

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of December 4, 2014**

**MINUTES**

On December 4, 2014, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:06 a.m. in the Board's Conference Room.

Present: Paula Weiss  
William Rubin  
Brian Albert  
Patricia Fitzgerald  
Ronald Stagliano  
Andrew Thomas  
Veronica Pankey  
James Leonard

Also Attending: Francis Bielli - Board of Pensions  
Mark Murphy - Board of Pensions  
Sumit Handa, Christopher DiFusco - Investment Unit  
Brad Woolworth, Dan Falkowski – Investment Unit  
Aubrey Hassan, Kristyn Barr – Investment Unit  
Ellen Berkowitz, Katherine Janoski – Law Department  
Pam McCue, Financial Investment News  
Jerry Clark, V.P. Arden Group  
Chris Rice-Shepherd, Cliffwater  
Mark Johnson, Cliffwater

Ms. Weiss stated that the first order of business was the consideration of the Minutes of October 22, 2014.

Ronald Stagliano made a motion to approve the Minutes of October 22, 2014. Brian Albert seconded the motion.

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

**CONSIDERATION OF (136) PENSION APPLICATIONS AND (68) WITHDRAWAL APPLICATIONS**

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

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

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

### **Case of Stephanie J. Brooks-Manning, Application for Service-Connected Disability Benefits – Plan “B”**

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

According to Ms. Brooks-Manning she sustained an injury when she encountered a bolted and locked door with a woman screaming for help. Ms. Brooks-Manning states that she kicked and pushed against the door using her shoulder and knee (leg) to gain access. She lifted the woman from the floor to her wheelchair.

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

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

### **Case of Charles C. Wells, Application for Service-Connected Disability Benefits – Plan “B”**

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

According to Mr. Wells he sustained an injury to his arm while restraining a fleeing robbery suspect on June 20, 2010. After a brief struggle, the suspect scaled the fence while being held with the hand. Mr. Wells states that he felt something in his arm snap which was immediately followed by a burning sensation throughout his right arm. He states that he fell over the fence landing on top of the suspect further aggravating his injury.

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

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

### **Case of Derrell Duncan, Application for Service-Connected Disability Benefits Plan “J”**

This is an application submitted by Derrell Duncan, former equipment operator, for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Duncan he worked at the sludge processing plant for over ten (10) years during which time he developed a cough and breathing issues. He further states that working in the cold weather and riding in vehicles that provided little leg room caused him to sit in a cramped

position aggravating his knees and hands. Mr. Duncan cannot specify a date of injury since these conditions evolved over time.

Ronald Stagliano made a motion to table for 30 days in order to obtain further medical information from Dr. Weinerman and the City of Philadelphia. Brian Albert seconded the motion.

**The motion to table for 30 days for further medical information carried unanimously 7-0.**

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

This is an application submitted by Sheena Lawton, former laborer, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Lawton she sustained an injury while lifting a bin between two parked cars. She states that as she stepped down off a high curb she twisted her back and hurt her hip. Ms. Lawton states that she felt a sharp pain in her back to hip.

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

**The motion to deny carried 5-0-2.**

**REQUEST TO CHANGE SURVIVORSHIP OPTION**

**Case of Gary Curtis, Request to Change Survivorship Option – Plan Y**

This is a request by Gary Curtis to change his survivorship option from 2 to 1.

Gary Curtis, a Construction Codes Specialist for the Department of Licenses and Inspections, was hired on August 1, 1994 and was separated from city service on September 11, 2007.

On November 9, 2007, Dr. George T. Hayes, Medical Director of the City Employee Medical Services Unit, determined that Mr. Curtis was permanently and totally disabled.

On January 2, 2008, Barbara Curtis, wife of Gary Curtis, applied for Ordinary Disability Retirement benefits on behalf of her husband who was unable to apply. However, she took away the “Memorandum of Understanding” and the “Election of Survivorship Option and Survivor Designation” forms for Mr. Curtis to sign himself. These two completed forms were received by the Board on January 16, 2008. Option 2 was selected, Barbara Curtis was named, and these forms are signed Gary Curtis.

On September 4, 2014, the Board of Pensions received a letter from Gary Curtis saying his wife forged his name on the survivorship option documents. He asked the Board to change his survivorship option.

On September 10, 2014 an administrative denial was mailed to Mr. Curtis.

On October 9, 2014 the Board received an appeal from Mr. Curtis asking that his option be changed to option 1.

The Board reviewed the pertinent forms in the file and information submitted by Mr. Curtis.

Ronald Stagliano made a motion to send to a hearing panel. Brian Albert seconded the motion.

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

## **APPLICATION TO CHANGE NAMED PERSON UNDER SURVIVORSHIP OPTION 2**

### **Case of Michael Hrynko, Application to Change named person under Survivorship Option 2 – Plan J**

This is an application by Michael Hrynko, former Correctional Officer from Prisons Department requesting to change his designated survivor under option 2 from his then fiancé' Kia Moody to his son, Michael Hrynko, Jr.

Mr. Hrynko submitted a letter requesting to change his survivor from Ms. Moody to his son Michael Hrynko, Jr. since his relationship with Ms. Moody terminated.

Mr. Hrynko's request was administratively denied and he submitted a request to appeal the administrative denial.

He did not submit his son's date of birth; therefore, no calculation was completed. Due to staff oversight the case is now being submitted.

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

**The motion to deny carried 6-0-1.**

## **REQUEST TO APPROVE SPOUSE UNDER SURVIVORSHIP OPTION #4**

### **Case of Francis Cleary, Appeal of administrative denial of request to approve spouse under survivorship option #4 – Plan X**

This is an appeal by Francis Cleary, former Firefighter, to appeal the administrative denial of his request to the Board of Pensions to recognize his spouse Donna Cleary as an eligible survivor under survivorship option #4.

Francis and Donna Cleary were married on October 27, 1979. They separated in November 1999 and their divorce became final on September 1, 2004. Just prior to the divorce becoming finalized, the couple began communicating again. In February 2005 they began living together again along with their two teenage children. The couple remarried on May 29, 2010. Mr. Cleary enrolled in DROP effective November 1, 2010. At the time of his enrollment, he selected survivorship option #4, naming his wife Donna as his survivor.

Mr. Cleary separated from City employment effective October 30, 2014. On November 7, 2014, he and his wife Donna met with Pension Counselor Stephen Martin to make application for retirement benefits. After the survivorship options were explained in order for Mr. Cleary to make his final designation, he and Mrs. Cleary explained their situation and provided their divorce documentation. After further discussion, it was decided that Mr. Cleary would petition the Board of Pensions to recognize his wife Donna as an eligible spouse under survivorship option #4.

Mr. Cleary formalized his request in a letter dated November 12, 2014. In that request, he indicated that the perception that the DROP would continue was becoming dim and that he felt the need to enter the program before it would be terminated. Pension Counselor Martin responded with a letter dated November 17, 2014 administratively denying Mr. Cleary's request, due to his subsequent marriage not meeting the two year requirement.

Mr. Cleary forwarded a letter dated November 18, 2014 to Executive Director Francis X. Bielli appealing the administrative denial of his request.

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

**The motion to deny carried 5-0-2.**

**REQUEST TO CHANGE EFFECTIVE DATE OF DROP**

**Case of Edward Braun, Appeal of administrative denial of request to change effective date of DROP – Plan J**

This is a request by Edward Braun, Air Management Program Manager for the Health Department, to appeal the Administrative Denial of his request to change his effective date of DROP entry.

Edward Braun made application to enter the DROP program effective December 8, 2014 on September 2, 2014 with staff member Christina Konkolewski.

On September 3, 2014, Mr. Braun forwarded an email to Ms. Konkolewski stating that, after reviewing his estimate information the prior evening and seeing that 2014 was not included in his 3 year average, he wished to change his effective date of DROP entry to the first pay period of January 2015.

Ms. Konkolewski responded via email on September 4, 2014 that she believed that such a change was not permitted, but that she would review his request with her supervisor when she returned to work.

Mr. Braun forwarded an email on September 8, 2014 to Pension Program Administrator Yvonne Hobbs reiterating his request to change his DROP effective date to the first pay period in January 2015. In addition, he stated that doing so would increase his pension by \$1,000.00 annually, and asked that his request be honored since it was made in less than 24 hours after his application was submitted.

Yvonne Hobbs responded to Mr. Braun via email on September 8, 2014 informing him that once a member's application has been stamped the entry into DROP is irrevocable.

Mr. Braun forwarded a letter to Executive Director Francis X. Bielli dated October 1, 2014 appealing the denial of his request to change his DROP date. He reiterated that his request was made within 24 hours of the submission of his application, and stated that the impact of his 2014 earnings was not disclosed at the meeting when he made application to enter DROP.

Yvonne Hobbs forwarded a letter dated October 7, 2014 administratively denying Mr. Braun's request to change his DROP entry date.

Mr. Braun forwarded a letter to Executive Director Francis X. Bielli dated October 14, 2014 appealing the administrative denial of his request. He reiterated that he made his initial request to change his date within 24 hours of submitting his DROP application, his new requested date would only be 4 weeks beyond his original date, and that the impact of his 2014 earnings was not disclosed during his DROP sign up meeting.

Mr. Braun's scheduled date to begin DROP is December 8, 2014. If approved, the first full pay period beginning in January 2015 would give him a start date of January 5, 2015.

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

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

## **NEW BUSINESS**

- **Executive Director's Report** – Mr. Bielli stated that the Board of Pensions received proposals from Dr. Knox, Dr. Weinerman and MMRO in response to the RFP for the medical co-chair.

Ms. Weiss will schedule a subcommittee meeting in the near future to review the proposals. The subcommittee will include Ms. Weiss, Ms. Stukes-Baylor, Mr. Albert and Mr. Bielli.

- **Business & Education Travel Request** – A written request was submitted on behalf of Carol Stukes-Baylor to attend the NCPERS Healthcare Symposium and Legislative Conferences in Washington, D.C. from January 24-27, 2015.

William Rubin made a motion to approve. Ronald Stagliano seconded the motion.

**The motion to approve Ms. Stukes-Baylor and any other trustees who would like to attend carried unanimously 7-0.**

Mr. Bielli stated that anyone else interested in attending the conferences should contact staff.

## **FYI**

**Litigation Summary** – Nothing to report other than the status of cases listed on the Summary.

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

**The meeting adjourned at 9:11 a.m.**