

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of November 29, 2012**

MINUTES

On November 29, 2012, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:12 a.m. in the Board's Conference Room.

Present: Rob Dubow
Paula Weiss
Harvey Rice
Brian Albert
Celia O'Leary
Carol Stukes-Baylor
Andrew Thomas
Veronica Pankey
Hilary Cornell

Also Attending: Francis Bielli, Mark Murphy – Board of Pensions
James Leonard, Christopher DiFusco - Law Department
Katherine Mastrobuoni, Ellen Berkowitz – Law Department
Sumit Handa, Brad Woolworth, Dan Falkowski – Investment Unit
John Reilly – Local 22
Joan Roller – Community Legal Services
Chester Skaziak, Retiree
Will Greene – Loop Capital
Jake Walthour - Cliffwater

The first order of business was the swearing in of the newly elected Board Trustees. Rob Dubow congratulated Carol Stukes-Baylor and Andrew Thomas and asked them to stand and raise their right hand. He asked "Do you, having been duly elected as employee representatives to the Philadelphia Board of Pensions and Retirement solemnly swear to uphold and support the constitution of the United States of American, the Commonwealth of Pennsylvania, the Home Rule Charter of the City of Philadelphia and the Pension Ordinance governing this Body, and to do so with fidelity." They responded "I do". The Board congratulated each of them.

Paula Weiss continued with the consideration of the Minutes of October 25, 2012.

Brian Albert made a motion to approve the Minutes of October 25, 2012. Celia O'Leary seconded the motion.

The motion to approve the Minutes of October 25, 2012 carried unanimously 6-0.

CONSIDERATION OF (110) PENSION APPLICATIONS AND (57) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 6-0.

Veronica Pankey joined the meeting at this time and was sworn in as an elected Board member trustee by Mr. Dubow. The Board congratulated her and welcomed her back.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Raechel Alexander, Application for Service-Connected Disability Benefits – Plan “A”

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

Ms. Alexander sustained the back injury while lifting a patient. In another incident, her medic unit was struck by a car and her neck, shoulder, elbow and knee was injured. Also, in a separate incident, she hurt her back while lifting a patient.

Her dates of injury are September 1, 2009, September 14, 2010, and August 29, 2011.

Andrew Thomas made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 7-0.

Case of Stephen Wolf, Application for Service-Connected Disability Benefits – Plan “A”

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

Mr. Wolf sustained a back injury on February 12, 2012, while attempting to treat and transfer an overdosed patient to the stretcher who became violent and combative.

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

The motion to approve carried unanimously 7-0.

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

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

Mr. Bradley sustained the injury attempting to arrest a combative suspect who dragged him down the street and caused injury to his shoulder. His date of injury is November 21, 2009.

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

The motion to approve carried unanimously 7-0.

Case of Kelly Hall-Kolodi, Application for Service-Connected Disability Benefits – Plan “B”

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

Ms. Kolodi sustained the injury on October 10, 2009 while responding to a rescue call she slammed her hand in car door and twisted her back.

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

The motion to approve carried unanimously 7-0.

Case of Nuriddeen Muhammad, Application for Service-Connected Disability Benefits – Plan “B”

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

Mr. Muhammad sustained the injury while responding to a radio call when his vehicle was struck by another police vehicle. The nature of Mr. Muhammad’s disability is limited mobility due to back and knee injuries. His date of injury is August 31, 2008.

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

The motion to deny carried unanimously 4-0-3.

Case of Paul Hogue, Application for Service-Connected Disability Benefits – Plan “B”

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

Mr. Hogue sustained the injury when his finger was broken by the assailant when he was serving an “Order”. The nature of Mr. Hogue’s disability is limited mobility due to permanent damage to his index finger. His date of injury is September 24, 2010.

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

The motion to approve carried unanimously 7-0.

Case of Stephen Parkinson, Application for Service-Connected Disability Benefits – Plan “B”

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

Mr. Parkinson sustained back injuries while attempting to serve a warrant and breaking multiple doors. His date of injury is November 30, 2008.

Andrew Thomas made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 7-0.

Case of William Ruddy, Application for Service-Connected Disability Benefits – Plan “B”

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

Mr. Ruddy sustained the injury when he was bitten on the hand by a pit bull while evacuating a home due to a bomb scare. The nature of Mr. Ruddy’s disability is limited mobility due to permanent nerve damage to right fingers. His date of injury is January 22, 2011.

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

The motion to approve carried unanimously 7-0.

Case of James Crawford, Jr., Application for Service-Connected Disability Benefits – Plan “D”

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

Mr. Crawford sustained the injury on December 25, 2008 while responding to a radio call of gun shots when an explosive device was ignited in passenger’s seat. The nature of Mr. Crawford’s disability is limited mobility due to ear and neck injuries.

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

The motion to approve carried unanimously 7-0.

Case of David Lee, Sr., Application for Service-Connected Disability Benefits – Plan “Y”

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

Mr. Lee sustained the injury while climbing down off of his assigned truck when he slipped and fell. The nature of Mr. Lee’s disability is limited mobility due to injury to left foot and toe. His date of injury is November 16, 2010.

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

The motion to deny carried 4-1-2.

Case of Bruce Mapp, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Bruce Mapp, former Social Work Supervisor, Department of Human Services, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Mapp sustained the injury when he slipped on a wet floor in the men’s room. The nature of Mr. Mapp’s disability is limited mobility due to injury to both knees causing difficulty in walking, standing, or sitting. His date of injury is May 18, 2009.

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

The motion to approve carried unanimously 7-0.

Case of Keith Turner, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Keith Turner, former Equipment Operator I, Streets Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Turner sustained the injury while on duty when his trash truck was rear ended by another truck. The nature of Mr. Turner’s disability is limited mobility due to neck pain. His date of injury is April 13, 2010.

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

The motion to approve carried unanimously 7-0.

RECONSIDERATION OF APPLICATION FOR COMMON-LAW MARRIAGE

Reconsideration of Case of McCoy Bynum, [Helen Gilbert], Application for Common-Law Marriage, Plan “J”

This case was **denied** at the September 18, 2008 Board Meeting [see attached]. A Hearing Panel was held on December 11, 2008. That issue was denied at the January 15, 2009 Board Meeting [see attached]. Per the Law Department, this case is listed for reconsideration.

The history of the case is as follows:

This is an application by Helen Gilbert as the common-law spouse of McCoy Bynum, deceased. McCoy Bynum, a former Street Lighting Inspector entered DROP effective April 01, 2000. At the time of his entry into DROP, he selected survivorship option #4 naming Helen Gilbert, wife, as his survivor. McCoy Bynum died on February 24, 2008.

Helen Gilbert is applying to have the Board of Pensions recognize her 23-year relationship with McCoy Bynum as a common-law marriage. In her statement, Ms. Gilbert states that she and McCoy Bynum met in May of 1985 and began living together in 1987. They had no children together. Helen Gilbert states that she was never married.

If approved, Helen Gilbert would be entitled to receive a lifetime pension benefit of approximately \$1,098.85.

Carol Stukes-Baylor made a motion to approve. Hilary Cornell seconded the motion.

The motion to approve carried unanimously 7-0.

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

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

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' Compensation 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.

Vincent J. Pitts is 51 years of age and has 3 years 7 months, and 12 days of credited service.

Ms. Stukes-Baylor questioned if being in the Regulation 32 program delayed Mr. Pitts from applying for service-connected disability benefits (SCD). Discussion ensued, and Mr. Albert and Ms. Cornell explained that Mr. Pitts was finished with the Regulation 32 program and was told that he could apply for SCD benefits.

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

The motion to deny carried 4-3.

REQUEST TO REPAY ORDINARY DISABILITY RECEIVED

Case of William J. Carbo, Request to Repay Ordinary Disability Benefits Received

William Carbo retired from the Prison system, due to an Ordinary Disability, effective 12/15/09.

His Ordinary Disability benefit was terminated effective 9/4/12 because he was reinstated to active employment on that same date.

On 8/31/12 we received Mr. Carbo's request to repay the amount he received in Ordinary Disability benefits.

On 9/20/12, his request was administratively denied.

Page 8

On 10/5/12, we received his appeal of the above denial.

To date he has received \$24,295.24 in Ordinary Disability benefits.

Mr. Bielli explained that Mr. Carbo retired for a couple of years and was receiving an Ordinary Disability pension. He then came back to work and wants to buy the time that he was out receiving a pension. His pension will be recalculated going forward but he can't buy that time back as if it were a leave of absence. He can only add new time to his pension.

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

The motion to deny carried unanimously 7-0.

OLD BUSINESS

Case of Madeleine Mazie, Application for Service-Connected Disability Benefits – Plan “B”

This issue will proceed using the SAMMONS issue. This case was denied at the January 27, 2011 Board meeting. Madeleine Mazie appealed that decision. After several continuances, a hearing was held on October 3, 2012.

The Hearing Panel votes are as follows:

Ms. Celia O’Leary: Recommend denial. The medical testimony submitted after clarification of the definition of “subacute” still concluded that the disability is not due solely to the injury.

Mr. John Reilly: Recommend approval. Grant the petitioner, Madeline Mazie, her petition for a service-connected disability pension.

Mr. Harvey Rice: Recommend denial. Evidence presented does not indicate due solely.

The history of the case is as follows:

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

Ms. Mazie sustained injuries to her back while ascending a flight of steps to answer a radio call; she twisted her ankle on the steps and twisted her torso. Her date of injury is October 14, 2007.

Celia O’Leary made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 4-0-3.

NEW BUSINESS

Executive Director's Report – Mr. Bielli stated that Clifton Larson Allen is currently conducting the audit and is almost three-quarters of the way through. The preliminary report should be available in the next month or so. He will keep the Board posted on their progress.

- a. **Business and Education Travel Authorization** – Mr. Bielli stated there is an Education Request for Ms. Weiss and Mr. Rice to attend a continuing legal education class on various back and knee medical identification issues. He attended this class several years ago and found it to be a good class. It explains in plain English various back and knee conditions and injuries, what they mean, and how they affect people.

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

The motion to approve Paula Weiss and Harvey Rice to attend the seminar, “Anatomy for Lawyers, The Back and Knee” on December 19, 2012 in Philadelphia carried unanimously 7-0.

- b. **Doctors for Medical Panel (Drs. Noubar Didizian & Robert Zibelman)** – Ms. Riley stated that she submitted resumes and fee schedules for Drs. Didizin and Zibelman to the Board for approval for the Medical Panel.

Harvey Rice made a motion to approve both doctors for the Medical Panel. Brian Albert seconded the motion.

The motion to approve Dr. Noubar Didizian and Dr. Robert Zibelman for the Medical Panel carried unanimously 7-0.

Ms. Stukes-Baylor stated that she received a brochure for the Annual NCPERS Legislative Conference to be held in Washington, DC January 27-29, 2013. She requested approval for herself, Ms. Pankey, Mr. Thomas and Mr. Stagliano, pending his confirmation, to attend.

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

The motion to approve Ms. Stukes-Baylor, Ms. Pankey, Mr. Thomas and Mr. Stagliano to attend the NCPERS Legislative Conference carried unanimously 7-0.

Litigation Summary – Mr. DiFusco stated the DiLacqua and Hummel cases are pending in Commonwealth Court and have tentative oral argument dates in February, 2013.

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

The motion passed unanimously 7-0 and the meeting adjourned at 9:28 a.m.