

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of December 20, 2012**

**MINUTES**

On December 20, 2012, 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  
Sumit Handa - Investment Unit  
Brad Woolworth – Investment Unit  
Jake Walthour - Cliffwater  
Chris Rice-Shepherd - Cliffwater  
John Reilly - Retiree

Paula Weiss stated that the first order of business was the swearing in of Board Member Ronald Stagliano for his new term as Board Trustee. After the swearing in ceremony, Mr. Stagliano was welcomed back by the Board and Ms. Weiss moved on to the consideration of the Minutes of November 29, 2012.

Brian Albert made a motion to approve the Minutes of November 29, 2012. Ronald Stagliano seconded the motion.

**The motion to approve the Minutes of November 29, 2012 carried unanimously 8-0.**

**CONSIDERATION OF (134) PENSION APPLICATIONS AND (63) 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 Colleen Callahan, Application for Service-Connected Disability Benefits – Plan “B”**

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

Ms. Callahan sustained an injury to her right ankle while working when she responded to a radio call and stepped into a hole. Her date of injury is December 13, 2008.

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

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

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

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

Ms. Francis sustained an injury to her hip as she was descending a set of stairs while on assignment. Her date of injury is September 8, 2007.

Ms. Stagliano stated that everyone received the Workers’ Compensation decision in which Ms. Francis was turned down but they did not receive the Heart and Lung Panel decision until a later date, where the decision was upheld. The MRI was done after the Workers’ Compensation hearing and the Workers’ Comp decision was on appeal with Commonwealth Court. Ms. Francis had a hip replacement and subsequently had a lot of problems. He believes that if the Safety Office who sends the Workers’ Compensation decision is going to be fair they should send both decisions. Both Dr. Knox and Dr. Allon say she is due solely.

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

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

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

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 with major nerve damage. His dates of injury are April 14, 2010 and October 2, 2011.

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

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

**Case of Will Pitt, Jr., Application for Service-Connected Disability Benefits – Plan "D"**

This is an "*administrative application*" in regards to Will Pitt, Jr., former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan "D".

Mr. Pitt sustained the injury while on duty when another vehicle struck his patrol vehicle and he injured his right shoulder. The nature of Mr. Pitt's disability is limited mobility due to shoulder injury. His date of injury is August 18, 2010.

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

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

**Case of Ralph Murrell, Application for Service-Connected Disability Benefits – Plan "J"**

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 right ankle. His date of injury is September 18, 2009.

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

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

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

This is an application by Heather James, former Deputy Sheriff, Office of the Sheriff, for Service-Connected Disability Benefits in Plan “Y”.

Ms. James sustained the injury while exiting the elevator with prisoners, the elevator fell below floor level and she fell injuring her right ankle and foot.

The nature of Ms. James’ disability is limited mobility due to fracture in right foot and chronic pain in right ankle. Her date of injury is November 13, 2009.

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

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

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

**Case of Thomas Dooley, Application for Service-Connected Disability Benefits Beyond the One Year Deadline/Service Connected Disability Benefits – Plan “Y”**

This is an application by Thomas Dooley, former Deputy Sheriff, Office of the Sheriff, for Service-Connected Disability Benefits beyond the One Year Deadline and for Service-Connected Disability benefits in Plan “Y”.

Mr. Dooley separated on December 27, 2010 and applied for Service-Connected Disability benefits on May 4, 2012. He was denied as it was beyond the one year deadline per Title 22-Section 401 (1) (d) by the Board of Pensions in a letter dated November 19, 2012. Mr. Dooley appealed that decision which was received by the Board of Pensions on December 1, 2012.

Mr. Dooley sustained the injury while on duty when he attempted to subdue an escaping suspect and injured his right leg. His date of injury is September 12, 2008.

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

**The vote tied 4-4. The Chair voted to deny. Motion to deny carried 5-4.**

## **APPLICATION FOR SURVIVORSHIP BENEFITS**

### **Case of Lester Abran, Deceased, Application for Survivorship Benefits as Common-Law Spouse – Plan “J”**

This is an application by Rena M. Abran, as common-law spouse of Lester Abran, for survivorship benefits in Plan “J”.

Lester Abran, former Tow Truck Operator for the Police Department, died on June 14, 2012. Submitted is a copy of his death certificate.

Lester Abran retired effective May 4, 1992. At the time of his retirement, Mr. Abran elected Survivorship Option #4. He named Rena M. (Wilson) Abran as beneficiary of his life insurance. He also named Rena M. Abran as beneficiary in a will dated October 5, 1989

In a letter received September 14, 2012, Mrs. Abran states that she has known Lester Abran since 1964 and they lived together since 1987. She states the only reason they waited to get married in November 1992 was to go to Mr. Abran’s home in Mississippi and be married by his pastor.

If approved, Mrs. Abran will receive a lifetime, monthly benefit of \$900.27.

Ms. Cornell pointed out the beneficiary form names her Ms. Abran as a friend. Mr. Albert added that they subsequently got married.

Carol Stukes-Baylor 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.**

### **Case of William Morris, Deceased, Application for Survivorship Benefits as Common-Law Widow – Plan J**

This is an application by Doris Morris as common-law/legal widow of William Morris for survivorship benefits. She is appealing the administrative denial letter she received dated September 19, 2012.

William Morris, former laborer in the Streets Dept., began receiving Service Connected Disability benefits effective May 15, 1969, at which time he named Doris Morris as beneficiary of his life insurance and pension. He died August 6, 2012.

William Morris’ divorce from his first wife, Doris Morris, became final September 13, 1971. William Morris and Doris Rose were legally married October 2, 1971. They had no children together. **(Note: both wives named Doris).**

Mrs. Morris has submitted a letter stating they met in 1964 and started living together in 1966. They have been married forty one years. She has also submitted the following:

If approved, Mrs. Morris is eligible to receive a monthly survivorship benefit in the amount of \$200.91.

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

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

## **OLD BUSINESS**

### **Case of Tyrone Wiggins - Pension Disqualification and Termination of Benefits, Plan "D"**

This case was **approved to suspend pension benefits immediately, and disqualify and terminate from pension eligibility** at the December 8, 2011 Board Meeting. A Hearing Panel was held on August 22, 2012.

The Hearing Panel votes are as follows:

Mr. Brian Albert:	Recommend denial. Deny the appeal of his pension disqualification and retention of pension contributions.
Mr. Harvey Rice:	Recommend denial.
Mr. Carol Stukes:	Recommend denial.

The history of case is as follows:

Tyrone Wiggins was hired with the City of Philadelphia, Police Department on March 3, 1986. After attaining 23 years, 8 months and 16 days of credited service, Mr. Wiggins separated effective November 19, 2009. He is collecting a Service Retirement Pension Benefit at this time.

On November 18, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Tyrone Wiggins on (8) eight counts involving the HOBBS Act including Rape-Forcible Compulsion, Aggravated Assault, Statutory Sexual Assault, Corruption of Minors and Simple Assault.

Mr. Wiggins worked as a City employee with the Police Department where he was arrested for having sex with a minor for over an eight year period. For the crime as above-mentioned, Mr. Wiggins was found guilty to various counts as outlined in the agreement, attached to this memorandum.

On November 30, 2011, Joshua Stein, Deputy City Solicitor, opined the crimes committed by Mr. Wiggins trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Wiggins is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Tyrone Wiggins's benefit be immediately suspended and,
- Whether Tyrone Wiggins should be permanently disqualified and terminated from pension eligibility

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

**The motion to deny Mr. Wiggins appeal of the pension disqualification carried unanimously 8-0.**

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

This case was **denied** at the December 8, 2011 Board Meeting. A Hearing Panel was held on April 11, 2012.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend denial. Applicant failed to meet “solely due” standard: (1) back injury there was pre-existing degenerative changes to her back; and (2) psychiatric/psychological injury's cause was contradicted by credible evidence contained in Workers' Compensation decision.

Mr. Ronald Stagliano: Recommend approval.

Ms. Paula Weiss: Recommend denial. Pre-existing degenerative changes negate due solely finding; evidence contradictory as to any psychiatric related disability and not definitive for due solely finding.

The history of the case is as follows:

This is an application by Glenda Singletary, former Social Work Services Manager I, Department of Human Services, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Singletary sustained the injury when she was attacked by a juvenile that she was in the process of transporting.

The nature of Ms. Singletary's disability is limited mobility due to back injuries and chronic neck pain. Her dates of injury are December 11, 2002 and September 27, 2010.

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

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

## **NEW BUSINESS**

**Executive Director's Report** – Mr. Bielli stated that the Clifton Larson Allen audit is near completion. They are finishing up a couple financials with the Accounting staff in the Finance Department. The portion concerning pension and administration is done and should be received soon. Risk Management has hired Dr. Marilyn Howarth to replace Dr. Korevaar.

There were three replies received to the RFP concerning the actuarial work. Ms. Weiss will reach out to the subcommittee with some dates to review the replies and make a decision.

Ms. Stukes asked if Dr. Howarth will make her determinations the same way Dr. Korevaar did or if she will see the patients.

Ms. Weiss said the Board can inquire what her process will be when she comes.

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

**The motion passed unanimously 8-0 and the meeting adjourned at 9:20 a.m.**