

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of September 26, 2013**

**MINUTES**

On September 26, 2013, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:05 a.m. in the Board's Conference Room.

Present: Paula Weiss  
Harvey Rice  
Brian Albert  
Celia O'Leary  
Carol Stukes-Baylor  
Ronald Stagliano  
Andrew Thomas  
Veronica Pankey  
James Leonard  
Hilary Cornell

Also Attending: Francis Bielli, Mark Murphy, Shamika Taliaferro – Board of Pensions  
Sumit Handa, Christopher DiFusco, Brad Woolworth – Investment Unit  
James Leonard, Ellen Berkowitz, Katherine Mastrobuoni – Law Dept.  
Jo Rosenberger-Altman – Law Department  
Kelly Avek, Associate, JP Morgan  
Christian Dunbar, Wells Fargo  
Jake Walthour - Cliffwater

Paula Weiss stated that the first order of business was the consideration of the Minutes of August 21, 2013.

Ronald Stagliano made a motion to approve the Minutes of August 21, 2013. Brian Albert seconded the motion.

**The motion to approve the Minutes of August 21, 2013 carried unanimously 8-0.**

**CONSIDERATION OF (228) PENSION APPLICATIONS AND (101) WITHDRAWAL APPLICATIONS**

Brian Albert made a motion to approve. Celia O'Leary seconded the motion.

**The motion to approve carried unanimously 8-0.**

Hilary Cornell joined the meeting at this time.

## **APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS**

### **Case of Susan Pollick, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Susan Pollick former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Ms. Pollick, she sustained injuries to her knees, shoulder, neck, back and hand while performing CPR. Her date of injury is September 30, 2011.

Carol Stukes Baylor made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve tied 4-4. The Chair voted to oppose. **The motion to approve failed 4-5. Motion denied.**

### **Case of John VanDerVort Jr., Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by John VanDerVort Jr. former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Mr. VanDerVort Jr., he sustained the injury when a dog charged at him and an unknown object struck him, hitting him on his lower leg. His date of injury is October 8, 2009.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

**The motion to deny carried 6-0-2.**

### **Case of Cynthia Abney, Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by Cynthia Abney, Parking Enforcement Officer, Parking Authority, for Service-Connected Disability Benefits in Plan “J”.

Ms. Abney states that she sustained the injury while working when she tripped and fell on uneven pavement. In another incident, she tripped on a curb. She injured her hip, torso, foot and ankle. Her dates of injuries are November 22, 2008 and October 5, 2009.

Carol Stukes Baylor made a motion to approve. Ronald Stagliano seconded the motion.

**The motion to approve carried unanimously 8-0.**

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

This is an application by Michelle Grimes, former Correctional Officer, Prisons Department, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Grimes stated that she sustained injuries to her ankle while in training when she backed into a podium and fell. Her date of injury is February 28, 2011.

Carol Stukes Baylor made a motion to approve. Ronald Stagliano seconded the motion.

**The motion to approve carried unanimously 8-0.**

**Case of Nadine Nash-Kendrick, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Nadine Nash-Kendrick former Lifeguard, Department of Parks & Recreation, for Service-Connected Disability Benefits in Plan “Y”.

According to Ms. Nash-Kendrick, her injuries are enduring stress, anxiety and aggravation during the course of her employment. Her dates of injury include May 21, 2005, July 9, 2005, March 10 and 15, 2006. The department has stated that there are no employee injury reports for the reported dates.

Brian Albert made a motion to deny. Carol Stukes Baylor seconded the motion.

**The motion to deny carried unanimously 8-0.**

**Case of Robert L. Hayes , Deceased, Application for Survivorship Benefits on Behalf of a Medically Dependant Adult Child Plan “J”**

This is an application by Robert L. Hayes, Jr., son of Robert L. Hayes, to receive Survivorship benefits as a medically dependant adult child under Plan J.

Robert L. Hayes, Food Service Worker, died on May 15, 2006. He retired effective September 15, 1988.

Mr. Hayes chose Survivorship Option 4 when he retired. His Designation of Pension Beneficiary form is not in his file. However, his Group Life Insurance Beneficiary form is included. He named his wife, Marjorie Hayes, as his primary beneficiary and his son, Robert L. Hayes, Jr. as his contingent. Marjorie Hayes died November 6, 2004.

The Board reviewed the information submitted by the Mr. Hayes.

If approved, Robert L. Hayes, Jr. would receive a monthly Survivorship benefit in the amount of \$971.82.

Ms. Stukes Baylor requested to table the case for further information because the statement from the Social Security Administration is not clear. She questioned if the benefit is related to the parent or if Mr. Hayes, Jr. is receiving his own benefit.

Ms. Weiss stated that the letter from the doctor indicates that Mr. Hayes's issue developed in 1996 and at that point he was an adult.

Carol Stukes-Baylor made a motion to table for further information regarding the social security benefit. Ronald Stagliano seconded the motion.

**The motion to table for further information carried unanimously 8-0.**

## **APPLICATION FOR SCD BENEFITS BEYOND THE ONE YEAR DEADLINE**

### **Case of Edward McDonald, Application for Service Connected Disability Benefits Beyond the One Year Deadline – Plan Y**

This is a request by Edward McDonald, former Environmental Health Inspector for the Health Department, to make application for Service Connected Disability benefits beyond the one year deadline.

Mr. McDonald was separated effective August 23, 2010. He made application for Service Connected Disability benefits on July 12, 2013.

A letter of Administrative denial dated August 15, 2013 was sent to Mr. McDonald by Pension Counselor Stephen Martin, who cited section 22-309(a) of the Pension Code, which refers to the 1-year time limit from date of separation for applying for Disability retirement benefits.

Mr. McDonald forwarded a letter to Executive Director Francis X. Bielli dated August 20, 2013 appealing his denial and requesting a hearing on his issue.

Mr. McDonald is 59 years of age and has 14 years, 11 months, 3 days of City service.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

**The motion to deny carried 7-0-1.**

## **OLD BUSINESS**

### **Case of Anthony Monteleone, Request for Recognition of Common-Law Marriage, Plan “J”**

This case was **denied** at the March 28, 2013 Board Meeting. A Hearing Panel was held on September 4, 2013.

The Hearing Panel votes are as follows:

Ms. Veronica Pankey:	Recommend denial Monteleone was still married when vows were exchanged with Debra Smith; Common Law cannot be established.
Ms. Celia O’Leary:	Recommend denial
Mr. James Leonard:	Recommend denial

The history of the case is as follows:

This is an application by Anthony Monteleone, retiree, for recognition of his Common-Law Marriage to establish his spouse, Deborah Smith, as his Option #4 survivor.

Anthony Monteleone, a former Deputy Sheriff, retired effective April 3, 1993. At that time, he listed Deborah Smith as his fiancée on his City life insurance form.

In a notarized statement signed by Anthony Monteleone and Deborah Smith, the details of the couple’s relationship are summarized. In 1985, Mr. Monteleone had been separated from his wife for over a year when he met Deborah Smith, who was single and had had no prior marriages. The couple began living together in 1985 and bought a home together in 1986. Mr. Monteleone’s wife, Carol Monteleone, died in 1988. The couple sold their home in 1992 and moved to Florida. Mr. Monteleone retired on April 3, 1993. The couple purchased a home in Florida in 1994. The couple married on December 30, 2011. They have no children from this relationship.

If approved, Deborah Smith would be eligible to receive a lifetime survivorship benefit of \$1,017.23 as the surviving spouse of Anthony Monteleone.

The Board reviewed the pertinent information in the file and the documents and letters that Mr. Monteleone submitted.

Mr. Stagliano made an argument on Mr. Monteleone's behalf. He stated that Mr. Monteleone separated from his wife in 1985 and cohabitated with Deborah Smith, and at that point he wasn't divorced or free to marry. She died in 1988 and he didn't retire until 1993. After 1988, he was free to enter into a relationship. In the Notes of Testimony he stated that when he came to the Board of Pensions in 1993 he was told by the counselor that he could not list her as his spouse under Option 4. He was asked at the hearing why he put her down as a fiancé on the life insurance form and he didn't really have an answer to that question but Mr. Stagliano believes it is because he was already told he couldn't list her as his wife on the beneficiary form. He added that they also had property together, joint bank accounts, and submitted many letters testifying to their relationship. He asked that the Board reconsider and approve the application.

Mr. Leonard stated that his point of view is even though his spouse passed away in 1988, who he was separated from, there was not sufficient evidence presented post 1988 that he had established a common law relationship. His issue with the letters was that they didn't hold them out as man and wife but said they were in a relationship together.

Ms. Weiss pointed out that they couldn't hold them out as man and wife prior to her death,

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

**The motion to deny carried 5-3.**

**Case of Gloria Harris, Application for Service-Connected Disability Benefits – Plan "Y"**

This case was **denied** at the June 27, 2013 Board Meeting. A Hearing Panel was held on September 4, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend denial.

Ms. Celia O'Leary: Recommend denial.  
All medical testimony presented concluded that the disability was not due solely to Ms. Harris' employment.

Ms. Veronica Pankey: Recommend approval.  
Approved for Service-Connected Disability-recommendation from Dr. Hayes is retire because of Carpel Tunnel and informed her the injury was work related.

The history of the case is as follows:

This is an application by Gloria Harris, former Social Work Services Manager II, Department of Human Services, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Harris sustained injury to her wrist over a period of time while executing clerical responsibilities within her job description, such as typing, filing, and writing. Her date of injury is July 14, 2008.

Ms. Harris is 53 years of age. She has 15 years, 8 months and 20 days of credited service. She is not currently receiving Workers’ Compensation benefits. She is receiving an Ordinary Disability Pension Benefit at this time in the amount of \$1,496.89 effective January 1, 2013. Ms. Harris separated effective December 31, 2012 and applied for Service-Connected Disability Benefits on February 25, 2013. If approved for a Service-Connected Disability benefit, Ms. Harris would receive an estimated monthly benefit of \$2,886.00, which may be subject to an offset of Workers’ Compensation benefits.

Brian Albert made a motion to deny. Celia O’Leary seconded the motion.

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

**Case of Cislyn Brown, Request to Purchase Pension Credit for Employment with the Philadelphia Mental Health Care Corporation (PMHCC) – Plan Y**

This case was **denied** at the March 28, 2013 Board meeting. A Hearing Panel was held August 7, 2013.

The Hearing Panel results are as follows:

Mr. Ronald Stagliano: Recommend denial

Mr. Harvey Rice: Recommend denial

Mr. Brian Albert: Recommend denial  
Appellant knew she was not a City employee and did not wish to become a City employee on a number of occasions because City pay and benefits were less than PMHCC employees. Appellant testified that she subsequently accepted a position with the City despite lesser pay and benefits in order to obtain greater “security”. PMHCC has acknowledged that it is a private (not government) entity.

The history of the case is as follows:

Cislyn Brown's application to purchase governmental pension credit for her prior employment was received 12/10/12. On the verification form returned by PMHCC, they identified themselves as a private entity.

In an email received 1/25/13, the Law Department confirmed that PMHCC employees are not eligible to purchase service credit. In a letter dated 1/28/13, Ms. Brown's application was administratively denied.

In a letter dated 2/14/13, Ms. Brown appealed the administrative denial.

Harvey Rice made a motion to deny. Brian Albert seconded the motion.

**The motion to deny carried 6-0-2.**

**Case of Erlinda Dickerson, Application for Service-Connected Disability Benefits beyond the one year deadline - Plan "Y"**

This case was **denied** at the January 26, 2012 Board Meeting. A Hearing Panel was held on August 14, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard:           Recommend denial.  
                                          Failure to meet one year deadline.

Mr. Andrew Thomas:        Recommend denial.  
                                          Beyond one year deadline Section 22-401.

Ms. Paula Weiss:            Recommend denial.

The history of the case is as follows:

This is an application by Erlinda Dickerson, former Clerk Typist 2, Police Department, for Service-Connected Disability Benefits beyond the one-year deadline in Plan "Y".

Ms. Dickerson separated from the City of Philadelphia effective February 11, 2008. At that time, she did not apply for any type of retirement benefits. She is currently receiving Workers' Compensation benefits in the amount of \$1,713.18, monthly from CompServices, Inc. Ms. Dickerson applied for Service-Connected Disability retirement benefits on June 17, 2011. On December 5, 2011, the Board of Pensions responded that due to Chapter 22, Section 401 (1) (d),



Ms. Dickerson would not be eligible to apply for a Service-Connected Disability benefits. On January 3, 2012, Ms. Dickerson appealed that decision.

Ms. Dickerson is 67 years of age. She has an estimated amount of 8 years, 4 months and 7 days of credited service. She is collecting Workers' Compensation. She is not receiving a pension benefit. If approved, she would be eligible for monthly benefits of \$1,810.00, which may be subject to an offset of Workers' Compensation benefits.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

**The motion to deny carried 6-1-1.**

**Case of Gregory Ferrara, Request to Apply for Service-Connected Disability Benefits Beyond One Year Deadline – Plan “J”**

This case was denied at the May 22, 2013 Board Meeting. A Hearing Panel was held on September 4, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard:	Recommend denial.
Ms. Celia O'Leary:	Recommend denial.
Ms. Veronica Pankey:	Recommend denial.
	Admits there is not an application on file; no explanation for filing late; "inquiry only" was made with Board of Pensions in 2006.

The history of the case is as follows:

This is a request by Gregory Ferrara, former Maintenance Mechanic 3, to make application for Service-Connected Disability benefits beyond the one year deadline in Plan J.

Gregory Ferrara separated from the Common Pleas Court effective March 7, 2005. He is vested but does not have the age requirement for retirement. He applied for Service Connected Disability benefits on January 28, 2013 providing documentation of his illness from his medical providers.

Mr. Ferrara received Worker's Compensation benefits biweekly from August 25, 2002 through February 9, 2013. He then received a Compromise and Release Settlement on February 15, 2013 in the amount of \$123,926.40.

Mr. Ferrara is 49 years of age and had 18 years, 4 months and 13 days of credited service. If approved for Service Connected Disability benefits, he would receive approximately \$2,232.00 monthly.

The Board reviewed the pertinent correspondence in Mr. Ferrara's file.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

**The motion to deny carried 7-0-1.**

## **NEW BUSINESS**

**Executive Director's Report** – Mr. Bielli updated the Board on the following subjects.

- Stanford University is offering a free online class on finance which touches on government pension plans and some basic economics. The class starts October 14, 2013 and goes through December 2013. Pamphlets were left on the table for anyone interested in the class.
- The Legislative sub-committee met and is reviewing the current regulations to update and eliminate ones that are no longer applicable. They will look at the various sections that may need updating. If any Board members have any ideas or suggestions they should be given to either Mr. Bielli or Ms. Weiss and they will circulate them through the sub-committee. The next meeting will be November 12<sup>th</sup>.
- The PMI Daily that comes on email had various miscellaneous return figures for the fiscal year ending June 30, 2013. The returns for the Fund at that time, according to the flash report were 12.08%. By comparison, PSERS was 7.96%, Texas Permanent School Fund was 4.5 %, Harvard Endowment was 11.3% and Stanford University Managed Pool was 12.1%. Mr. Bielli stated that the returns were very good compared to those that were published.

**Medical Sub-Committee** – Ms. Riley stated that the medical sub-committee reconvened and interviewed Dr. Richard Jay for a position with the medical panel. He is more than qualified and conveniently located in the City. He is also well known throughout the City and has previously worked with workers compensation. Ms. Riley went over the due solely clause with him and requested a motion for his approval for the medical panel.

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

**The motion to approve carried unanimously 8-0.**

Litigation Summary – Ms. Mastrobuoni stated that the motion for reconsideration in the Raymond Johnson case was not accepted by the Court. They will wait and see if he will file another motion. The Dankanich oral argument is scheduled for October. There is a miscellaneous motion pending in the Walker vs. BOP case and a request for oral argument filed in opposition. The Court hasn't yet ruled on whether or not they will allow oral argument and in the meantime preliminary objections were filed to Mr. Dankanich's second amended complaint.

Mr. Leonard introduced Ms. Jo Rosenberger Altman to the Board. She has taken over as the Divisional Deputy Solicitor for overseeing pension practices. He wanted to give everyone the opportunity to welcome her and to feel free to also reach out to her with any legal questions.

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

**The motion to adjourn carried unanimously 8-0.**