available jobs at the sedentary activity level that Ms. Filipos would be qualified for within the medical limitations provided in the medical records. Moreover, the Committee was persuaded by Ms. Filipos's admission that she has not made any attempts to seek employment with or without accommodations. Based on this testimony, the Committee found the vocational rehab consultant's report to be more persuasive on the issue of sedentary job availability. The Committee found the opinions of the medical and vocational rehab consultants, along with the FCE report, to be more persuasive than the subjective complaints made during Ms. Filipos's testimony.

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

(18-12-13) Affirmation of Committee Charter.

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

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

(18-12-14) Affirmation of Committee Charter.

The Committee reviewed two alternative recommendations for amendments to the non-disability appeal procedures. A motion was made to recommend proposal 1 to the full Board of Trustees at the first regularly scheduled Board meeting of 2019. A redlined copy of proposal 1 is attached hereto.

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

(18-12-15) Old Business

Discussion and possible approval of Findings and Conclusion on David Benson return to work finding.

At a previous meeting, the Committee made a recommendation on the David Benson return to work appeal and further directed legal counsel to draft a written findings and decision setting forth the basis of its decision. A motion was made to recommend adoption of the written findings and decision as present by the Board of Trustees.

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

(18-12-15) Public Comments

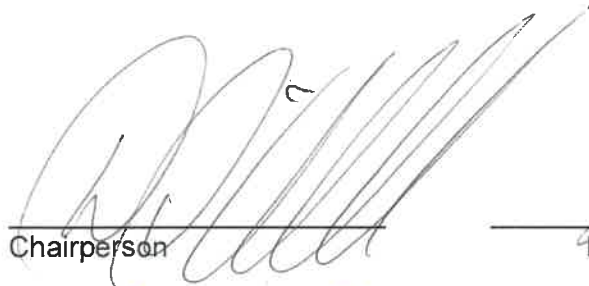
None

(18-12-16) New Business

The Committee and staff discussed procedural changes to the disability appeal process and potential impact on services provided by medical and psychiatric consultants. No final action was taken.

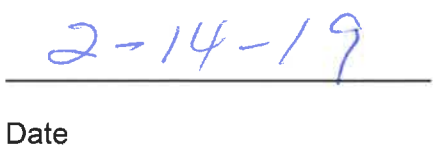
(18-12-17) Adjournment

Copper made a motion to adjourn at 11:54 a.m. Seconded by Kuehne. Motion passed by unanimous voice vote


Chairperson


Date


Clerk


Date

2018-12 Board Minutes