

To: Police/Fire Retirement Board

From: Susan Tierman MD

Re: Process for Scheduling Hearings and Rebuttals

Date: January 31, 2020

Background

It is the applicant's responsibility to bring in pertinent material to support a service connected disability retirement.

The Office of Retirement has historically helped the applicant in obtaining workers' compensation records to expedite the process.

The medical records are sent for an Independent Medical Evaluation to aid in determining the merit of each case. The Medical Consultant then writes the report outlining his/her conclusions after reviewing all the evidence. Supporting documents are also provided.

The findings of the Medical Consultant are distributed to the applicant and/or the applicant's attorney as appropriate.

If the findings of the medical consultant are not favorable to the applicant, the applicant's attorney will often postpone the hearing to ask a physician for a rebuttal of the medical consultant's findings. At the present time, the medical consultant is then asked to write a new report in response to the opinion of the physician who wrote a rebuttal. This may go on for several times without a hearing before the Disability Committee.

While it is appropriate for the applicant's attorney to submit a rebuttal to the medical consultant's report, it would be more helpful and more efficient for the disability committee to review the evidence and direct the medical consultant on what if any information with respect to the rebuttal is needed for them to make an evaluation on each individual case.

It is the Disability Committee, not the Medical Consultant, who is tasked with determining the merits of a service or nonservice connected disability.

There needs to be a process where the direction comes from the Disability Committee to determine what steps need to be taken with respect to rebuttal reports so the Committee can make a reasoned decision based on the facts.

Proposal

1. After the retirement packet is complete the hearing is scheduled

2. If an attorney wants to present a rebuttal, a set time should be determined (3 months) for acquiring the rebuttal.
3. The rebuttal is included in the file materials for the Disability Committee Meeting
4. The Medical Consultant will at the hearing comment on the rebuttal, and the Committee will determine based on all the evidence whether and what type of additional information, including a written response by the Medical Consultant to the rebuttal, is needed to make a decision.