



BOARD OF ADMINISTRATION

Meeting Minutes - Final

Police and Fire Disability Committee

Monday, November 9, 2020

10:00 AM

MEETING TO BE HELD BY ZOOM CONFERENCE IN LIEU OF PHYSICAL LOCATION

zoom.us

Dial In: +1 (669) 900- 9128 US (San Jose)

Meeting ID: 943 2534 3188

Password: 491739

DISABILITY COMMITTEE MEMBERS <i>Richard Santos, Chair</i> <i>Andrew Lanza, Trustee</i>	ADVISORY PANEL <i>Russell Richeda, Counsel</i> <i>Susan Tierman, MD</i> <i>Kathryn Schaefer, Benefits Div Manager</i>
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ALTERNATES <i>Nick Muyo, Trustee</i> <i>Vincent Sunzeri, Trustee</i>	2nd ALTERNATES <i>Franco Vado, Trustee</i> <i>Howard Lee, Trustee</i>
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The Police & Fire Disability Committee met on Monday, November 9, 2020 by Zoom meeting. Trustee Santos called the meeting to order at 10:00 a.m.

Staff Present by Zoom: Roberto Peña, Barbara Hayman, Linda Alexander, Stacey Fischer, Michelle San Miguel and Marti Zarate.

Others Present by Zoom: Disability Counsel Russ Richeda, Dr. Susan Tierman, Attorney Thomas Boyle, Attorney Sam Swift, Ray Storms, Sandra Dennis, Ruben Benavides, Ray Van de Star, Roger Hurtado, Julie La Blanc, Andrew Gardanier, Franco Vado, Dr. David Smolins.

Present 2 - Richard Santos, and Andrew Lanza

1. OLD BUSINESS

The Committee recognized Trustee Nick Muyo whose term as the Police Retiree on the Board expires at the end of the month.

Dr. Tierman led the discussion on cumulative trauma. Counsel Richeda stressed the role of the Committee is to consider the medical evidence and literature as well as comments by the applicant and the attorney.

- a. Discussion and action on whether to increase the frequency of Committee meetings to process outstanding disability cases.

Item 1a was heard after Item 3b.

The Committee discussed whether to increase the frequency of Committee meetings to

process outstanding disability cases and agreed to meet more frequently if needed.

2. NEW BUSINESS

- a. Approval of the Minutes from the October 5, 2020 Police and Fire Disability Committee meeting.

A motion was made to approve the Minutes from the October 5, 2020 Police and Fire Disability Committee meeting.

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

3. Change of Status to Service Connected Disability

- a. **Ruben Benavides**, Fire Engineer, Fire Department, Request for a Change of Status to Service-Connected Disability Retirement, effective December 7, 2017; 25.48* years of service.

Stacey Fischer, Benefits Analyst, read the case information into the record. The applicant was present and not represented by an attorney. Dr. Tierman reported she recently received new information on this case. She reviewed Mr. Benavides' injuries and referenced Dr. Smolins report. She concluded she did not find enough evidence to determine a work related causation. Counsel Richeda agreed. Dr. David Smolins, treating physician, was present via Zoom. He spoke on his treatment of Mr. Benavides and opined MRI's don't always show changes or correlate with pain. He noted changes occurred while Mr. Benavides was working due to his injuries and he could not continue to work. Mr. Benavides spoke to his case reviewing his work history. Counsel Richeda changed his mind due to the treating physician witness' comments.

A motion was made to recommend approval to the Board for a Change of Status to a Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the November 5, 2020 Police and Fire Board agenda.

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

- b. **Raymond Van de Star**, Fire Captain, Fire Department, Request for a Change of Status to Service-Connected Disability Retirement, effective July 27, 2013; 25.02* years of service.

Ms. Fischer read the case information into the record. The applicant was present and was represented by attorney Sam Swift. Dr. Tierman reviewed her report and concluded she did not have enough information to find a work-related connection although there is impairment. Counsel Richeda reviewed the July 2013 injury and concluded it aggravated his condition. Mr. Van de Star thanked the Committee. Attorney Swift agreed with Counsel Richeda and referenced a November 2016 article on osteoarthritis and tactical athletes. Trustee Lanza made comments.

A motion was made to recommend approval to the Board for a Change of Status to a Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the November 5, 2020 Police and Fire Board agenda.

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

NEXT POLICE & FIRE BOARD MEETING: December 3, 2020

NEXT POLICE & FIRE DISABILITY COMM. MEETING: December 7, 2020

ADJOURNMENT

The meeting adjourned at 11:40 a.m.

Minutes Recorded, Prepared and Respectfully submitted by,

Roberto L. Peña, CEO, Office of Retirement Services