

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of January 22, 2015**

MINUTES

On January 22, 2015, 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
William Rubin
Brian Albert
Carol Stukes-Baylor
Patricia Fitzgerald
Ronald Stagliano
Andrew Thomas
Veronica Pankey
James Leonard

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Mark Murphy - Board of Pensions
Brad Woolworth, Christopher DiFusco - Investment Unit
Jo Rosenberger Altman – Law Department
Ellen Berkowitz, Katherine Janoski – Law Department
Mark Johnson, Steve Nesbitt – Cliffwater
Karen Zangara, Anu Patel – Cheiron
Claudia Vargas – Philadelphia Inquirer
Will Greene – Loop Capital

Ms. Weiss stated that the first order of business was the consideration of the Minutes of December 4, 2014.

Brian Albert made a motion to approve the Minutes of December 4, 2014. Ronald Stagliano seconded the motion.

The motion to approve carried 6-0-1.

CONSIDERATION OF (173) PENSION APPLICATIONS AND (189) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 7-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Kurt Green, Application for Service-Connected Disability Benefits – Plan “A”

This is an application submitted by Kurt Green, former firefighter, for Service-Connected Disability benefits under Pension Plan “A”.

According to Mr. Green on May 2, 2006 he jumped down from the main ladder onto a roof with full gear and tool saw to cut an opening in the roof. Mr. Green continued to work until the fire was under control after which he complained of a swollen, aching and red knee.

His other complaint addresses an incident that occurred on November 8, 2012 where he stepped down from the apparatus onto his left foot and heard a “popping” sound and felt a sharp pain. Mr. Green states that he was not able to place his full weight on his left leg.

Ms. Weiss stated that Dr. Howarth’s conclusion speaks to pre-existing issues and then her conclusion of due solely doesn’t seem to follow.

Brian Albert made a motion to table for clarification of Dr. Howarth’s report. James Leonard seconded the motion.

The motion to table for 30 days for clarification of Dr. Howarth’s report carried unanimously 7-0.

Case of Daniel D. Hughes, Application for Service-Connected Disability Benefits – Plan “A”

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

According to Mr. Hughes on January 7, 2012 while lifting an obese patient from a stretcher to a hospital bed he injured his left shoulder. Mr. Hughes states that he felt a “pop” in his shoulder and felt what he describes as a gush of fire down his arm along with immediate numbness in his left arm and hand.

Andrew Thomas made a motion to send to a hearing panel. Ronald Stagliano seconded the motion.

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

Case of Lisa Palmer, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Palmer on May 10, 2010 she tripped on a curb (step) and twisted her left ankle; while walking up a slight ramp at the rear of the 25th Police District Ms. Palmer again twisted her left ankle breaking it in multiple places.

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

The motion to approve carried unanimously 7-0.

Case of Marjorie G. Ellison, Application for Service-Connected Disability Benefits – Plan “D”

This is an application submitted by Marjorie Ellison, former police officer for Service-Connected Disability benefits under Pension Plan “D”.

According to Ms. Ellison on July 11, 2009 she slipped on a wet cobblestone street and injured her wrist as she tried to break her fall. Ms. Ellison further stated that she fell again as she attempted to get up. Her complaints are pain in left wrist, nerve damage and lower back pain which were escalated due to a fall down a flight of stairs. No date is specified for the fall.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 3-0-4.

Case of Azahlaain Davis, Administrative Application for Service-Connected Disability Benefits Plan “J”

This is an administrative application submitted by Azahlaain Davis, former stores worker, for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Davis, unpacking and repacking stock, shelving stock, ordering stock to disburse to various units caused injury to her left shoulder.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 3-0-4.

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

This is an application submitted by Nicholas Chichilitti, former Pre-trial Warrant Investigative Officer, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Chichilitti on February 5, 2013 he was a passenger in a vehicle that slid off the road and went down an embankment striking multiple trees. His chief complaints are injuries to his shoulder, knee, and lower back.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion. The vote was 4-3. The Chair voted to deny making the vote 4-4. Motion fails.

Mr. Albert stated that Dr. Howarth’s primary reason for the due solely finding was the motor vehicle accident but wasn’t the sole reason. He requested that Dr. Howarth explain more clearly her due solely finding.

Brian Albert made a motion for reconsideration and to table for 30 days for further clarification from Dr. Howarth. James Leonard seconded the motion.

The motion for reconsideration and to table for 30 days for further clarification from Dr. Howarth carried unanimously 7-0.

Case of Maria Gonzalez, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Maria Gonzalez, former health program outreach worker for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Gonzalez on June 21, 2004 she was rear-ended by a hit and run driver. Her chief complaints involve pain in her neck and back.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 3-0-4.

Case of Eric L. Marunich, Application for Service-Connected Disability Benefits – Plan “X”

This is an application submitted by Eric L. Marunich, former fire captain, for Service-Connected Disability benefits under Pension Plan “X”.

According to Mr. Marunich on February 17, 2014 he was advancing a hose and his foot became entangled, he fell twisting his knee.

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

The motion to approve carried unanimously 7-0.

Case of Jesse Hughes, Application for Service-Connected Disability Benefits Plan “Y”

This is an application submitted by Jesse Hughes, former heavy equipment operator, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Hughes he was standing behind a safety barricade when a car came through the barricade and struck his lower legs. The driver of the vehicle moved forward and struck him a second time causing Mr. Hughes to land on the hood. The driver carried him in this position about 10 feet before another employee was able to get the attention of the driver and force him to stop. Mr. Hughes cannot specify a date of injury since these conditions evolved over time.

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

The vote was 4-3. The Chair voted to oppose which tied the vote 4-4. Motion fails.

Case of Byron McDonald, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Byron McDonald, former semi-skilled laborer, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. McDonald on June 2, 2009 he along with other crewmembers attempted to remove an inlet frame from the work van. Mr. McDonald states that as they were pulling the inlet via the straps, it began to slide from the van. Mr. McDonald states that he heard a loud pop as the strap jerked his body toward the van. His chief complaints involve severe pain to his shoulder, neck, and back.

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

The motion to approve carried unanimously 7-0.

William Rubin joined the meeting at this time.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS BEYOND THE ONE-YEAR DEADLINE

Case of Mia Bangura, Request to Apply for Service-Connected Disability Benefits Beyond the One Year Deadline – Plan “B”

This is a request by Mia Bangura, former Police Officer to make application for Service Connected Disability benefits beyond the one year deadline under Pension Plan “B”.

Mia Bangura separated employment effective December 12, 2012.

On September 24, 2014 Ms. Bangura submitted a letter requesting to make application for a Service Connected Disability beyond the one year deadline.

On September 25, 2014 an administrative denial was mailed to Ms. Bangura.

On October 20, 2014 an appeal to the Board’s administrative denial was submitted by Mulvey, Flanagan & Budney, P.C. on behalf of Mia Banguar.

Brian Albert made a motion to deny. William Rubin seconded the motion. Mr. Stagliano requested that they send the case directly to a hearing panel. Mr. Albert withdrew his motion.

Ronald Stagliano made a motion to send to a hearing panel. William Rubin seconded the motion.

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

REQUEST TO WITHDRAW FROM DROP

Case of Keith Kessler, Appeal of Administrative Denial to Withdraw from DROP – Plan J

This is an appeal by Keith Kessler of an administrative denial of his request to withdraw from the DROP.

Keith Kessler, a librarian, was hired on February 1, 1988 and applied for DROP on April 21, 2014. He requested a DROP entry date of July 28, 2014.

On August 27, 2014 a letter was sent from the Board of Pensions confirming his acceptance into DROP with an entry date of July 28, 2014.

On November 24, 2014 the Board of Pensions received a letter from Mr. Kessler asking that he be removed from DROP. On November 28, 2014 an administrative denial was mailed to Mr. Kessler. On December 4, 2014 the Board received an appeal from Mr. Kessler of the denial of his request.

The Board reviewed the letters submitted with the case.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried unanimously 8-0.

OLD BUSINESS

Case of Rudolph Kramny, Application for Service-Connected Disability Benefits – Plan “Y”

This case was denied at the Board meeting held on April 24, 2014. A hearing panel was held on July 28, 2014.

The hearing panel votes are as follows:

Ms. Veronica M. Pankey: Recommend approval

Mr. William Rubin: Recommend approval

Ms. Patricia Fitzgerald: Recommend denial
Medical documentation does not support “due solely”
requirement

Case Summary:

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

According to Mr. Kramny, he sustained the injury while placing a child and the child kicked his back. He further stated that his disability is to his neck, lower back and both hands. The date of his injury was September 14, 2011.

Carol Stukes-Baylor made a motion to approve. William Rubin seconded the motion.

The motion to approve carried unanimously 8-0.

NEW BUSINESS

- **Executive Director's Report** – Mr. Bielli stated that the annual audit is almost complete. The Board will receive a copy of it within the next few weeks.
- The Business & Education Travel Report for the 4th quarter was included in the folders.

FYI

Litigation Summary – Ms. Rosenberger Altman stated that oral argument in the Wiggins case (pension disqualification) was held in Commonwealth Court December 10, 2014 and they are awaiting a decision. There are currently two other appeals before the Commonwealth Court.

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

The meeting adjourned at 9:20 a.m.