

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of August 24, 2017**

**MINUTES**

On August 24, 2017, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:30 a.m. in the Board's Conference Room.

Present: Paula Weiss  
William Rubin  
Brian Abernathy  
Pedro Rodriguez  
Carol Stukes-Baylor  
Ronald Stagliano  
Brian Coughlin  
Veronica Pankey  
Brendan O'Rourke

Also Attending: Francis Bielli - Board of Pensions  
Adam Coleman-- Law Department  
Christopher DiFusco, Bernard Buckley -- Investment Unit  
Tyrone Jordon, Jim Cousounis -- Investment Unit  
Dominique Cherry, Kristyn Bair, Eryn-Ashlie Bailey -- Investment Unit  
Emanuel Mahand, Bina Kumar - Nationwide  
Kwedu Obed, Jesus Jiminez - Marquette  
Will Greene -- Loop Capital  
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 July 20, 2017.

Carol Stukes-Baylor made a motion to approve the Minutes of June 20, 2017. Ronald Stagliano seconded the motion.

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

**CONSIDERATION OF 128 PENSION APPLICATIONS AND 79 WITHDRAWAL APPLICATIONS**

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

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

**Brian Coughlin joined the table at this time.**

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

### **Case of Jason J. Brearey, Application for Service-Connected Disability Benefits –Plan “B”**

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

According to Mr. Brearey, on June 27, 2013 he responded to a call regarding the removal of a dead body. Mr. Brearey states that he carried the body down two (2) flights of stairs with one hand since he was holding a flashlight in the other and injured his right elbow.

Ronald Stagliano made a motion to approve. Pedro Rodriguez seconded the motion.

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

### **Case of Joseph M. Mission Service-Connected Disability Benefits – Plan “B”**

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

According to Mr. Mission, on December 31, 2014 while attempting to execute and arrest the male suspect became violent and a struggle ensued. Mr. Mission states that during the struggle he sustained an injury to the fourth finger and pinky finger of his left hand.

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

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

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

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

According to Mr. Thomas, on March 20, 2016 he conducted an arrest involving an intoxicated male for driving under the influence (DUI). Mr. Thomas states that the suspect jumped out of the vehicle attempting to escape. Mr. Thomas gave chase and a struggle ensued, his left shoulder was slammed into the vehicle and yanked backward as the suspect was forced to the ground.

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

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

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

This is an application submitted by Leonard Tucker, former youth detention counselor with the Department of Human Services for Service-Connected Disability benefits under Pension Plan Y.

According to Mr. Tucker, on July 20, 2015 he was escorting a group of juvenile residents into a classroom, a physical altercation ensued and was broken up by Mr. Tucker and another counselor. Mr. Tucker states that as he was escorting the assault victim from the room another juvenile attempted an assault and during the scuffle both he and the juvenile fell. Mr. Tucker struck his chest and crown of his head on the wall causing his injuries.

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

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

**Case of Wendelyz Roman-Sullivan Service-Connected Disability Benefits – Plan “B”**

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

According to Ms. Roman-Sullivan, on March 15, 2013 she responded to a call to assist a female who had fallen in the bathroom. Ms. Roman-Sullivan states that while attempting to lift the female, she felt a pop in her lower back along with a sharp pain that radiated down her left leg.

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

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

**Brendan O’Rourke joined the table at this time.**

**APPEAL OF ADMINISTRATIVE DENIAL FOR ORDINARY DEATH BENEFITS AS COMMON-LAW SPOUSE**

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

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.

Per the Public Employees Retirement Code 22-701(2) Invalid designation; death of beneficiary "...if the designated beneficiaries predecease the member...any benefits payable will be paid to the surviving relatives ranked in the highest category among those listed in 22-701(a), (b), (c), and (d), except that no benefit shall be paid to any person in 22-701(1) (d) unless such person is specifically designated and survives the member. If no individual qualifies as a beneficiary as set forth herein, no benefit shall be payable except that benefits payable pursuant to 22-502(Ordinary Death Benefits) shall be paid to the deceased member's estate..."

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.

Pedro Rodriguez made a motion to deny. Brian Abernathy seconded the motion.

Carol Stukes-Baylor requested that the case be sent directly to a hearing panel because there was information that was not clear. Ms. Pankey added that the case is familiar to her and believes there is more evidence.

Carol Stukes-Baylor made a motion for reconsideration. Brian Coughlin seconded the motion. The motion for reconsideration carried 4-0-3.

Discussion ensued and Mr. Bielli suggested as an alternative to table the case for 30 days to allow Ms. Jackson time to send the additional evidence.

Carol Stukes-Baylor made a motion to table the matter for thirty (30) days. Veronica Pankey seconded the motion.

**The motion to table for thirty (30) days carried unanimously 8-0.**

## **REQUEST TO CHANGE SURVIVORSHIP OPTION**

### **Case of Leveria Bailey, Request to Change Survivorship Option, Plan Y**

Leveria Bailey, former Correctional Officer, retired effective 12/7/16 on an Ordinary Disability pension benefit. She had 19 years 2 months 7 days of city service. When Ms. Bailey retired, she chose survivorship option 2, naming her son, age 38 and her daughter, age 28.

Ms. Bailey submitted a letter dated July 6, 2017 requesting to change her survivor option from option #2. In her letter, she states her disability pension is being reduced by approximately \$800 which includes health and welfare payment and federal tax. Ms. Bailey's pension is reduced by \$455 due to the option 2 reduction. Her request was administratively denied by Pension Program Administrator, Stacey White via letter dated July 12, 2017. Ms. Bailey submitted a letter of appeal dated August 9, 2017.

Ms. Bailey was repeatedly counseled at the retirement interview on the reduction amount for option 2 and also was advised the survivorship options are irrevocable.

Ms. Pankey discussed with the Board her concerns about a similar case that went before a hearing panel.

Brian Abernathy made a motion to deny. Pedro Rodriguez seconded the motion.

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

## **OLD BUSINESS**

### **Case of Ralph C. Burnett, Deceased, Application for Survivorship Benefits – Plan J**

This case was denied at the Board meeting held on February 22, 2017. A hearing panel was held on Wednesday, July 19, 2017.

The hearing panel recommendations are as follows:

Ronald Stagliano	Deny the application
William Rubin:	Denied-not married two (2) years prior
Brian Coughlin:	Deny-does not meet the standard

Case Summary:

This is an application by Lewgeana Alston-Burnett for survivorship benefits in Plan J. Ralph C. Burnett, a Semiskilled Laborer, retired from the Health Department effective April 25, 1992. He received a Service retirement until his death on October 9, 2015.

At the time of his retirement, Mr. Burnett chose survivorship option 4. Lewgeana Alston-Burnett is applying to have the Board of Pensions recognize her over 30-year common-law relationship with Mr. Burnett prior to their marriage on June 14, 2015.

Brian Abernathy made a motion to deny. William Rubin seconded the motion.

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

**Case of Jean Ottis, Deceased, Application for Survivorship Benefits – Plan J**

This case was deferred to a hearing panel at the Board meeting held on May 18, 2017. A hearing panel was held on Wednesday, July 19, 2017.

The hearing panel recommendations are as follows:

Ronald Stagliano	Approve the application
William Rubin:	Approved
Brian Coughlin:	Approve

Summary:

This is an application by Lisa Ottis, as the medically dependent disabled adult child of Jean Ottis.

Jean Ottis retired September 6, 2003. She died December 17, 2016. Ms. Ottis selected survivorship option 4 at the time of retirement. Her husband, Frank Ottis, predeceased her on October 24, 1989.

When Jean Ottis' death was reported to this office, we were advised by Lisa Ottis' sister, that "Lisa was not diagnosed until later in life and she is now 50 years old".

Additional information was submitted regarding Ms. Ottis's condition from Kenneth Winokur, D.O. from Pennsport Internal Medicine Group.

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

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

## **NEW BUSINESS**

**Executive Director's Report** – Mr. Bielli stated that in the folders there is a memo from Shamika Taliaferro requesting to enroll in the Certified Employee Benefits Specialist program (CEBS) offered jointly by the International Foundation and the Wharton University of Pennsylvania. The program consists of five (5) courses covering employee benefits, retirement plans and investments.

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

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

## **FYI**

- a. **Litigation Summary** – Adam Coleman stated that the Dailey case (disqualification) was stayed pending State Court proceedings. The following cases are in the Common Pleas Court: Baker (SCD), Coleman (SCD), Fields (SCD offset), Guadalupe (disqualification).

The Law Department will send out a refresher on the Deborah Dailey (disqualification) case.

Ronald Stagliano made a motion to adjourn. Pedro Rodriguez seconded the motion.

**The meeting adjourned at 9:50 AM.**