



MEETING NO: 19-02 D BENEFIT REVIEW COMMITTEE

A meeting of the Benefit Review Committee of the Board of Trustees was held on Thursday February 14, 2019. Present at the meeting were Committee members Copper, Wallace, Miller, Thompson and Kuehne. Staff members present were: Dixon, Osipczuk, Shuliga, Carter, Janicki-Clark, and Davis.

(19-02-01)(Visual roll call)

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

(19-02-02) Approval of the committee meeting minutes from December 13, 2018.

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

(19-02-03) 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. Ms. McIntyre appeared in person and was accompanied by her husband, Jerry McIntyre, and attorney Dianne Onichimoswki. In addition to the arguments by Ms. McIntyre's attorney, the Committee heard testimony from Ms. McIntyre and her husband. 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 to Ms. McIntyre. 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. McIntyre's testimony was inconsistent with the medical evidence in the record. For example, Ms. McIntyre testified to such substantial memory deficiency that she is unable to complete ordinary daily tasks. Yet during the hearing, Ms. McIntyre was able to testify clearly and coherently and even corrected her husband's recollection at times. Additionally, Ms. McIntyre testified that, notwithstanding the condition causing her seizures, she continues to hold a valid driver's license and will drive in emergency circumstances. Finally, the Committee was not persuaded by Ms. McIntyre's explanation for the Functional Capacity Evaluation (FCE) finding that Ms. McIntyre gave inconsistent effort throughout the FCE. Specifically, the Committee found Ms. McIntyre's

testimony regarding her inability to climb stairs during the FCE to be inconsistent with her prior testimony regarding her climbing to the second level of her home. The Committee found the opinions of the medical, psychiatric, and vocational rehab consultants to be persuasive and consistent.

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

(19-02-04) Heather Hansel – Temporary Disability Denial

Written materials including medical records; member, employer, and physician questionnaires; written opinions by its psychiatric consultant; and a written statement of claim from the member were provided to the committee members for review prior to the hearing. Ms. Hansel appeared in person and was accompanied by her attorney Stephanie Siebold. In addition to the arguments by Ms. Hansel's attorney, the Committee heard testimony from Ms. McIntyre. The Committee also heard comments from its psychiatric consultant and from IMRF staff.

After deliberation, the Committee recommends that the Board uphold the staff decision denying temporary disability to Ms. Hansel. The Committee was not persuaded that the evidence in the record rose to the level of temporary disability as defined in Section 7-146 of the Illinois Pension Code where Ms. Hansel's testimony was inconsistent with the evidence of her daily living in the record. For example, Ms. Hansel testified that she mostly stays home and does not do much of anything. This was inconsistent with the evidence in the record showing that Ms. Hansel goes to the gym and exercises regularly, attends social outings, and had spent time caring for her fiancé's child during extended visits. The Committee was persuaded by Dr. Miller's finding that Ms. Hansel's activity of daily living and level of treatment do not reflect the severity of impairment in functioning typical of a disabling condition.

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

(19-02-05) Vince Raimondi – 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. Mr. Raimondi appeared via teleconference along with his wife, Kathy Raimondi. The Committee primarily heard testimony from Mr. Raimondi's wife who spoke on behalf of Mr. Raimondi. The Committee also heard comments from its psychiatric consultant and from IMRF staff.

After deliberation, the Committee recommends that the Board uphold the staff decision denying total and permanent disability to Mr. Raimondi. The Committee was not persuaded that the psychiatric 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 Mr. Raimondi's pre-existing cardiac condition and recent cognitive impairment appear to be his primary limitations. The Committee found that Mr. Raimondi's cardiac condition is a pre-existing condition as defined in Section 7-150(b)(5) of the Illinois Pension Code, and, therefore, could not serve as the basis for granting total and permanent disability benefits. Additionally, the Committee found that whatever cognitive deficiencies Mr. Raimondi is currently suffering have yet to be diagnosed and have not been identified as symptoms of his depression and anxiety. Therefore, if there were to be a subsequent diagnosis of a cognitive limitation, it would be after Mr. Raimondi's termination date and, by statute, could not be considered in determining his eligibility for total and permanent disability benefits. Thus, the Committee was persuaded by the opinion of its psychiatric consultant that Mr. Raimondi's depression and anxiety do not qualify him for total and permanent disability benefits.

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

(19-02-06) Benefit Recalculation and Prepayment – Debra Brown

Written materials including member and employer records, Ms. Brown's statement of claim, and a memorandum from Associate General Counsel Shuliga were provided to the Committee members and Ms. Brown for review prior to the hearing. Ms. Brown appeared before the Committee via teleconference. The Committee heard testimony from Ms. Brown and comments from IMRF staff.

After deliberation, the Committee recommends that the Board uphold the staff decision finding that Ms. Brown received an overpayment of retirement benefits and is liable to return the prepayment of \$14,744.59 subject to whatever payments Ms. Brown has already made. While the Committee agreed that Ms. Brown's former employer, Pulaski County, was the cause of the erroneous wage reporting which created the overpayment of benefits, the Committee found that it does not have the legal authority to recoup the prepayment from the employer. Moreover,

the Committee found that it has a fiduciary obligation to recover any benefit payments that were not authorized by law.

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

(19-02-07) Findings and Conclusion of the IMRF Hearing Officer - Yolanda Little

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, Thompson, Copper, Kuehne, and Miller
Nays: None
Absent: None
Motion Passed: 5-0

(19-02-08) Findings and Conclusion of the IMRF Hearing Officer - Pana Community Unit School District #8

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, Thompson, Kuehne, and Miller
Nays: None
Absent: None
Motion Passed: 5-0

(19-02-09) Findings and Conclusion of the IMRF Hearing Officer - Iroquois West Community Unit School District #10

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

(19-02-10) Findings and Conclusion of the IMRF Hearing Officer - Laura Hois

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

(19-02-11) Old Business: 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, 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

(19-02-12) Benefits Annual Reports.

Benefit Manager Larry Dixon presented several annual reports regarding a variety of Benefit Department statistics from 2018. The presentation and subsequent discussion was informational and no action was taken by the Committee.

(19-02-13) Public Comments

None

(19-02-14) 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.


(19-02-15) Adjournment

Thompson made a motion to adjourn at 4:54 p.m. Seconded by Miller. Motion passed by unanimous voice vote.

 _____ 3-21-19

Chairperson

Date

 _____ 3-21-19

Clerk

Date