



MEETING NO: 20-11-D BENEFIT REVIEW COMMITTEE

A meeting of the Benefit Review Committee of the Board of Trustees was held via video conference on Thursday November 12, 2020. Present at the meeting were Committee members Copper, Wallace, Miller, Kuehne, Stanish, and Stafford. Staff members present were Dixon, Seputis, Shuliga, Carter, Janicki-Clark, Nesson, and Davis.

(20-11-01)(Roll call)

Ms. Copper presided as chairperson and called the meeting to order at 1:00 p.m. All six trustees were present for roll call.

(20-11-02) Approval of the open session committee meeting minutes from August 27, 2020.

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

(20-11-03) Approval of the closed session committee meeting minutes from August 27, 2020.

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

(20-11-04) Findings and Conclusion of the IMRF Hearing Officer – Jesus Valdez

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

(20-11-05) Findings and Conclusion of the IMRF Hearing Officer – Decatur Park District

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

(20-11-06) Litigation Report

Attorney Shuliga presented an update regarding pending or recently concluded litigation. No final action was taken.

(20-11-07) Linda Howard – 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. Howard appeared for the hearing via videoconference and was accompanied by her husband, Bill Howard. The Committee heard testimony from Linda and Bill Howard during the hearing.

(20-11-08) Kelly Lange – 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. Prior to the hearing date, Ms. Lange notified IMRF staff that she would not be participating in the hearing, so her appeal was decided based upon the documentation in the file.

At 2:21 pm Trustee Stanish made a motion to go into closed session to discuss evidence presented in open session in the Howard and Lange 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 2:34 pm Trustee Wallace made a motion to return to open session. Trustee Stanish seconded the motion which was approved by a unanimous 6-0 roll call vote.

(20-11-07)(cont.) Linda Howard – 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. Howard. The Committee finds that the medical records and Ms. Howard's testimony show that the medical condition of inflammatory arthritis existed prior to Ms. Howard's earliest date of IMRF participation. Therefore, Ms. Howard's disability resulted

from a condition which pre-existed her participation in IMRF. Therefore, the Committee finds that Ms. Howard is not meet the eligibility requirements for total and permanent disability benefits as set forth in Section 7-150(b)(5).

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

(20-11-08)(cont.) Kelly Lange – 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. Lange. The Committee affirmed staff's denial on two independent bases, each of which are sufficient for denial on their own. The Committee was not persuaded that the medical records supported Ms. Lange's claim where her own hematologist opined that her medical condition did not prevent her from working. The Committee was persuaded by the medical consultant's opinion that the objective medical evidence did not show that a disabling medical condition prevents Ms. Lange from engaging in gainful activity as required by Section 7-150(a)(1). Secondly, the Committee found that Ms. Lange 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 four occasions.

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

(20-11-09) New Business

None.

(20-11-10) Public Comment

None

(20-11-11) Adjournment

Trustee Wallace made a motion to adjourn at 2:39 p.m. Seconded by Trustee Kuehne. Motion passed by unanimous roll call vote.

Chairperson

Clerk



Date

Date

12-17-2020