

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of January 24, 2013**

**MINUTES**

On January 24, 2013, 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: Paula Weiss  
Harvey Rice  
Brian Albert  
Celia O'Leary  
Carol Stukes-Baylor  
Ronald Stagliano  
Andrew Thomas  
Veronica Pankey  
Hilary Cornell

Also Attending: Francis Bielli – Board of Pensions  
Mark Murphy – Board of Pensions  
James Leonard – Law Department  
Christopher DiFusco - Law Department  
Brad Woolworth – Investment Unit  
Amy C. Hummler – Legal Intern  
Daniel Stern – Cliffwater  
Sean Walsh – Philly News.com  
Fran Burns - PICA  
Will Greene – Loop Capital

Paula Weiss stated that the first order of business was the consideration of the Minutes of December 20, 2012.

Ronald Stagliano made a motion to approve the Minutes of December 20, 2012. Brian Albert seconded the motion.

**The motion to approve the Minutes of December 20, 2012 carried unanimously 8-0.**

**CONSIDERATION OF (93) PENSION APPLICATIONS AND (145) WITHDRAWAL APPLICATIONS**

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

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

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

### **Case of Wilfred Speaks, Jr., Application for Service-Connected Disability Benefits – Plan “A”**

This is an application by Wilfred Speaks, Jr., former Fire Service Paramedic, Fire Department, for Service-Connected Disability Benefits in Plan “A”.

Mr. Speaks sustained injuries to his leg, shoulder and back while on duty when his vehicle was struck on the driver’s side by another vehicle. His date of injury is September 4, 2010.

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

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

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

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

Ms. Brown sustained the injury when she was involved in a car accident while on duty. The nature of Ms. Brown’s disability is limited mobility due to injury to her spine, which prevents her from sitting or standing for long periods of time. Her date of injury is May 4, 2006.

Ronald Stagliano made a motion to send directly to a hearing panel. Veronica Pankey seconded the motion.

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

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

This is an “*administrative application*” on behalf of Amy Underland, former Court Reporter, First Judicial District, for Service-Connected Disability Benefits in Plan “J”.

Ms. Underland sustained the injury while performing her assigned duties as a Court Reporter. The nature of Ms. Underland’s disability is limited mobility due to neck and back spasms. Her date of injury is February 21, 2012.

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

**The motion to deny carried 5-0-3.**

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

This is an application by Albert Christy, former Laborer, Department of Streets, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Christy sustained the injury while on duty and picking up trash when he felt a pull and pain in his lower back. The nature of Mr. Christy’s disability is limited mobility due to pain in back area. His date of injury is March 17, 2011.

Veronica Pankey made a motion to approve. Hilary Cornell seconded the motion.

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

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

This is an application by Gregory Scott, former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Scott sustained the injury removing trash while on duty when he felt a strain in his right shoulder. The nature of Mr. Scott’s disability is limited mobility due to a right shoulder injury. His date of injury is May 28, 2010.

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

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

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

**Case of LaTanya Watson, Application for Service-Connected Disability Benefits beyond the One Year Deadline/Service Connected Disability Benefits – Plan “Y”**

This is an application by LaTanya Watson, former Account Clerk, Finance Department, for Service-Connected Disability Benefits beyond the One Year Deadline.

Ms. Watson separated March 24, 2011 and applied for Service-Connected Disability benefits on May 23, 2012. She was denied as it was beyond the one year deadline per Title 22-401 (1) (d) by the Board of Pensions in a letter dated November 19, 2012. Ms. Watson submitted a letter to appeal the Board’s Administrative Denial.

Ms. Watson sustained the injury while returning from a municipal court assignment; she tripped over a damaged area of pavement and fell and injured her wrist. Her date of injury is September 8, 2010.

Hilary Cornell made a motion to deny the application to apply for service-connected disability benefits beyond the one year deadline. Brian Albert seconded the motion.

**The motion to deny the application to apply for service-connected disability benefits beyond the one year deadline carried 4-0-4. No further motion was needed.**

**Case of Douglas M. Bellamy, Request to Apply for Service-Connected Disability Benefits Beyond One Year Deadline – Plan Y**

This is a request by Douglas M. Bellamy, former Semi-skilled Laborer to make application for Service-Connected Disability benefits beyond the one year deadline in Plan Y.

Douglas M. Bellamy separated from the Water Department effective March 19, 2010. He was not vested and is not receiving a benefit from the Board of Pensions and Retirement. He applied for Service Connected Disability benefits on December 7, 2012.

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

**The motion to deny carried 5-0-3.**

**REQUEST TO APPLY FOR ORDINARY DISABILITY BENEFITS BEYOND THE ONE YEAR DEADLINE**

**Case of Ayodele R. Ojo, Request to Apply for Ordinary Disability Benefits Beyond One Year Deadline – Plan Y**

This is a request by Ayodele R. Ojo, former Social Work Services Manager, to make application for Ordinary Disability benefits beyond the one year deadline in Plan Y.

Ayodele R. Ojo retired effective October 3, 2011 with an Optional Early pension benefit. He contacted the Board of Pensions about applying for an Ordinary Disability benefit after October 1, 2012. He applied for the benefit on November 28, 2012.

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

**The motion to approve carried unanimously 7-0-1.**

## **APPLICATION FOR SURVIVORSHIP BENEFITS**

### **Case of Andre Barnes, Application for Survivorship Benefits – Plan “J”**

This is an application by Kathleen Blair Barnes, widow of Andre Barnes, for Common-Law Survivorship benefits under Survivorship Option #4.

Andre Barnes, a former Heavy Equipment Operator for the Streets Department, retired on Ordinary Disability effective April 25, 1998.

Andre Barnes and Kathleen Blair were married on November 7, 2005. Mr. Barnes died on June 29, 2012.

At the time he made application for Ordinary Disability benefits, he selected Survivorship Option #4, naming wife Rose Barnes as his survivor.

At the time she contacted the Board of Pensions regarding application for survivorship benefits, Kathleen Barnes was advised by staff in a letter dated November 13, 2012 that since her marriage to Mr. Barnes did not occur until after his date of retirement that she was ineligible for survivorship benefits.

In a letter dated December 9, 2012, Mrs. Barnes appealed the Board's decision to deny her application for benefits. She states that, "My husband and myself were in an auto accident. My husband didn't survive. I would like to be able to plead my case. I need this income to maintain our home." "Please give me the chance to prove we were together for 14 years. We were married after both of our spouses finally came to terms with agreements of a divorce."

Andre Barnes' divorce from Rose Barnes became final on October 24, 2003. Kathleen Blair's divorce from Clarence Lewis Blair became final September 1, 2005.

If approved for survivorship benefits, Kathleen Blair Barnes would receive \$1,090.43 monthly for the remainder of her lifetime.

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

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

## **REQUEST FOR INTEREST CHARGE EXEMPTION ON PURCHASES OF SERVICE**

### **Case of Gregory Stevens, Request for Exemption from Interest Charges for Purchase of pension Credit for Prior Military Service and Military Leaves of Absence**

Mr. Stevens was hired effective 2/20/01. A hire letter outlining his purchase rights and responsibilities was mailed to him on 3/9/01. On 7/6/01, we received his application to purchase pension credit for his prior military service from 9/11/88 through 10/11/92 and from 3/11/97 through 11/11/00, along with a copy of form DD214 covering the period from 3/12/97 through 11/11/00. A letter requesting a copy of form DD214 covering the period from 9/11/88 through 10/11/92 and a bill for the period from 3/12/97 through 11/11/00 was forwarded to Mr. Stevens on 9/10/01. After having received a copy of form DD214 covering the period from 9/11/88 through 10/11/92, a bill for the same period was mailed to him on 10/11/01. We did not receive his timely response to either bill.

Mr. Stevens was granted a military leave of absence without pay from 3/10/03 through 10/21/03. A bill for this period was mailed to Mr. Stevens on 11/24/03. We did not receive his timely response to that bill.

Mr. Stevens was also granted a military leave of absence without pay from 4/22/07 through 4/22/12. A bill for this period was mailed to him on 7/5/12. His timely request to purchase pension credit for this period via 130 payroll installments was received on 7/10/12 along with his request to be re-billed for his other periods of military service and leave and a copy of form DD214 for the period from 12/18/00 through 2/23/01. An updated bill, including the appropriate past interest due, was mailed to him on 10/16/12.

On 11/8/12 we received his request to be exempted from interest. An administrative denial of his request was mailed to him on 11/9/12. His appeal of the administrative denial was received on 12/14/12.

Ronald Stagliano made a motion to send directly to a hearing panel. Veronica Pankey seconded the motion.

**The motion to send directly to a hearing panel carried 7-0-1.**

## **OLD BUSINESS**

### **Case of Andrew J. Dankanich, Request to Waive Past Interest of Prior Governmental Service Credit Purchase**

This case was **denied** at the August 30, 2012 Board Meeting. A Hearing Panel was held on December 19, 2012.

The Hearing Panel votes are as follows:

Mr. Brian Albert:	Recommend denial.
Ms. Celia O’Leary:	Recommend denial.
Mr. Ronald Stagliano:	Recommend denial.

The history of the case is as follows:

Mr. Dankanich was originally hired as a Police Officer Recruit effective 3/1/93. A rehire letter outlining his purchasing rights was forwarded to his address of record on 3/18/93. There is no record on file to indicate this letter was ever returned by the postal service. He received a refund of his pension contributions following his dismissal effective 6/28/97.

He was rehired by Philadelphia Parking Authority, effective 8/21/00. A rehire letter outlining his purchasing rights was forwarded to the same address of record on 10/11/00. There is no record on file to indicate this letter was ever returned by the postal service.

In applications dated 9/18/00 and 10/25/00, he applied to purchase pension credit for his prior City service. A bill outlining the costs, dated 11/16/00, was forwarded to him at the same address of record. He elected to complete this purchase via a check received and processed on 2/8/01.

Mr. Dankanich submitted a change of address form dated 12/5/03.

In an application received 3/20/12, Mr. Dankanich applied to purchase pension credit for prior governmental service. A bill dated 6/28/12 outlining the total cost of \$18,041.98, \$10,823.46 of which represented past interest, was forwarded to his address of record. In a request received 7/18/12, Mr. Dankanich requested that the past interest be waived. In a letter dated 7/18/12, his request was administratively denied. On 7/24/12, we received Mr. Dankanich’s appeal of the administrative denial

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

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

**Case of Manuel Gonzalez, Jr., Application for Service-Connected Disability Benefits – Plan “A”**

This case was **denied** at the June 27, 2012 Board Meeting. A Hearing Panel was held on November 14, 2012.

The Hearing Panel votes are as follows:

Mr. James Leonard:	Recommend denial. Deny for failure to produce substantial evidence that injury was solely due to work injury.
Ms. Veronica Pankey:	Recommend approval.
Ms. Paula Weiss:	Recommend denial. Insufficient evidence that disability was due solely to work injury.

The history of the case is as follows:

This is an application by Manuel Gonzalez, Jr., former Fire Fighter, Fire Department, for Service-Connected Disability Benefits in Plan "A".

Mr. Gonzalez sustained the injury after fighting a fire and returning equipment back to truck; he slipped in a ditch and injured his left ankle. His date of injury is July 9, 2005.

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

**The vote tied 4-4. The Chair voted to deny. The motion fails 4-5 and is denied.**

## **NEW BUSINESS**

**Executive Director's Report** – Mr. Bielli stated that the Clifton audit is just about finished and will be given to the Board when it is completed. After speaking to Barry Scott in Risk Management, Mr. Bielli learned that Dr. Howarth's start date has been delayed due to contract conformance issues with Risk Management and the City. She is expected to begin working at the end of the month. An invitation will be extended to her to come and meet the Board.

- a. Travel Report – The report was included in the Board's folders along with information on educational seminars that have been attended.

**Litigation Summary** – Mr. DiFusco stated that the Ferrante case was denied in Common Pleas Court and the Board's decision was upheld.

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

**The motion passed unanimously 8-0 and the meeting adjourned at 9:16 a.m.**