

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of August 25, 2016**

MINUTES

On August 25, 2016, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:10 a.m. in the Board's Conference Room.

Present: Rob Dubow
Paula Weiss
William Rubin
Brian Abernathy
Brian Albert
Pedro Rodriguez
Carol Stukes-Baylor
Ronald Stagliano
Brian Coughlin
Veronica Pankey
David Magaldi
Alan Butkovitz
Francois DuBois

Also Attending: Francis Bielli - Board of Pensions
Ellen Berkowitz – Law Department
Jo Rosenberger Altman – Law Department
Brendan O'Rourke – Law Department
Adam Coleman – Law Department
Christopher DiFusco – Investment Unit
Bernard Buckley – Investment Unit
Tyrone Gordon – Investment Unit
Kristyn Bair, Aubrey Hassan – Investment Unit
Toni Robbins – Delaware Investments (VP)
Kweku Obed – Marquette
Dave Smith - Marquette
Will Greene – Loop Capital
Pam McCue – Financial Investment News

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of June 23, 2016. Ms. Weiss stated that Mr. Rodriguez should be added to the Minutes; this was done.

Carol Stukes-Baylor made a motion to approve the Minutes of June 23, 2016. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 7-0.

CONSIDERATION OF 211 PENSION APPLICATIONS AND 187 WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 7-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of David S. Reaves Jr., Application for Service-Connected Disability Benefits – Plan “A”

This is an application submitted by David S. Reaves Jr., former firefighter for Service-Connected Disability benefits under Pension Plan “A”.

According to Mr. Reaves, he developed an illness and a rapid heart rate over the span of his career as a firefighter. Mr. Reaves states that he worked in unventilated fire stations where he constantly breathed in the exhaust fumes of diesel engines. He also cites firefighting activities as a contributing factor. No specific date of injury provided.

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 3-0-4.

Case of Philip S. Nace, Application for Service-Connected Disability Benefits Plan “B”

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

According to Mr. Nace, on June 29, 2011 while he and his partner were in pursuit of a stolen car a vehicular accident occurred. Mr. Nace states that the patrol car struck an island and possibly two (2) other cars; the impact caused multiple injuries.

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

The motion to approve carried 7-0 unanimously.

Case of Mary C. Wagner, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Wagner, on May 26, 2013 while responding to a burglary alarm she states that she cut her left ring finger tendon on a piece of broken glass.

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

The motion to approve carried unanimously 7-0.

Case of Ronald Coleman, Application for Service-Connected Disability Benefits – Plan “J”

This is an **administrative** application submitted by Ronald Coleman, former electrician with the Department of Recreation for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Coleman, on September 26, 1991 while working on an alarm system he fell backwards off an arts and craft table.

Brian Albert made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 3-0-4.

Case of Reda Kroma, Application for Service-Connected Disability Benefits – Plan “J”

This is an application submitted by Reda Kroma, former Parking Enforcement Officer in the Philadelphia Parking Authority for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Kroma, on March 5, 2015 she was carrying heavy equipment for a long period and experienced sharp stabbing pain that was shooting up her arm. She also stated that she reported early in her employment an ankle injury, left leg pain and knee and back spasms that make it hard to stand, sit and get up.

Ms. Weiss stated that Mr. Bielli recently received new information which should be included.

Carol Stukes-Baylor made a motion to table for 30 days. Ronald Stagliano seconded the motion.

The motion to table for 30 days carried unanimously 7-0.

Case of Darrell Hendricks, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Darrell Hendricks, former Police Dispatcher for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Hendricks, he was diagnosed with prostate cancer in the early part of 2015. He states his diagnosis was due to environmental factors in Police Radio as there was thick dust at most work stations, dirt in vents of ducts and recirculated air from computer fans.

Brian Abernathy made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried 3-0-4.

Case of Annamma Abraham, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Annamma Abraham, former Community Health Registered Nurse for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Abraham she went to work on February 27, 2015 and while crossing the street after parking her car she fell and injured her thumb and wrist. She also stated she has problems grasping, holding, numbness and tingling.

Brian Albert made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried 3-0-4.

William Rubin joined the meeting at this time.

Case of Joyce Craig-Lewis, Deceased, Application for Service Connected Death Benefits- Plan “A”

This is an application by Adrian Rayon Lewis on behalf of his daughter, Laylani Carol Lewis, minor child of Joyce Craig-Lewis, deceased, for Service Connected Death benefits in Plan “A”.

Joyce Craig-Lewis began her employment with the Fire Department effective December 8, 2003. At the time of her death, she had 11 years and 1 day City service.

Joyce Craig-Lewis died in the line of duty on December 9, 2014. Joyce Craig-Lewis had no spouse at the time of her death. She is the mother of Mekhi Donte’ Green and Laylani Carol Lewis, minor.

It is Dr. Howarth's opinion that Joyce Craig-Lewis's death was service related. A copy of her report dated April 20, 2016 was attached.

If approved, benefits would be payable to Adrian Rayon Lewis on behalf of Laylani Carol Lewis in the amount of \$1,661.03 until she reaches her 18th birthday.

This determination will entitle Laylani Carol Lewis to the Service Connected Death Health Care benefit under Section 22-501(5) of the Pension Code.

Brian Coughlin made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Joyce Craig-Lewis, Deceased, Application for Service Connected Death Benefits-Plan "A"

This is an application by Suzanne Pritchard, Esq., guardian of Mekhi Donte' Green, son of Joyce Craig-Lewis, deceased, for Service Connected Death benefits in Plan "A".

Joyce Craig-Lewis began her employment with the Fire Department effective December 8, 2003. At the time of her death, she had 11 years and 1 day City service.

Joyce Craig-Lewis died in the line of duty on December 9, 2014. Joyce Craig-Lewis had no spouse at the time of her death. She is the mother of Mekhi Donte' Green and Laylani Carol Lewis, minor.

Shortly after Suzanne Pritchard made application on Mekhi Donte' Green's behalf, he reached the age of 18 and would be entitled to receive any approved benefits on his own behalf. Ms. Pritchard is no longer his legal guardian.

It is Dr. Howarth's opinion that Joyce Craig-Lewis's death was service related. A copy of her report dated April 20, 2016 was attached.

If approved, benefits would be payable to Mekhi Donte' Green in the amount of \$1,661.03 from the date of death until his 18th birthday. Mekhi Donte' Green is currently receiving Worker's Compensation benefits.

This determination will entitle Mekhi Donte' Green to the Service Connected Death Health Care benefit under Section 22-501(5) of the Pension Code.

Brian Coughlin made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of David Ford, Deceased, Application for Survivorship benefits, Plan J

This is an application by Mazie Ford, widow of David Ford for Survivorship benefits in Plan J.

David Ford, former Laborer in the Streets Department, retired February 4, 1987. He elected Survivorship Option 4 at the time of retirement. He named Mazie Ashmore as the beneficiary for his life insurance.

David Ford and Mazie Ashmore were married on September 10, 1994. Mr. Ford died on February 21, 2016. Mrs. Ford submitted an application for survivorship benefits on April 4, 2016. The application was administratively denied because it did not meet the two-year requirement for Survivorship Option 4 under Section 3.06 of the Pension Code.

Mrs. Ford's attorney, Mr. William Simms, III, sent a letter dated June 8, 2016 appealing the administrative denial.

Brian Abernathy made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried 4-0-4.

Case of Jibin George, Request to Opt Out of Plan 10 after the Deadline

Jibin George was hired effective June 15, 2015.

A certified letter and Plan 10 Opt Out form was forwarded to his home address on July 17, 2015, and a return receipt was received. Since we had not received Mr. George's Plan 10 Opt Out form within 30 days, Finance was notified that he would remain a part of Plan 10 because he did not opt out.

On June 7, 2016, we received Mr. George's email request to have his pension plan transferred to Plan Y. On June 8, 2016, a certified administrative denial was forwarded to his home address.

His timely appeal was received on July 8, 2016.

William Rubin made a motion to table for further clarification on Plan 10. Ronald Stagliano seconded the motion.

The motion to table carried unanimously 8-0.

OLD BUSINESS

Case of Steven B. Welch, Application for Service-Connected Disability Benefits – Plan “Y”

This case was **tabled** at the June 23, 2016 Board meeting for further information. The job descriptions for Accountant and Departmental Accounting Systems Specialist are attached.

This is an application submitted by Steven B. Welch, former accountant with the Streets Department, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Welch, on February 12, 2014 while entering the snow emergency vehicle he slipped, injuring his right arm. Mr. Welch states that corrective surgery was performed on October 7, 2014.

The Board discussed the case and whether or not Mr. Welch was working out of class when the injury occurred and if it was a voluntary or a required duty to shovel snow during a snow emergency.

Mr. Rubin stated that he normally worked in an office and suggested getting clarification from the department whether it was voluntary or required.

Mr. Stukes-Baylor argued that the paperwork says he was required to do it and that the department should not have let him work of class in a DC 33 classification as a laborer.

Ms. Weiss stated that he volunteered for the overtime and it was not required.

Mr. Magaldi added that at the time of his retirement Mr. Welch was working at his accountant position.

Carol Stukes-Baylor made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve fails 3-5. Motion Denied.

Case of Kathy L. Connors, Application for Service-Connected Disability Benefits Plan “A”

This case was denied at the Board meeting held January 28, 2016. A hearing panel was held on Wednesday, July 6, 2016.

The hearing panel recommendations are as follows:

Brian Albert: Deny – Pre-existing degenerative joint disease of right knee.

Veronica M. Pankey: Deny – No additional evidence was presented. Surgeon did not definitely state that the injury was due solely.

Bill Rubin: Approve – Based on deposition of Dr. Frederick who performed the operation and had the most contact with Mrs. Connors, the disability is due solely to the injury of 1/19/12.

Case Summary:

This is an application submitted by Kathy Connors, former fire service paramedic, for Service-Connected Disability benefits under Pension Plan “A”.

According to Ms. Connors, on January 19, 2012 while stepping out of an ambulance she suffered an injury to her knee. The injury required surgery.

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

The motion to approve carried 5-3.

Case of Michael L. Bolli Jr., Application for Service-Connected Disability Benefits – Plan “B”

This case was **denied** at the board meeting held on January 28, 2016. A hearing panel was held on Wednesday, June 15, 2016.

The hearing panel recommendations are as follows:

Veronica M. Pankey: Deny service-connected disability

Brian Coughlin: Deny service-connected disability due to lack of evidence to show due solely

David Magaldi: Deny. Drs. Weinerman, Frieman and Howarth all find that the injury/ongoing disability is not solely due to the work event. Dr. Berkowitz does not address the issue of due solely.

Case Summary:

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

According to Mr. Bolli, on November 20, 2012 he was a passenger of a police vehicle when the driver ran into a parked vehicle. Mr. Bolli states that the impact caused him to strike his face and arms on the windshield.

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 4-0-4.

Case of Norma Vazquez, Application for Service-Connected Disability Benefits – Plan “B”

This case was **denied** at the Board meeting held on October 25, 2012. A hearing panel was held on Wednesday, June 15, 2016.

The hearing panel recommendations are as follows:

- Veronica M. Pankey: Approve for service-connected disability
- Brian Coughlin: Approve service-connected disability due to doctor report/deposition stating due solely
- David Magaldi: Approve service-connected disability based on the only legally competent medical record in the record

Case Summary:

This is an application by Norma Vazquez, former police officer, Police Department, for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Vazquez, on January 2, 2008 while descending a flight of stairs, she fell injuring her right ankle. Ms. Vasquez indicates that she sustained a torn ligament along with both strain/sprain to her right ankle.

This is a **SAMMONS** case. This case will be based solely on the opinion within the deposition of Dr. Wen Chao.

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

The motion to approve carried unanimously 8-0.

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

This case was denied at the Board meeting held on October 22, 2015. A hearing panel was held on Wednesday, March 30, 2016.

The hearing panel recommendations are as follows:

- Paula Weiss, Esq.: Deny – prior records show degenerative disc disease
- Carol Stukes-Baylor: Approve
- Brian Albert: Deny – degenerative condition not due solely to any work related injury

Case Summary:

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 sprain and strain to her neck, back, shoulder, upper torso, and arm.

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 5-1-2.

Case of Ronald C. Wooden, Application for Service-Connected Disability Benefits Plan “J”

This case was **deferred to a hearing panel** at the Board meeting held on June 2, 2016. A hearing panel was held on July 20, 2016.

The hearing panel recommendations are as follows:

- Carol Stukes-Baylor: Approve
- David Magaldi: Approve – testimony evidences that there was a legitimately reported work injury
- Ronald Stagliano: Approve the application

Case Summary:

This is an application submitted by Ronald C. Wooden, former security coordinator with the Philadelphia Parking Authority, for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Wooden, on April 12, 2014 while dropping off the auction money at the deposit box he was approached by a masked man with a gun.

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

The motion to approve carried unanimously 8-0.

Case of Wilbert J. Ellison, Deceased, Application for Survivorship benefits - Plan “J”

This case was **denied** at the Board meeting held October 22, 2015. A hearing panel was held on Wednesday, March 30, 2016.

The hearing panel recommendations are as follows:

- Paula Weiss, Esq.: Deny – applicant did not marry until two (2) years after retirement; he was married to someone else at retirement
- Brian Albert: Deny – unfortunately he was married to someone else at the time of his retirement and had not even met Dian Downing-Ellison until after he retired
- Carol Stukes-Baylor No recommendation (applicant agreed to proceed with only two members)

Case Summary:

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.

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 4-0-4.

Case of Kathleen McKenna, Dec'd, Request for Survivorship benefits as Common-law spouse - Plan "J"

This case was **denied** at the Board meeting held on January 28, 2016. A hearing panel was held on Wednesday, April 20, 2016. The case remained open for 30 days after the hearing for a copy of their son's birth certificate which is attached.

The hearing panel recommendations are as follows:

Bill Rubin:	Deny for lack of joint holdings
Veronica M. Pankey:	Denied - no additional evidence presented of "common-law"
David Magaldi:	Deny –Mrs. McKenna informed Mr. McKenna that this would be an issue. There are no legal documents to support a "common law" marriage at any point prior to the legal marriage in 2002.

Case Summary:

This is an application by Michael J. McKenna for survivorship benefits as the common law spouse of Kathleen McKenna. Michael J. McKenna and Kathleen McKenna were married on March 16, 2002.

Kathleen McKenna, former Clerk Steno III in the Streets Department, retired January 1, 2004. Mrs. McKenna elected survivorship option 4 and named Michael J. McKenna as her beneficiary.

The following documents were submitted in support of Mr. McKenna's application:

1. Birth certificate of their son Michael McKenna, DOB: October 10, 1984
2. Death certificate of Kathleen McKenna dated August 26, 2015
3. Marriage Certificate of Michael J. McKenna and Kathleen McKenna dated March 16, 2002
4. Memorandum of Understanding dated November 24, 1999
5. Appeal Letters from Mr. McKenna dated November 3, 2015 and December 29, 2015
6. Divorce Decree dated May 3, 1983 for Kathleen McKenna and John P. McKenna
7. Cable bill effective date February 1, 1987
8. Notarized letters from the following:
 - o Christine Stearn, dated December 14, 2015
 - o Bernadette (Bonnie) Zociesha dated December 7, 2015
 - o Maureen Morgan dated December 7, 2015
 - o Cathie Gallagher dated December 4, 2015

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 4-0-4.

Case of Dennis L. Warren, Deceased, Application for Survivorship Benefits – Plan “J”

This case was **denied** at the Board meeting held on October 22, 2015. A hearing panel was held on Wednesday, March 30, 2016.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.:	Deny – did not establish common-law marriage two (2) years prior to retirement
Carol Stukes-Baylor:	Approve
Brian Albert:	Deny – subsequent marriage invalidates any claim that they considered themselves married

Case Summary:

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.

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 4-0-4.

Case of John T. Mulholland, Appeal of denial of Application for Service-Connected Disability benefits beyond the 30-day deadline – Plan “B”

This is an application by John T. Mulholland to appeal the denial of his application for Service-Connected Disability benefits beyond the 30-day deadline.

The hearing panel recommendations are as follows:

William Rubin:	Allow to appeal
Veronica M. Pankey:	Approved to apply for service-connected disability beyond the 30-day deadline
David Magaldi:	Allow appeal based on lawyer error

Case Summary:

Mr. Mulholland's application for Service-Connected Disability benefits was denied at the September 17, 2015 Board meeting. A denial letter advising him of his appeal rights was sent to him dated the same day. His appeal was not received within the 30-day deadline.

Mr. Mulholland send a letter explaining that the appeal was untimely because he under the impression that his attorney had already appealed the case for him. He was administratively granted a hearing to appeal his case beyond the 30-day deadline. The hearing was held April 20, 2016.

Ronald Stagliano made a motion to approve Mr. Mulholland his request to appeal beyond the 30-day deadline. Carol Stukes-Baylor seconded the motion.

The motion to approve Mr. Mulholland's request to appeal beyond the 30-day deadline carried unanimously 8-0.

NEW BUSINESS

- **Executive Director's Report** – Mr. Bielli stated that the Board election petitions have been verified. There are the current elected trustees and three additional candidates running for the Board election. The schedule for the board election is as follows:

8/30/16 – Candidates will draw ballot positions at 11AM

9/9/16 – Ballots get mailed out

10/12/16 – Deadline for returning ballots

10/5/16 – Deadline for watcher – applicants may watch themselves

10/19/16 – Counting of ballots

11/17/16 – Swearing in of elected trustees

- a. Business & Education Travel Report for 2nd Quarter of 2016 was distributed to members of the Board.
- b. Business & Education Travel Authorization - NCPERS Public Safety Conference in Las Vegas, NV October 23-26, 2016

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

The motion to approve any trustee who wishes to attend the NCPERS Public Safety Conference in Las Vegas, NV from October 23-26, 2016 carried unanimously 8-0.

FYI

- a. **Litigation Summary** – Ms. Berkowitz stated that the Dailey (pension disqualification) case is stayed pending state court proceedings. Ms. Dailey's counsel has to provide monthly updates of the status of the state court's proceedings to a federal judge. The certified record was filed and their brief is due in a month. The Tepper (pension disqualification) case has been appealed to Commonwealth Court.

Carol Stukes-Baylor made a motion to adjourn. Ronald Stagliano seconded the motion. The meeting adjourned at 9:40 AM.