

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of September 28, 2017**

**MINUTES**

On September 28, 2017, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:38 a.m. in the Board's Conference Room.

Present: Paula Weiss  
William Rubin  
Brian Abernathy  
Pedro Rodriguez  
Carol Stukes-Baylor  
Brian Coughlin  
Veronica Pankey  
Francois Dutchie

Also Attending: Francis Bielli - Board of Pensions  
Shamika Taliaferro – Board of Pensions  
Ellen Berkowitz, Adam Coleman– Law Department  
Christopher DiFusco, Bernard Buckley – Investment Unit  
Tyrone Jordon, Jim Cousounis – Investment Unit  
Dominique Cherry, Eryn-Ashlei Bailey – Investment Unit  
Maureen O'Brien – Segal Marco Advisors  
Emanuel Mahand - Nationwide  
Dave Smith – Marquette  
Matt Coyne - TorreyCove  
Ray Jackson, Brad Atkins, Kristine O'Connor – Franklin Park  
Pam McCue – Financial Investment News

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of August 24, 2017.

Veronica Pankey made a motion to approve the Minutes of August 24, 2017. Francois Dutchie seconded the motion.

**The motion to approve carried unanimously 6-0.**

**CONSIDERATION OF (97) PENSION APPLICATIONS AND (87) WITHDRAWAL APPLICATIONS**

William Rubin made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 6-0.**

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

### **Case of Angelo Amoroso, Application for Service-Connected Disability Benefits – Plan “A”**

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

According to Mr. Amoroso, on January 8, 2002 he was lifting a patient with a hip issue when the patient reached around the head of the stretcher and forcibly pulled his head down. Mr. Amoroso states that he felt a “pop” and shooting pain down his neck.

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

The vote was 3-3. The chair voted to break the tie.

**The motion failed 3-4 and is denied.**

### **Case of William F. DiBruno, Application for Service-Connected Disability Benefits –Plan “A”**

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

According to Mr. DiBruno, he sustained several injuries; December 2000 he slipped on ice and fell onto the back of the fire engine, Summer of 2011, an elbow injury at the fire academy, May 22, 2012 a knee injury due to slipping on wet marble stairs during a fire, and June 22, 2015 he sustained an injury to his right elbow.

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

**The motion to approve carried 5-1.**

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

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

According to Mr. Fairbanks, on June 20, 2014 while attempting to arrest a combative suspect he injured his right wrist.

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

**The motion to approve carried unanimously 6-0.**

**Case of Teresa Graves, Application for Service-Connected Disability Benefits – Plan “B”**

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

According to Ms. Graves, on September 13, 2012 she struck her knee on the door of her patrol car. Ms. Graves states that she continued to work and as the day progressed her knee locked up on her and she was unable to walk.

Brian Abernathy made a motion to deny. Francois Dutchie seconded the motion.

**The motion to deny carried 3-0-3.**

**Case of Lawrence Tilghman, Application for Service-Connected Disability Benefits – Plan “B”**

This is an **administrative** application submitted by Lawrence Tilghman, former police officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Tilghman, on January 20, 2007 he was part of a narcotics strike force in the Northeast. Mr. Tilghman states that during the “takedown” two suspects fled on foot and he gave chase, his feet became entangled in the radio cord and he tripped causing his injuries.

Ms. Stukes requested to table the case for clarification.

Carol Stukes-Baylor made a motion to table for 30 days. Brian Coughlin seconded the motion.

**The motion to table for 30 days carried unanimously 6-0.**

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

This is an application submitted by Wilbert Odom, former custodian with the Parks and Recreation Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Odom, on October 29, 2015 he was removing trash when he felt severe pain in his left hip.

Brian Abernathy made a motion to deny. Francois Dutchie seconded the motion.

**The motion to deny carried 3-0-3**

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

This is an application submitted by Benigno Diaz, former custodial worker with the Police Department for Service-Connected Disability benefits under Pension Plan “Y”.

Mr. Diaz submitted an application for Service-Connected Disability benefits on June 15, 2016 and reported his dates of injury as 7/30/04 and 10/11/05. Risk Management provided the August 24, 2016 memorandum. Mr. Diaz corrected his reported dates of injury to 10/21/05 and 7/13/08. Risk Management provided the August 1, 2017 memorandum.

According to Mr. Diaz, on or about October 21, 2005 he was working at the Philadelphia International Airport when a floor machine hit his left knee. Mr. Diaz states that on or about July 13, 2008 he was working at Police Headquarters, when he was thrown to the floor from a pick-up truck hitting his left knee.

Carol Stukes-Baylor made a motion to approve. The motion was withdrawn.

Carol Stukes-Baylor made a motion to table. Brian Coughlin seconded the motion.

**The motion to table carried unanimously 6-0.**

**APPLICATION FOR SERVICE CONNECTED DEATH HEALTHCARE BENEFITS**

**Case of Gabriel G. Lee, Deceased, Application for Service Connected Death Healthcare Benefit – Plan “A”**

This is an application by Taisha Miller-Lee, widow of Gabriel G. Lee, former Firefighter, for Service Connected Death Healthcare benefits under section 22-501(5) of the pension code in Plan A. Taisha Miller-Lee has elected to apply for Ordinary in Lieu of Service Connected Death benefits per code section 22-502(4).

Gabriel G. Lee was first employed as a Correctional Officer with Prisons on June 3, 1996. He transferred to the Fire Department effective March 15, 1999. Gabriel G. Lee died July 23, 2016.

In the Medical Pension Review, Dr. Marilyn V. Howarth states that “Gabriel Lee was at work as a firefighter on July 23, 2016. After returning to the fire station after fighting a fire, sometime later he collapsed and was emergently taken to Temple University Hospital where he was pronounced dead. An autopsy revealed the cause of death to be atherosclerotic heart disease. I find Gabriel Lee permanently and totally disabled from working as a firefighter solely due to his work exposure.”

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

**The motion to approve carried unanimously 6-0.**

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

### **Case of Terry Bond, Request to Apply for Service-Connected Disability Beyond the One-Year Deadline – Plan “B”**

Terry Bond, former police officer, retired July 18, 2015 with 22 years and 2 months of service. A letter was received from Mr. Bond on August 14, 2017 requesting to apply for service connected disability benefits beyond the one year deadline. His one year deadline was July 17, 2016.

In his letter, he states he has developed a condition from his job as a police officer. While working as a police officer, he did not seek treatment and states that now his condition is getting worse. He is now receiving counseling at the Veteran’s Administration Hospital.

His request was administratively denied by Administrator Stacey M. White on August 14, 2017. His letter of appeal was received August 21, 2017.

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

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

## **APPLICATION FOR SURVIVORSHIP BENEFITS**

### **Case of Stephen W. Kuritz, Application for Survivorship Benefits - Plan J**

This is an application by Margaret Kuritz, widow of Stephen W. Kuritz, for Common-Law Survivorship benefits under Survivorship Option #4.

Stephen W. Kuritz, a former Personnel Analyst for the Water Department, retired from city service effective August 16, 2002.

Stephen W. Kuritz and Margaret Tolan were married August 26, 2002. Stephen W. Kuritz died on April 20, 2017. At the time he entered the DROP program on December 3, 2001, he selected Survivorship Option #4, naming Margaret Tolan as his spouse.

In a letter dated June 14, 2017 and accompanying her Common Law survivorship application, Mrs. Kuritz stated that she and her husband dated from 1990 and moved in together in early 1998. At the time she contacted the Board of Pensions regarding application for survivorship benefits, Margaret Kuritz was advised by staff and in a letter dated July 10, 2017 that since her marriage to Mr. Kuritz did not occur until after his date of retirement that she was ineligible for survivorship benefits.

Margaret Kuritz contacted the Board of Pensions in a letter dated July 28, 2017 and stated that she wished to appeal the decision and requested that her application be reviewed under “Common Law.”

Also included are copies of Stephen W. Kuritz’s divorce decree from Barbara Ann Kuritz, which became final effective November 7, 1983, as well as Margaret B. Tolan’s divorce decree from Robert W. Trush, which became final effective April 30, 1991.

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

**The motion to approve carried unanimously 6-0.**

Pedro Rodriguez joined the meeting at this time.

**Case of Steven B. Alexander, Deceased, Appeal of Administrative Denial for Ordinary Death Benefits as a Common-Law Spouse – Plan J**

This case was **tabled** at the request of trustee Stukes-Baylor at the August 24, 2017 Board meeting for additional information.

Additional information was received from Ms. Jackson and reviewed by the Board.

Case History:

This is an application by Princetta Jackson as the common-law spouse of Steven B. Alexander, for Ordinary Death benefits in Plan J.

Steven B. Alexander, a Housing Rehab Inspector Supervisor at Philadelphia Housing Development Corporation (PHDC), died on October 7, 2015 as an active employee. PHDC did not schedule an appointment for Ordinary Death Benefits. On April 19, 2017, Princetta Jackson contacted the Board of Pensions stating that she was the common-law wife of Mr. Alexander and wished to apply for pension death benefits.

At the time of his hire on November 30, 1987 Mr. Alexander designated Shirley Alexander relationship mother as his pension beneficiary. This designation was never changed. Ms. Shirley Alexander Jefferson predeceased her son on February 15, 2013.

According to Ms. Jackson Mr. Alexander had no children, his mother was deceased, and he has two brothers living. She was unsure if his father was alive.

Ms. Jackson was informed that she did not qualify as a common law spouse under Public Employees Retirement Code Regulation 7.2 (c) *Application of Court Ruling Abolishing Common Law Marriage* “Application. From now on, any application for benefits that depends on the applicant proving the status of “spouse” in relation to a Retirement System member will be

denied if the application depends on a common law marriage and any of the following conditions exist: . . . The application is based on the death of an employee, other than a retiree or DROP enrollee and the death is after the Measuring Date.” The Measuring Date is November 21, 2004 and Mr. Alexander died on October 7, 2015.

Ms. Jackson stated that she still wished to make an application and she completed an application for Ordinary Death Benefits on May 31, 2017. On June 8, 2017 her application was administratively denied by Pension Program Administrator Stacey White. On July 7, 2017 the Board of Pensions received a letter appealing the administrative denial.

In a notarized affidavit dated May 25, 2017 signed by Ms. Jackson, she stated that Mr. Alexander and she met in 1988 and began to live together in 1996. She stated that they were both single at that time and had no children together. In a separate statement, Ms. Jackson stated that she changed her name from Johnson (on her birth certificate) to Jackson (on her driver’s license) because she lived with a Mr. Jackson from the ages of 17 to 19 and took his name on his advice. She stated at the time of her Ordinary Death Benefits application that Mr. Jackson and she did not marry.

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

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

## OLD BUSINESS

### Case of Rodica Diaconescu, Application for Service-Connected Disability Benefits Plan “Y”

This case was **denied** at the board meeting held on May 27, 2015. A hearing panel was held on Wednesday, August 16, 2017.

The hearing panel recommendations are as follows:

Ronald Stagliano:	Approve the application
William Rubin:	Approved

Case summary:

This is an application submitted by Rodica Diaconescu, former librarian, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Diaconescu, the earliest onset of her breathing problems was on or about June 1, 2009. Ms. Diaconescu states that her cold-like symptoms were eventually diagnosed and restricted breathing were among the symptoms encountered at the workplace.

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

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

## NEW BUSINESS

- **Executive Director's Report** – Mr. Bielli stated that the State auditor work is continuing.

A meeting was held with OIT payroll and they will be ready to begin the deductions for retroactive contributions for District Council 33 Plan 10 employees. Deductions should begin within the next 30-45 days. An update will be provided as more detail is available.

Ms. Pankey inquired if any information was received regarding the Crossing Guards ability to participate in the Deferred Compensation program. Mr. Bielli stated that the process is going well and it should be offered within the next 60 days.

- **Business and Education Travel Request**

Ms. Stukes–Baylor made a motion to approve Mr. Rodriguez and any trustees who would like to attend the **PAPERS 11<sup>th</sup> Annual Fall Workshop, November 14-15, 2017 in Pittsburgh, PA.** William Rubin seconded the motion.

**The motion to approve Pedro Rodriguez and any trustees who would like to attend PAPERS 11<sup>th</sup> Annual Fall Workshop carried unanimously 7-0.**

## FYI

- **Litigation Summary** - Ms. Berkowitz stated that they received the Common Pleas opinion in the Dailey (disqualification) case and the Commonwealth appeal is moving forward to remove the case from the suspense docket. There are a few cases in Common Pleas court.

Pedro Rodriguez made a motion to approve. Veronica Pankey seconded the motion. The meeting adjourned at 9:45 AM.