



## MEETING NO: 20-08 D BENEFIT REVIEW COMMITTEE

A meeting of the Benefit Review Committee of the Board of Trustees was held via video conference on Thursday August 27, 2020. Present at the meeting were Committee members Copper, Wallace, Miller, Kuehne, Stanish, and Stafford. Staff members present were: Dixon, Rockett, Seputis, Shuliga, Carter, Janicki-Clark, Collins, Nesson, and Davis.

### (20-08-01)(Roll call)

Ms. Copper presided as chairperson and called the meeting to order at 1:00 p.m. Trustees Copper, Wallace, Miller, and Stafford were present for roll call.

### (20-08-02) Approval of the open session committee meeting minutes from May 28, 2020.

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

Trustee Kuehne joined the meeting at 1:01 pm.

### (20-08-03) Approval of the closed session committee meeting minutes from May 28, 2020.

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

Trustee Stanish joined the meeting at 1:14 pm.

### (20-08-04) Maricarmen Moy– Denial of Total and Permanent Disability

Written materials including medical records, member, employer, and physician questionnaires; written opinions by the medical consultant and the independent medical examiner; and a written statement of claim from the member were provided to the committee members for review prior to the hearing. Ms. Moy submitted memoranda as late submissions to the Committee. Additionally, IMRF staff submitted a corrected IME report as a late submission to the Committee. Ms. Moy appeared for the hearing via videoconference and was represented by her attorney Mr. Steven Jesser. The Committee heard testimony from Ms. Moy and argument from her attorney.

### (20-08-05) Aurthela Jackson – Denial of Total and Permanent Disability

Written materials including medical records, member, employer, and physician questionnaires; written opinions by the medical consultant; and a written statement of claim from the member were provided to the committee members for review prior to the hearing. Ms. Jackson appeared for the hearing via telephone and provided testimony to the Committee.

At 2:23 pm Trustee Kuehne made a motion to go into closed session to discuss evidence presented in open session in the Moy and Jackson total and permanent disability appeals pursuant to Section 2(c)(4) of the Open Meetings Act. Trustee Stafford seconded the motion which was approved by a unanimous 6-0 roll call vote.

At 2:42 pm Trustee Stafford made a motion to return to open session. Trustee Wallace seconded the motion which was approved by a unanimous 6-0 roll call vote.

(20-08-04)(cont.) Maricarmen Moy– Denial of Total and Permanent Disability

**After deliberation, the Committee recommends that the Board consider all late submissions and affirm the staff decision denying total and permanent disability benefits to Ms. Moy. The Committee did not find Ms. Moy’s testimony to be credible where she was able to craft multiple rebuttal memoranda, even with assistance, and was able to recall and articulate job duties and specific clients from more than five years ago. Moreover, the Committee was not persuaded that Ms. Moy’s vertigo and dizziness were disabling conditions where her physician continues to clear her for driving and she in fact continues to drive. Therefore, the Committee was persuaded by the medical consultants’ opinions that the objective medical evidence did not show that a disabling condition prevents Ms. Moy from engaging in gainful activity as required by Section 7-150.**

Motion: Kuehne  
Second: Stanish  
Ayes: Miller, Wallace, Kuehne, Stanish, Stafford, and Copper  
Nays: None  
Motion Passed: 6-0

(20-08-05)(cont.) Aurthela Jackson – Denial of Total and Permanent Disability

**After deliberation, the Committee recommends that the Board affirm the staff decision denying total and permanent disability benefits to Ms. Jackson. The Committee affirmed staff’s denial on two independent basis, each of which are sufficient for denial on their own. The Committee was not persuaded that the medical records supported Ms. Jackson’s subjective complaints of weakness and fatigue. The Committee was persuaded by the medical consultant’s opinion that the objective medical evidence did not show that a disabling condition prevents Ms. Jackson from engaging in gainful activity as required by Section 7-150(a)(1). Secondly, the Committee found that Ms. Jackson has failed to submit to a reasonable physical examination in violation of Section 7-150(b)(4) where she has cancelled or refused to attend a functional capacity evaluation on three occasions.**

Motion: Stanish

Second: Wallace  
Ayes: Miller, Wallace, Kuehne, Stanish, Stafford, and Copper  
Nays: None  
Motion Passed: 6-0

Trustee Stafford left the meeting at 2:47 pm.

(20-08-06) Findings and Conclusion of the IMRF Hearing Officer – Taylorville Sanitary District

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

(20-08-07) Findings and Conclusion of the IMRF Hearing Officer – O’Fallon School District

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, Stanish, Kuehne, and Miller  
Nays: Copper  
Absent: Stafford  
Motion Passed: 4-1

(20-08-08) Findings and Conclusion of the IMRF Hearing Officer – Brandie Edwards

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

(20-08-09) Findings and Conclusion of the IMRF Hearing Officer – John Hull

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 and to recover the applicable prepayment by recovering 100% of the members pension benefit pursuant to Section 7-217(c). The recommended findings and conclusions are attached hereto.**

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

(20-08-09) Discussion and approval of recommendation for Hearing Officer Services

Associate General Counsel Shuliga presented the results of the RFP for hearing officer services and staff's recommendation to renew the contracts of Susan Davis Brunner and Ottosen DiNolfo Hasenbalg & Castaldo.

**After further discussion, a motion was made to recommend the adoption of staff recommendation to renew the contracts of Susan Davis Brunner and Ottosen DiNolfo Hasenbalg & Castaldo.**

(20-08-10) Public Comments

None.

(20-08-11) New Business

None

(20-08-12) Adjournment

Trustee Kuehne made a motion to adjourn at 3:16 p.m. Seconded by Trustee Stanish.  
Motion passed by unanimous roll call vote.

Chairperson

Date

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

2020- 08 Board Minutes