

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of November 7, 2013**

MINUTES

On November 7, 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
Albert D'Attilio
Carol Stukes-Baylor
Ronald Stagliano
Andrew Thomas
Veronica Pankey
James Leonard
Hilary Cornell

Also Attending: Francis Bielli, Board of Pensions
Mark Murphy, Board of Pensions
Sumit Handa, Brad Woodworth - Investment Unit
Christopher DiFusco, Dan Falkowski – Investment Unit
James Leonard, Ellen Berkowitz - Law Department
Jo Rosenberger-Altman, Katherine Mastrobuoni – Law Dept.
Steve Nesbitt, Cliffwater
Daniel Stern, Cliffwater
Karyn Gennyer, CQS

Paula Weiss stated that the first order of business was the consideration of the Minutes of September 26, 2013.

Brian Albert made a motion to approve the Minutes of September 26, 2013. Ronald Stagliano seconded the motion.

The motion to approve the Minutes of September 26, 2013 carried unanimously 8-0.

CONSIDERATION OF (126) PENSION APPLICATIONS AND (82) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of James Pembroke, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Pembroke, he sustained the injury while on foot pursuit and jumping from a roof. He states that the nature of his disability is due to impact to his knee and foot. His date of injury is August 7, 2006.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Steven Mack, Application for Service-Connected Disability Benefits – Plan “J”

This is an application by Steven Mack, former Equipment Operator, Streets Department, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Mack, he sustained the injury while working when the truck ran off the road and struck a wall. He further stated that the nature of his disability is to his lungs, ribs, back and chest. His date of his injury is March 16, 2012.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Alonzo West, Application for Service-Connected Disability Benefits – Plan “J”

This is an application by Alonzo West, former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. West, he sustained the injury when he was picking up trash. He further stated that his disability is to his lower back and the date of his injury is October 27, 2009.

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

The motion to deny carried 4-0-4.

APPLICATION FOR SURVIVORSHIP BENEFITS

Case of James Thornton, Application for Survivorship Benefits - Plan "J"

This is an application by Della Thornton, widow of James Thornton, for Common-Law Survivorship benefits under Survivorship Option #4.

James Thornton, a former Safety Assistant for the Streets Department, retired effective November 21, 1988. James Thornton and Della Rollinson were married on December 12, 1987. Mr. Thornton died on September 16, 2012. At the time he made application for retirement benefits, he selected Survivorship Option #4, naming wife Della Thornton as his survivor.

At the time she contacted the Board of Pensions regarding application for survivorship benefits, Della Thornton was advised by staff that since her marriage to Mr. Thornton did not meet the two year requirement that she was ineligible for survivorship benefits.

In a letter dated October 15, 2012, Mrs. Thornton requested to make application for benefits as Mr. Thornton's Common-Law widow. Staff forwarded a letter dated December 3, 2012 which detailed the requirements for making application for Common-Law benefits. Mrs. Thornton forwarded limited information and documentation regarding her relationship with Mr. Thornton.

After initially reviewing the materials forwarded by Mrs. Thornton, staff determined that more information was required and in a letter dated April 16, 2013 requested information regarding James Thornton's prior marriage which was noted on his marriage certificate to Della Rollinson. Mrs. Thornton forwarded a copy of James Thornton's divorce decree from former wife Ola Mae Thornton; their divorce became final on December 11, 1975.

Pension Counselor Stephen Martin reviewed the information Mrs. Thornton forwarded and found it insufficient to show a Common-Law marriage existing at least two years prior to November 21, 1988 and forwarded a letter dated September 16, 2013 administratively denying Mrs. Thornton's application. Mrs. Thornton forwarded a letter dated October 4, 2013 appealing this denial.

While assembling this case for submission to the board, it was discovered that Della Rollinson, listed as "wife", and Denise Thornton listed as "daughter" were named as life insurance beneficiaries on one of Mr. Thornton's Personnel Employee Records which was printed on January 10, 1981.

The Board reviewed the letters and forms submitted by Della Thornton.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried 5-3.

APPLICATION TO WAIVE ACCRUED INTEREST DUE ON PRIOR GOVERNMENTAL SERVICE CREDIT

Case of Anthony Wade, Application to Waive Accrued Interest Due on Prior Governmental Service Credit

Anthony Wade was originally hired as an L&I Construction Codes Specialist effective 11/19/07. A letter outlining his purchase rights was forwarded to him on 12/17/07.

He applied to purchase pension credit for his prior military service on 12/19/07 and was billed on 11/19/08. He elected to complete said purchase via 130 payroll installments.

His job class changed to Firefighter effective 9/14/12.

We received his faxed application to purchase pension credit for his prior employment with PGW on 5/30/13 and verification of his employment with PGW on 6/11/13 where PGW confirmed he was eligible to receive a vested benefit. On 6/12/13 we received Mr. Wade's Irrevocable Waiver and Release of Pension Rights, which was approved by Law on 8/15/13. Mr. Wade's bill for his PGW employment was forwarded to him on 9/15/13. On 9/17/13, we received his request to waive the accrued interest to date in the amount of \$10,252.94. His request was administratively denied on 9/19/13. His timely appeal was received on 10/3/13.

Andrew Thomas made a motion to send to a hearing panel. Ronald Stagliano seconded the motion.

The motion to send to a hearing panel carried unanimously 8-0.

REQUEST TO APPLY FOR SERVICE CONNECTED DISABILITY BENEFITS BEYOND THE ONE YEAR DEADLINE

Case of Nicholas J. Guirate, Jr., Request to Apply for Service-Connected Disability Benefits Beyond One Year Deadline – Plan A

This is a request by Nicholas J. Guirate, Jr., former Fire Service Paramedic, to apply for Service-Connected Disability benefits beyond the one year deadline in Plan A.

Nicholas J. Guirate, Jr. separated from the Fire Department effective June 12, 2012. He is currently receiving an Ordinary Disability Retirement benefit. He applied for Service Connected Disability benefits on September 16, 2013.

The Board reviewed the attached documents:

1. Letter sent September 16, 2013 from Yvonne Hobbs administratively denying Mr. Guirate's Service Connected Disability application.
2. Letter received September 16, 2013 from Mr. Guirate appealing the administrative denial as well as explaining why his Service Connected Disability application is beyond the one year deadline.
3. Retirement Statement signed by Mr. Guirate on June 27, 2012 acknowledging he had until June 11, 2013 to apply for Service Connected Disability.

Hilary Cornell made a motion to deny. Brian Albert seconded the motion. The motion failed 3-5.

Andrew Thomas made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried 5-3.

OLD BUSINESS

Case of Coretta Avery, Application for Service-Connected Disability Benefits – Plan “B”

This case was **denied** at the September 25, 2012 Board Meeting. A Hearing Panel was held on August 14, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend denial.

Mr. Andrew Thomas: Recommend denial. Dr. Katz testimony not due solely.

Ms. Paula Weiss: Recommend denial.

The history of the case is as follows:

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

Ms. Avery sustained the injury when she was involved in a vehicular accident, where a tractor trailer hit her on the driver's side while merging in traffic.

The nature of Ms. Avery's disability is limited mobility due to back pain, neck pain, numbness in hands and legs, headaches, lack of balance, limited range of motion in left arm. Her date of injury is April 2, 2008.

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

The motion to deny carried 4-0-4.

Case of Arthur Johnson, Application for Service-Connected Disability Benefits – Plan “B”

This case was **denied** at the December 20, 2012 Board Meeting. A Hearing Panel was held on October 9, 2013.

The Hearing Panel votes are as follows:

Ms. Veronica Pankey:	Recommend approval.
Mr. Harvey Rice:	Recommend approval.
Ms. Paula Weiss:	Recommend approval.

The history of the case is as follows:

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

Mr. Johnson sustained the injury while on duty when a suspect attempted to retrieve his revolver and subsequently threw him down on the ground and banged his head on a metal gate. In another incident, Mr. Johnson fell down a flight of stairs while attempting to arrest a male suspect.

The nature of Mr. Johnson’s disability is limited mobility due to severe back injury and other injuries. His dates of injury are April 14, 2010 and October 2, 2011.

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Ralph Murrell, Application for Service-Connected Disability Benefits – Plan “J”

This case was **denied** at the December 20, 2012 Board Meeting. A Hearing Panel was held on August 14, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard:	Recommend approval.
Mr. Andrew Thomas:	Recommend approval.
Ms. Paula Weiss:	Recommend approval.

The history of the case is as follows:

This is an application by Ralph Murrell, former Correctional Officer, Prisons Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Murrell sustained the injury when he was attacked by a mentally challenged prisoner. The nature of Mr. Murrell’s disability is limited mobility due to a broken ankle. His date of injury is September 18, 2009.

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of William Roberts, Application for Service-Connected Disability Benefits – Plan “J”

This case was **denied** at the August 30, 2012 Board Meeting. A Hearing Panel was held on September 11, 2013.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial.
Mr. Harvey Rice: Recommend approval.
Mr. Andrew Thomas: Recommend approval.

The history of the case is as follows:

This is an “*administrative application*” on behalf of William Roberts, former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Roberts sustained the injury while on duty and he lifted a heavy can and his fingers became stiff. The nature of Mr. Roberts’ disability is limited mobility due to a shoulder injury. His date of injury is October 5, 1998.

Hilary Cornell made a motion to deny. Brian Albert seconded the motion.
The motion to deny failed 3-5.

Harvey Rice made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried 5-3.

Case of Diane Allen, 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 11, 2013.

The Hearing Panel votes are as follows:

Mr. Brian Albert:	Recommend denial.
Mr. Harvey Rice:	Recommend denial.
Mr. Andrew Thomas:	Recommend denial.

The history of the case is as follows:

This is an application by Diane Allen, former Crossing Guard, Police Department, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Allen sustained the injury while on duty and attempting to keep a child from running into oncoming traffic and injured her left leg. The nature of Ms. Allen’s disability is limited mobility due to a knee injury. Her dates of injury are May 14, 2002 and April 18, 2005.

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

The motion to deny carried 4-0-4.

Case of LaTanya Watson, Application for Service-Connected Disability Benefits – Plan Y

This case was **denied** at the April 25, 2013 Board Meeting. A Hearing Panel was held on September 11, 2013.

The Hearing Panel votes are as follows:

Mr. Brian Albert:	Recommend denial.
Mr. Harvey Rice:	Recommend approval.
Mr. Andrew Thomas:	Recommend approval.

The history of the case is as follows:

This is an application by LaTanya Watson, former Account Clerk, Finance Department, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Watson sustained the injury while returning from a municipal court assignment; she tripped over a damaged area of pavement and fell. The nature of Ms. Watson's disability is limited mobility due to a wrist sprain. Her date of injury is September 8, 2010.

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

The motion to approve carried 5-3.

Case of Anthony Manes, Request to Withdraw from DROP - Plan "D"

This case was **denied** at the March 28, 2013 Board Meeting. A Hearing Panel was held on August 14, 2013.

The Hearing Panel votes are as follows:

Mr. Harvey Rice:	Recommend denial. Once entered into DROP, it is irrevocable.
Ms. Carol Stukes-Baylor:	Recommend denial.
Ms. Paula Weiss:	Recommend denial. DROP entry is irrevocable.

The history of the case is as follows:

Anthony Manes signed up in April, 2011 to start DROP on February 4, 2013.

Mr. Manes is requesting to withdraw from DROP due to his wife's recent medical diagnosis after being misdiagnosed for more than a year and a half. Mr. Manes states if his spouse had been correctly diagnosed, participating in DROP would not have been an option for him.

Mr. Manes states this unexpected illness created a family medical hardship and maintaining employment for longer than four years will allow him to provide long term continued care and treatment for his wife.

A letter from Dr. Liang of Jefferson Hospital was also received confirming treatment and that Mr. Manes may need intermittent leave to help care for his wife and to accompany her to medical evaluations.

On February 12, 2013, Shamika Taliaferro, Pension Program Administrator administratively denied Mr. Manes' request on the basis that participation in DROP is irrevocable.

Mr. Manes' appeal was received February 18, 2013.

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.

- The proposed Regulations have been submitted to the legislative subcommittee by the Law Department. After the subcommittee meets on November 12th, the subcommittee will review and bring a full recommendation to the Board. Drafts will be provided prior to the Board's vote.
- The audit by Clifton Larson is underway. All of the benefit issues have been completed and everything went very well. The auditors are now working with the City's accounting department to review the financial statements. Once that's done the audit will be completed.

Conferences and Educational Events – The report on the last quarter was included in the November Board packets.

Litigation Summary – Ms. Mastrobuoni stated that the following cases are listed for appeals. The DiLacqua case is in Commonwealth Court and scheduled for a second oral argument December 11, 2013 in Harrisburg, PA. The Common Pleas Court recently granted the Board's request for oral argument in the Walker case to be held November 27, 2013. The Common Pleas Court denied the Wiggin's appeal and affirmed the Board's decision.

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

The motion to adjourn carried unanimously 8-0.