



## MEETING NO: 19-08 D BENEFIT REVIEW COMMITTEE

A meeting of the Benefit Review Committee of the Board of Trustees was held on Thursday August 22, 2019. Present at the meeting were Committee members Copper, Wallace, Miller, Thompson and Kuehne. Staff members present were: Dixon, Rockett, Shuliga, Carter, Janicki-Clark, Seputis, and Davis.

(19-08-01)(Visual roll call)

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

(19-08-02) Approval of the committee meeting minutes from March 21, 2019.

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

(19-08-03) Approval of the committee meeting minutes from May 16, 2019.

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

(19-08-04) Kastie Pavlik – Denial of Total and Permanent Disability

Written materials including medical records; member, employer, and physician questionnaires; written opinions by medical consultant; and a written statement of claim from the member were provided to the committee members for review prior to the hearing. Ms. Pavlik appeared via video conference and was accompanied her attorney Todd Lichtenberger. In addition to the arguments by Ms. Pavlik's attorney, the Committee heard testimony by IMRF's medical consultant Dr. Noel Rao and Ms. Pavlik.

**After deliberation, the Committee recommends that the Board uphold the staff decision to deny total and permanent disability benefits to Ms. Pavlik on two grounds. First, the Committee finds that Ms. Pavlik has refused to undergo a reasonable physical examination by a physician pursuant to the terms of Section 7-150(b)(4) of the Illinois Pension Code where she has refused to undergo a Functional Capacity Evaluation. The Committee finds that the reasoning that Ms. Pavlik cannot travel and that the evaluation would aggravate her symptoms was not persuasive where Ms. Pavlik was able to travel for the hearing and regularly attends physical therapy. Additionally, the Committee was not persuaded that the totality of the evidence in the record supported Ms. Pavlik's eligibility for total and permanent disability benefits where Ms. Pavlik stated cognitive impairments are**

**not supported by her activities of daily life. She did not appear to have cognitive deficits when participating in the hearing. Moreover, her ability to continue writing books is additional evidence of her cognitive abilities. The Committee found the opinions of the medical consultant to be more persuasive than her treating physicians because the opinion aligned with Ms. Pavlik's physical capabilities and activities of daily living.**

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

(19-08-05) Roy Garcia – Denial of Total and Permanent Disability

At the request of the member, this return to work appeal was continued to the next regularly scheduled BRC meeting on November 21, 2019.

(19-08-06) Kristen Busby – Denial of Total and Permanent Disability

Written materials including medical records; member, employer, and physician questionnaires; written opinions by medical, 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. Busby appeared via teleconference. The Committee heard testimony from IMRF's medical consultant Dr. Noel Rao and Ms. Busby.

**After deliberation, the Committee recommends that the Board uphold the staff decision denying total and permanent disability to Ms. Busby. 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. Busby's testimony was inconsistent with the medical evidence in the record. The Committee was not persuaded by Ms. Busby's explanation for the Functional Capacity Evaluation (FCE) finding that Ms. Busby gave suboptimal effort throughout the FCE. Specifically, the Committee found Ms. Busby's testimony regarding her having a good day during the FCE to be inconsistent with the FCE's finding that she offered suboptimal effort throughout the FCE and her subjective complaints of pain did not align with physiological pain indicators. The Committee found the opinions of the medical and vocational rehab consultants to be persuasive and consistent.**

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

(19-08-07) Tod Van Wolvelaere – Return to Work

Mr. Van Wolvelaere appeared in person with his attorney Elizabeth Eagle before the Committee. The employer, Rock Island County appeared through Assistant State's Attorney Patricia Castro via teleconference. The Committee received and reviewed the written submissions from the member and the employer prior to the hearing. The committee heard comments from the member, employer, and IMRF staff.

**After deliberation, a motion was made finding that Mr. Van Wolelaere returned to work in an IMRF qualifying position while receiving retirement benefits; that Mr. Van Wolvelaere received a prepayment of retirement benefits that he was not entitled to in an amount not to exceed \$93,141.74 which must be repaid to IMRF; and that Rock Island County shall be held liable for one half of the prepayment owed by Mr. Van Wolvelaere. 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, Thompson, Copper, Miller and Kuehne  
Nays: None  
Motion Passed: 5-0

(19-08-08) Cahokia School District Retiree Group Appeal – Benefit Recalculation

Mary Stefanski appeared in person; and Karen Sprague and Susan Roesch appeared via teleconference before the Committee. The remaining members relied on the written materials previously submitted. Attorney Thomas Ysursa appeared via teleconference on behalf of the Cahokia School District. The Committee received and reviewed the written submissions from the members. The Committee heard comments from the participating members, the employer, and IMRF staff.

**After deliberation, a motion was made to uphold the staff recommendation that the members have received a prepayment of benefits based on an illegal provision in the collective bargaining agreement between the Union and the School District regarding the granting of sick days. The Committee recommends that the Board adopt the attached findings and decision setting forth the basis of its decision.**

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

(19-08-09) Findings and Conclusion of the IMRF Hearing Officer - Nameoki 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: Miller  
Second: Wallace  
Ayes: Wallace, Thompson, Copper, Kuehne, and Miller  
Nays: None  
Motion Passed: 5-0

(19-08-10) Findings and Conclusion of the IMRF Hearing Officer – Carma Slaymaker

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.**

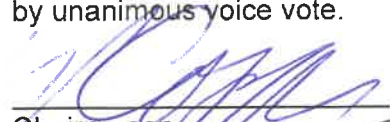

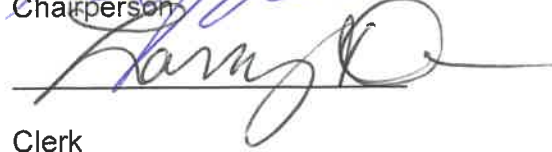
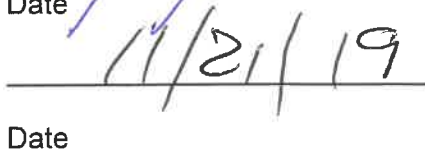
Motion: Wallace  
Second: Thompson  
Ayes: Wallace, Thompson, Copper, Kuehne, and Miller  
Nays: None  
Motion Passed: 5-0

(19-08-11) Public Comments

None

(19-08-12) Adjournment

Wallace made a motion to adjourn at 5:26 p.m. Seconded by Thompson. Motion passed by unanimous voice vote.

 _____ Chairperson	 _____ Date 11/21/19.
 _____ Clerk	 _____ Date 11/21/19