



BOARD OF ADMINISTRATION

1737 N. First St, Ste 580
Floor Board Room, San
Jose, CA 95112

Meeting Minutes - Final Police and Fire Disability Committee

Monday, December 10, 2018

10:00 AM

1737 N. First Street, Ste 580
5th Floor Board Room,
San Jose, CA 95112

DISABILITY COMMITTEE MEMBERS	ADVISORY PANEL
<i>Richard Santos, Chair</i>	<i>Russell Richeda, Counsel</i>
<i>Andrew Lanza, Trustee</i>	<i>Susan Tierman, MD</i>
	<i>Kathryn Schaefer, Benefits Div Manager</i>

ALTERNATES
Nick Muyo, Trustee
Vacant, Trustee

2nd ALTERNATES
Franco Vado, Trustee
Ghia Griarte, Trustee

The Police and Fire Disability Committee met on Monday, December 10, 2018 at the Office of Retirement Services at 1737 N. First St., Suite 580, San Jose, CA. Trustee Santos called the meeting to order at 10:02 a.m.

Staff Present: Donna Busse, Kathryn Schaefer, Stacey Fischer, Michelle San Miguel and Marti Zarate.

Others Present: Counsel Russ Richeda, Dr. Susan Tierman, Attorney Thomas Boyle, Attorney Sam Swift, Attorney Andrew Shaffer, Angelika Castanon, Ken Davis, Mark Natwick, Sandra Wells, Rebecca Marquez, Tommy Troy, Ray Storms, Walter Bugna, Marty Jo Luis, April Benoit, Roger Hurtado, Trustee Franco Vado, and Trustee Vikas Oswal.

Present 2 - Ghia Griarte, and Richard Santos

Absent 1 - Andrew Lanza

1. NEW BUSINESS

- a. Approval of the Minutes from the October 9, 2018 Police and Fire Disability Committee meeting.

A motion was made to approve the Minutes from the October 9, 2018 Police and Fire Disability Committee meeting.

Approved. (M.S.C. Griarte/Santos 2-0-0)

- b. Approval of the Revised 2nd Quarter Dashboard Report.

This item was received and filed.

- c. Approval of the 2018 3rd Quarter Dashboard Report and 2018 3rd Quarter Detailed Statistics Report.

This item was received and filed.

2. Application for a Service Connected Disability Retirement

- a. **Angelika Castanon**, Police Officer, Police Department, Request for a Service-Connected Disability Retirement, effective January 3, 2019; 21.13* years of service.

Kathryn Schaefer, Benefits Division Manager read the applicant's case information into the record. The applicant was present and represented by Attorney Thomas Boyle. Ms. Castanon and Dr. Tierman answered questions from Attorney Boyle. Ms. Castanon described her job duties, how her injury occurred in March 2013 and her current symptoms. Dr. Tierman reported there is no evidence in the medical records to support the injury based on reports that she reviewed. She explained pre-existing calcific tendonitis of an unknown cause with fraying of the tendon is the cause of chronic pain which could flare-up at anytime. Medical evidence from Dr. Ting is needed in regards to causation. Counsel Richeda noted Ms. Castanon has not vacated her position and the Police Department can accommodate her in a permanent modified position. A suggestion was made to defer the case until further medical evidence is received.

This item was deferred.

- b. **Kenneth Davis**, Police Sergeant, Police Department, Request for a Service-Connected Disability Retirement, effective January 3, 2019; 22.65* years of service.

Ms. Schaefer read the applicant's case information into the record. The applicant was present and is represented by Attorney Don Novey who was not present. Dr. Tierman clarified the specific body part she focused on and reported the applicant has work restrictions related to the 2 acute injuries he sustained on the job. Counsel Richeda agreed there was strong evidence as to incapacity and work causation.

A motion was made to recommend approval to the Board for a Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the January 10, 2019 Police and Fire Board agenda.

Approved. (M.S.C. Griarte/Santos 2-0-0)

- c. **Sandra Wells**, Arson Investigator, Fire Department, Request for a Service-Connected Disability Retirement, effective January 3, 2019; 22.80* years of service.

Ms. Schaefer read the applicant's case information into the record. The applicant was present and represented by Attorney Sam Swift. Attorney Swift reported all physicians were in agreement as to the specific body part with permanent work restrictions. Dr. Tierman and Counsel Richeda agreed the evidence showed work causation and permanent impairment.

A motion was made to recommend approval to the Board for a Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the January 10, 2019 Police and Fire Board agenda.

Approved. (M.S.C. Griarte/Santos 2-0-0)

3. Application for a NON-Service Connected Disability Retirement

- a. **Mark Natwick**, Police Officer, Police Department, Request for a Non Service-Connected Disability Retirement, effective January 3, 2019; 22.19* years of service. (Service-Connected Disability Application Pending.)

Ms. Schaefer read the applicant's case information into the record. The applicant was present and represented by Attorney Sam Swift. This case is for a Non Service-Connected Disability Retirement pending a Service-Connected Disability Retirement. Attorney Swift indicated everyone is in agreement that there are work restrictions and the department cannot accommodate Mr. Natwick. Dr. Tierman reported on Mr. Natwick's medical background and indicated there is impairment to which Counsel Richeda agreed.

A motion was made to recommend approval to the Board for a Non Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the January 10, 2019 Police and Fire Board agenda.

Approved. (M.S.C. Griarte/Santos 2-0-0)

4. Change of Status to Service Connected Disability Retirement

- a. **Rebecca Marquez**, Police Sergeant, Police Department, Request for a Change in Status to a Service-Connected Disability Retirement, effective January 14, 2017; 28.81* years of service.

Ms. Schaefer read the applicant's case information into the record. Ms. Marquez was present and was not represented by an attorney. Dr. Tierman and Counsel Richeda agreed the evidence showed there was work causation and recommended approval to the Board.

A motion was made to recommend approval to the Board for a Change of Status to Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the January 10, 2019 Police and Fire Board agenda.

Approved. (M.S.C. Griarte/Santos 2-0-0)

Next Police and Fire Board Meeting: January 3, 2019

Next Police and Fire Disability Committee Meeting: January 7, 2019

ADJOURNMENT

The meeting adjourned at 11:14 a.m.

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