

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of May 22, 2013**

MINUTES

On May 22, 2013, 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
Harvey Rice
Brian Albert
Celia O'Leary
Carol Stukes-Baylor
Andrew Thomas
Veronica Pankey
Hilary Cornell

Also Attending: Francis Bielli – Board of Pensions
Sumit Handa – Investment Unit
Teresa Gray – Board of Pensions
Shamika Taliaferro – Board of Pensions
Christopher DiFusco – Investment Unit
Brad Woolworth – Investment Unit
Katherine Mastrobuoni – Law Department
Ellen Berkowitz – Law Department
Jake Walthour, Cliffwater
Will Greene, LOOP Capital
Pam McCue, Financial Investment News
Dora Anbonova, PICA

Paula Weiss stated that the first order of business was the consideration of the Minutes of April 25, 2013.

Brian Albert made a motion to approve the Minutes of April 25, 2013. Harvey Rice seconded the motion.

The motion to approve the Minutes of April 25, 2013 carried unanimously 7-0.

CONSIDERATION OF (120) PENSION APPLICATIONS AND (51) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 7-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Donovan Gaskins, Application for Service-Connected Disability Benefits – Plan B”

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

Mr. Gaskins sustained the injury while in foot pursuit he fell and broke his wrist. In another incident, his vehicle was hit by another car while responding to a radio call, which caused injury to his wrist, knee, neck, and back.

Andrew Thomas made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 7-0.

Case of Dell Baynard, Sr., Application for Service-Connected Disability Benefits – Plan “J”

This is an application by Dell Baynard, former Street Crew Chief, Streets Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Baynard sustained the injury while salting the streets when his truck was cut off by another vehicle, and he crashed into a pole trying to avoid an accident. He sustained injuries to his shoulder, neck, head, hand, back, knees and shoulders. His date of injury is January 19, 2009.

Veronica Pankey made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 7-0.

Case of Sharon Bouges, Application for Service-Connected Disability Benefits – Plan “J”

This is an application by Sharon Bouges, former Correction Officer, Prisons Department, for Service-Connected Disability Benefits in Plan “J”.

Ms. Bouges sustained the injury when she slipped and fell while at work. In another incident, she was rear ended by another vehicle while waiting for a red light. She sustained injuries to her ankle, back, shoulders, neck, and arm. Her dates of injury are May 18, 2010 and July 5, 2011.

Mr. Thomas asked if this was approved for the right ankle as there were other injuries that were separate. Ms. Weiss said that is correct.

Carol Stukes-Baylor made a motion to approve. Celia O’Leary seconded the motion.

The motion to approve carried unanimously 7-0.

Case of John Hamilton, Application for Service-Connected Disability Benefits – Plan “J”

This is an application by John Hamilton former Deputy Sheriff, Sheriff’s Department, for Service-Connected Disability Benefits in Plan J.

Mr. Hamilton sustained the injury while working when he was walking up the steps to the unit office. The steps were wet and he was carrying equipment. His right knee twisted and he fell up the steps. In another incident, he was attempting to restrain and handcuff a suspect when he fell and banged his left knee on the floor. He received a total left knee replacement as a result. His date of injury is February 16, 2005 and January 23, 2006.

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

The motion to approve carried unanimously 7-0.

Case of Manijeh Bahremand, Application for Service-Connected Disability Benefits – Plan “Y”

This is an “*administrative application*” for Manijeh Bahremand, former Physician, Health Department, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Bahremand sustained a wrist injury while she was examining a patient and pushed down on the patient’s knee after an injection when the patient kicked her right wrist. Her date of injury is May 6, 2002.

Ms. Stukes-Baylor requested to send the case to a hearing panel because of the differences in the doctors’ opinions and for the fact that she refused to be examined by the City doctor.

Carol Stukes-Baylor made a motion to send to a hearing panel. Harvey Rice seconded the motion.

The motion to send to a hearing panel passed unanimously 7-0.

Case of Nicholas Camiel, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Nicholas Camiel, former Youth Detention Counselor, Department of Human Services, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Camiel sustained an injury to his right arm on July 23, 2009 while performing a security check of the residents’ room, when he slipped on a plastic bin and landed on his arm.

Harvey Rice made a motion to approve. Carol Stukes-Baylor seconded the motion.

The motion to approve carried 7-0.

Case of Annette Davis, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Annette Davis, former Clean Block Officer, Department of Streets, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Davis sustained the injury while executing her job duties over a period of time driving, walking, climbing steps, and folding fifty packages of bags. The nature of Ms. Davis’ disability is limited mobility due to a pinched nerve, a condition in her spine and knees, and pain in lower back. Her date of injury is May 10, 2011.

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

The motion to deny carried 5-2.

Case of Leonard Franks, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Leonard Franks, former Social Work Supervisor, Prisons Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Franks sustained the injury as a passenger on a job related plane flight that resulted in the injury of his right leg. In another incident, he injured his left arm and elbow over a period of fifteen years while working as a Social Work Supervisor. His dates of injury are October 5, 2005 and March 2, 2010.

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

The motion to deny carried 4-0-3.

Case of Diane Showers, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Diane Showers, Youth Detention Counselor, Department of Human Services, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Showers sustained the injury while breaking up a fight when she slipped on a recently mopped floor and injured her knee. The nature of Ms. Showers’ disability is limited mobility due to injury to her knee, hand, and neck. Her date of injury is May 18, 2010.

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

The motion to approve carried unanimously 7-0.

Case of John Steele, Application for Service-Connected Disability Benefits – Plan “Y”

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

Mr. Steele sustained the injury while lifting a trash can to dump in the truck and felt a pop in his lower back. The nature of Mr. Steele’s disability is limited mobility due to pain in lower back and severe pain in left leg with periodic numbness. His date of injury is April 17, 2009.

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

The motion to deny carried 4-0-3.

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

Case of Irene N. Bajsarowycz, Request to Apply for Ordinary Disability Benefits Beyond One Year Deadline – Plan J

This is a request by Irene N. Bajsarowycz, former Clerk 2, to make application for Ordinary Disability benefits beyond the one year deadline in Plan J.

Irene N. Bajsarowycz retired effective December 21, 2011 on Optional Early. She was examined by Dr. Hayes at 19th & Fairmount on November 16, 2012. She did not submit the paperwork for the Ordinary Disability application until April, 2013.

The Board reviewed the pertinent pension forms and correspondence in Ms. Bajsarowycz’s file.

Ms. Pankey stated that she checked the weather report for the day in question and found there was not inclement weather.

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

The motion to deny carried 4-0-3.

REQUEST TO APPLY FOR SCD BENEFITS BEYOND THE ONE YEAR DEADLINE

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

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.

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

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

The motion to deny carried 4-0-3.

Case of Lawrence Bates, Application for Service-Connected Disability Benefits – Plan "Y"

This case was **tabled** at the April 26, 2013 Board Meeting for additional information. Dr. Brent Weinerman submitted an Addendum to his report dated May 7, 2013.

The history of the case is as follows:

This is an application by Lawrence Bates, former Correctional Officer, Prisons Department, for Service-Connected Disability Benefits in Plan "Y".

Mr. Bates sustained the injury while assisting co-workers in breaking up a physical altercation between inmates. The nature of Mr. Bates' disability is limited mobility due to a broken right hand. His date of injury is September 18, 2009.

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

The motion to approve carried unanimously 7-0.

OLD BUSINESS

Case of Andre Barnes, Application for Survivorship Benefits – Plan "J"

This case was **denied** at the January 24, 2013 Board Meeting. A Hearing Panel was held on April 24, 2013.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial.
Mr. and Mrs. Barnes were not legally married two years prior to his retirement and could not have been since they were both still married to other people.

Mr. Harvey Rice: Recommend denial.
 Does not qualify, under code.

Mr. Ronald Stagliano: Recommend denial.

The history of the case is as follows:

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. Ms. Barnes appealed the Board's decision in a letter dated December 9, 2012.

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.

Harvey Rice made a motion to deny. Veronica Pankey seconded the motion.

The motion to deny carried unanimously 7-0.

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

This case was **denied** at the July 26, 2012 Board Meeting. A Hearing Panel was held on April 24, 2013.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial
 Disability is not due solely to a work related injury.

Mr. Harvey Rice: Recommend denial.
 No reported work injury.

Mr. Ronald Stagliano: Recommend denial.

The history of the case is as follows:

This is an application by Mack P. Evans, former Custodial Worker I, Health Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Evans sustained neck and back injuries over a three year period of performing his duties. The nature of Mr. Evans’ disability is limited mobility due to conditions in his neck and back. His date of injury is 1995.

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

The motion to deny carried 6-0-1.

Case of James W. Johnson (PPA), Application for Service-Connected Disability Benefits – Plan “J”

This case was **denied** at the July 26, 2012 Board Meeting. A Hearing Panel was held on April 24, 2013.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial.
Disability is not due solely to a work related injury.

Mr. Harvey Rice: Recommend denial.
Not due solely.

Mr. Ronald Stagliano: Recommend denial.

The history of the case is as follows:

This is an application by James W. Johnson, former Auto Parts Technician, Philadelphia Parking Authority, for Service-Connected Disability Benefits in Plan “J”.

Mr. Johnson sustained the injury when he slipped on gravel injuring his knee. In another incident, he stepped into a hole while he was walking and injured his left knee. His dates of injury are 03/18/97 and 07/03/98.

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

The motion to deny carried unanimously 7-0.

Case of Vincent J. Pitts., Request to Apply for Service-Connected Disability Benefits Beyond One Year Deadline – Plan Y

This case was **denied** at the November 29, 2012 Board Meeting. Hearing Panels were held on April 17 and May 2, 2013 respectively.

The Hearing Panel votes are as follows:

Ms. Celia O’Leary: Recommend denial.

Mr. Andrew Thomas: Recommend denial.
Credibility of Mr. Pitts’ testimony in regards to notification.

Ms. Paula Weiss: Recommend denial.
City documentation demonstrates applicant was notified of separation.

The history of the case is as follows:

This is a request by Vincent J Pitts, former Street department laborer to make application for Service-Connected Disability benefits Beyond the One-Year Deadline in Plan Y.

Vincent J. Pitts was separated effective 12/06/2003, however he never came to the Board to make application.

In a letter dated September 17, 2012, Vincent Pitts explained that he is appealing the administrative denial of his application for a Service Connected Disability beyond one year. He states he was never told by anyone he had to apply for his Service Connected disability within one year. He also states he was placed in program (Reg. 32) to find him a job within his limitations, but none was found. He is currently receiving Workers Compensation. He states his Workers Comp will be running out shortly. Therefore, he’s requesting the Board approve his application to apply for Service-Connected Disability beyond the one-year deadline.

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

The motion to deny carried 6-0-1.

NEW BUSINESS

Executive Director’s Report – Mr. Bielli stated that the hearing scheduled on May 22, 2013 for the PHDC Bill was cancelled and will now be heard June 4, 2013. Copies of the Bill were sent to the Board members. The newsletter is scheduled to go out with the June pension payments.

Litigation Summary – Ms. Mastrobuoni stated that they're waiting for two decisions from Commonwealth Court and there are a number of matters pending in the Court of Common Pleas.

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

The motion to adjourn carried unanimously 7-0.