

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of October 22, 2015**

**MINUTES**

On October 22, 2015, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:07 a.m. in the Board's Conference Room.

Present:                   Paula Weiss  
                              William Rubin  
                              Brian Albert  
                              Patricia Fitzgerald  
                              Ronald Stagliano  
                              Brian Coughlin  
                              Veronica Pankey  
                              James Leonard

Also Attending:       Francis Bielli - Board of Pensions  
                              Shamika Taliaferro – Board of Pensions  
                              Jo Rosenberger Altman – Law Department  
                              Ellen Berkowitz – Law Department  
                              Brad Woolworth – Investment Unit  
                              Christopher DiFusco, Dan Falkowski – Investment Unit  
                              Kristyn Bair, Aubrey Hassan – Investment Unit  
                              John Piper, Managing Director, Nationwide  
                              Mark Johnson – Cliffwater  
                              Marve Desantis – Valdes & Moreno, Managing Dir.  
                              Will Greene – Loop Capital  
                              Pam McCue – Financial Investment News

Ms. Weiss stated that the first order of business was the consideration of the Minutes of September 17, 2015.

Brian Albert made a motion to approve the Minutes of September 17, 2015. Ronald Stagliano seconded the motion.

**The motion to approve carried unanimously 6-0-1.**

**CONSIDERATION OF 161 PENSION APPLICATIONS AND 79 WITHDRAWAL APPLICATIONS**

Brian Albert made a motion to approve. Ronald Stagliano seconded the motion.

**The motion to approve carried unanimously 7-0.**

**APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS**

**Case of Lizette Belpre-Ferdman, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application submitted by Lizette Belpre-Ferdman, former police officer, for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Belpre-Ferdman, on November 6, 2012 she fell out of a window sustaining an injury.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Michael P. Gwynn, Application for Service-Connected Disability Benefits Plan “B”**

This is an application submitted by Michael Gwynn, former police officer, for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Gwynn, on November 30, 2012 while attempting to stop a suspect a violent struggle ensued, he was struck multiple times and suffered a heart attack. He states that he stopped breathing, required CPR, and was placed in a medically induced coma at Einstein Hospital.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Antonio Y. Rosa, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application submitted by Antonio Rosa, former police officer, for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Rosa, on June 18, 2012 he sustained an injury to his shoulder while attempting to apprehend a suspect.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Ryan Sullivan, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application submitted by Ryan Sullivan, former police officer, for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Sullivan, on April 6, 2012 he sustained an injury to his knee while exiting his police vehicle.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Avery R. Thomas, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application submitted by Avery Thomas, former police officer, for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Thomas, on October 17, 2013 she sustained an injury to her left hand while exiting his police vehicle.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Michael W. Courson, Application for Service-Connected Disability Benefits – Plan “J”**

This is an application submitted by Michael Courson, former automotive shop group leader, with Fleet Management for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Courson; on June 8, 1988, he sustained an injury to his left index finger; on April 16, 1991 as he was preparing to tow a vehicle the sling fell toward him, Mr. Courson states that he lifted his hands to stop the impact catching his ring finger between the sling and hook crushing the digit.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Calvin R. Boyce Jr., Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application submitted by Calvin Boyce, former custodial worker with the Commerce Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Boyce on March 3, 2012, he was pulling the lid off of a trash can when he heard a “pop noise” and immediately felt pain down his right arm. Mr. Boyce states that he continues to experience severe pain in his neck, arm and shoulder.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 4-1-2.**

**Case of Ernest Lyles, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application submitted by Ernest Lyles, former Recreation Facilities Caretaker II with the department of Parks and Recreation, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Lyles, on September 3, 2013 he sustained an injury to his shoulder and neck while stripping the floor of the recreation center. Mr. Lyles states that he slipped in the mixture, striking his shoulder and neck on the balance beam before falling onto the floor.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Darlene L. Price, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application submitted by Darlene Price, former Clerk Typist II with the Police Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Price, between the months of November 2012 through January 2013, she was lifting and manually transporting boxes of files. Ms. Price states that sometime during this time period she sustained strains to her neck, back, shoulder, upper torso, and arm.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 4-0-4.**

**Case of Richard Vargas Sr., Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application submitted by Richard Vargas Sr., former Correctional Officer, with the Department of Corrections for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Vargas; on February 24, 2012, while running to break-up a fight, he sustained an injury to his shoulder after slipping on water and coffee.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

**APPLICATION TO APPLY FOR ORDINARY BENEFITS BEYOND ONE-YEAR DEADLINE**

**Case of Jimmy Williams, Request to Apply for Ordinary Disability Benefits Beyond the One-Year Deadline, Plan Y**

This is a request by Jimmy Williams, former Correctional Officer to make application for an Ordinary Disability benefit beyond the one-year deadline under pension Plan “Y”.

Jimmy Williams, a former Correctional Officer, separated employment October 17, 2013.

On July 17, 2015, Mr. Williams applied for Ordinary Disability benefits.

On August 24, 2015 an administrative denial letter was sent to Mr. Williams.

On September 17, 2015 an appeal to the administrative denial was submitted by Mr. Williams.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 3-2-2.**

**APPLICATION FOR ORDINARY DISABILITY BENEFITS UNDER SURVIVORSHIP OPTION #2 ON BEHALF ON AN INCAPACITATED MEMBER**

**Case of Robert A. Wilmer, Application for Ordinary Disability Benefits Under Survivorship Option #2 by Mother on Behalf of Incapacitated Member in Plan “Y”**

This is an application by Louise Wilmer, Mother of Robert A. Wilmer, for Board approval to name herself as her Son’s survivor under Option#2.

Robert A. Wilmer, a Laborer with the Streets Department is currently being treated for Major Hemorrhagic Stroke at Hahnemann Hospital.

Dr. George Hayes has made a determination of permanently disabled due to locked in state - can only blink eye, shake head.

Under the provisions of Section 22-309(3) of the Ordinance, Louise Wilmer has made application for Ordinary Disability retirements benefits on her Son's behalf. She wished to select Survivorship Option#2 naming herself as the beneficiary.

Mr. Robert Wilmer's latest Designation of Beneficiary for Pension Benefits dated July 18, 2007 names a son, Robert A. Wilmer whose last address is in San Diego, California.

Mr. Rubin asked if Ms. Wilmer legally has the right to change his pension selection. Ms. Rosenberger stated that the guardianship that was provided indicates that she is not permitted to expend the principal of an incapacitated person without express permission of the Court in accordance with certain provisions.

The Board also felt that Mr. Wilmer made his wishes clear when he filled out his beneficiary form prior to his incapacitation.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried unanimously 7-0.**

## **APPLICATION FOR SURVIVORSHIP BENEFITS**

### **Case of Dennis L. Warren, Deceased, Application for Survivorship Benefits – Plan J**

This is an application by Charlene Y. Warren for survivorship benefits in Plan J.

Dennis L. Warren, a Heavy Duty Compact Operator with the Streets Department retired effective August 2, 1995. Mr. Jones died on April 23, 2015.

At the time of his retirement, Mr. Warren chose survivorship option 4 and named his son, Denzel Charles Warren, as the survivor of his pension benefit. At that time, he named a fiancée, Charlene Johnson, as his life insurance beneficiary. Mr. and Mrs. Warren weren't married until December 19, 1998.

Charlene Y. Warren is appealing the denial of her survivorship application and requests a hearing panel with the Board.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 4-0-3.**

**Case of Wilbert J. Ellison, Application for Survivorship benefits - Plan -J**

This is an application by Dian Downing-Ellison, widow of Wilbert J. Ellison, for Survivorship benefits under option #4 in Plan J.

Wilbert J. Ellison, a former Trades Helper with Fleet Management, retired effective October 4, 1997. He had 16 years, 11 months, and 20 days of City service.

At the time of his retirement, his City life insurance form dated October 20, 1997 listed wife Norma I. Ellison as his beneficiary. At that time, he also selected survivorship option #4 for his pension benefits. On his last Change of Beneficiary Designation form dated March 22, 1996, Mr. Ellison named wife Norma Ellison as his primary beneficiary.

In a letter to Executive Director Francis Bielli, Dian Downing-Ellison acknowledged that her husband had been married to another person prior to his retirement, and that he retired to care for her in her illness. She stated that Mr. Ellison's wife died 2 years and 7 months following his retirement.

Wilbert J. Ellison and Dian Downing-Ellison were married on July 18, 2001. Wilbert J. Ellison died on August 7, 2015.

At the time she contacted the Board of Pensions regarding application for survivorship benefits, Dian Downing-Ellison was advised by staff in a letter dated August 31, 2015 that since her marriage to Mr. Ellison did not meet the two (2) year requirement, that she was ineligible for survivorship benefits.

In a letter dated September 12, 2015, Mrs. Ellison appealed the Board's decision to deny her application for benefits. She states that she and Mr. Ellison had moved into a new home three months prior to Mr. Ellison's death. She also states that Mr. Ellison managed most of their bills, and that she fears that without the survivorship benefit, she will not be able to meet her financial obligations.

The Board reviewed the documents submitted by Mrs. Ellison.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 4-0-3.**

**APPLICATION FOR SURVIVORSHIP BENEFITS AS COMMON LAW SPOUSE**

**Case of Charles Allen, Deceased, Application for Survivorship Benefits as Common Law Spouse – Plan J**

This is an application by Rhodella Allen as the common law widow of Charles Allen for survivorship benefits in Plan J.

Charles Allen, a former Incinerator Plant Foreman II, retired effective December 20, 1974. At the time of his retirement, he selected survivorship option 4. There is no pension beneficiary form in his file. However, he named Rhodella Allen relationship wife on a life insurance beneficiary form dated December 19, 1974. Mr. and Mrs. Allen have a marriage certificate dated September 8, 1973.

In a notarized affidavit dated September 21, 2015 signed by Mrs. Allen, she stated that Mr. Allen and she met in 1960, began to live together in 1961 and that their son was born in 1962. Mrs. Allen was advised to supply documentation supporting the existence of a common-law marriage two years prior to December 20, 1974. She delivered the documents to the Board of Pensions on September 22, 2015 stating this is all she has from that time period.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 5-0-2.**

**Case of John J. Brady, Deceased, Application for Survivorship Benefits as Common- Law Spouse – Plan D**

This is an application by Anna Brady for survivorship benefits in Plan D.

John J. Brady, a Police Officer with the Philadelphia Police Department retired September 15, 1977. Mr. Brady died on July 22, 2015.

At the time of his Retirement, Mr. Brady chose option 4 and named his children, John Jr., Joseph, Mary and George Brady as the survivors of his pension benefit.

Anna Brady is applying to have the Board of Pensions recognize her 37-year relationship with Mr. Brady as common law marriage.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 4-0-3.**

**APPLICATION FOR SURVIORSHIP BENEFITS ON BEHALF OF A MEDICALLY DEPENDENT ADULT CHILD**

**Case of Walter L. Brown, Jr., Deceased, Application for Survivorship Benefits on Behalf of a Medically Dependent Adult Child Plan "J"**

This is an application by Michael A. Brown, son of Walter L. Brown, Jr., to receive Survivorship benefits as a Medically Dependent Adult Child under Plan J.

Walter L. Brown, Jr., a Training Center Supervisor with the Streets Department retired effective January 8, 2000. Mr. Jones died on January 1, 2015.

Mr. Brown chose Survivorship Option 4 when he retired, naming his wife Roberta H. Brown as his primary beneficiary and his son, Michael A. Brown, as his contingent. Roberta H. Brown died on January 20, 2005.

William Rubin made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 7-0.**

**OLD BUSINESS**

**Case of Walter J. DeWitt III, Application for Service Connected Death Benefits-Plan "D"**

This case was **tabled** for 30 days at the September 17, 2015 Board meeting at the request of Board Vice-Chair Ronald Stagliano. This is an application by Denise DeWitt, widow of Walter J. DeWitt III, deceased, for Service Connected Death benefits in Plan "D".

The history of the case is as follows:

Walter J. DeWitt III entered the Police Academy effective February 16, 1982. At the time of his death, he had 33 years, 3 months, and 18 days City service.

Officer DeWitt injured his right shoulder in the performance of his duties on October 27, 2014. He had conservative management of medication and physical therapy which did not return him to full functioning. Two days following his surgery on May 25, 2015 to repair his right partial rotator cuff tear, Officer DeWitt sustained a large CVA from which he never regained consciousness. He died on June 5, 2015 of multi-organ failure.

Officer DeWitt is survived by his widow, Denise DeWitt, and his minor son, Walter J. DeWitt, IV.

It is Dr. Howarth's opinion that Officer DeWitt's death was service related. Attached is a copy of her report dated July 15, 2015.

Ronald Stagliano made a motion to approve. Brian Coughlin seconded the motion.

**The motion to approve carried unanimously 7-0.**

### **NEW BUSINESS**

- **Executive Director's Report** – Mr. Bielli updated the Board on pending State pension legislation.
- **Education and Travel Report 3<sup>rd</sup> Quarter** – The report for the third quarter was distributed to the Board.
- The annual audit is currently underway. The audit report will come out in the Spring.

### **FYI**

- a. **Litigation Summary** – Ms. Berkowitz stated that findings of fact were filed for the Tepper Pension Disqualification case and there are a couple cases pending in Common Pleas Court. Responses from the doctors are being received for the Avery case which was remanded.

Brian Albert made a motion to adjourn. William Rubin seconded the motion.

The meeting adjourned at 9:20 AM.