



# BOARD OF ADMINISTRATION

## Meeting Minutes - Final Police and Fire Disability Committee

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Monday, June 5, 2023

10:00 AM

1737 N. First St., STE 580, San Jose, CA

95112

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### HYBRID MEETING

#### PHYSICAL LOCATION:

1737 North First Street, Suite 580

San Jose, Ca 95112

#### ZOOM INFORMATION:

zoom.us

Dial In: +1 669-219-2599 US (San Jose)

Meeting ID: 919 7850 0857

Pass Code: 524990

#### **DISABILITY COMMITTEE MEMBERS    ADVISORY PANEL**

*Richard Santos, Chair*

*Russell Richeda, Counsel*

*Andrew Lanza, Trustee*

*Sandra Castellano, Benefits Div Manager*

#### **ALTERNATES**

*Franco Vado, Trustee*

*Eswar Menon, Trustee*

#### **2nd ALTERNATES**

*Dave Wilson, Trustee*

*Howard Lee, Trustee*

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**Present**   2 -   Richard Santos, and Drew Lanza

The Police and Fire Disability Committee met in person at 1737 N. First St., Suite 580 and via Zoom on Monday, June 5, 2023. The meeting was called to order at 10:00 a.m. by Chair Santos followed by roll call.

Committee members present: Richard Santos and Drew Lanza.

Retirement Staff Present: Roberto L. Peña, Barbara Hayman, Sandra Castellano, Stacey Fischer, Chris Ha, Michelle San Miguel, Mallory Vidal, and Sherrell Aledo.

Retirement Staff Present via Zoom: Shilpi Dwivedi, Amy Dickinson and Sierra Kenoly-Chavez.

Also Present: Russ Richeda, Disability Counsel; and Roger Hurtado, Fire Department.

Also Present via Zoom: Tom Boyle, Attorney; David Goldfinger, Applicant; Steve Papenfuhs, Applicant; Jeffrey Smith, Applicant; Lisa Perez, PD; Sandra Dennis, PD; and Sarah Steele, OER.

- **CALL TO ORDER AND ROLL CALL**

- **ORDERS OF THE DAY**

Chair Santos read the following ground rules into the record:

**A FEW GROUND RULES FOR THIS MEETING**

- We are holding this meeting as a hybrid meeting, and so those who are attending virtually, please mute yourself unless you are speaking and if you wish to speak, please raise your hand and staff will alert the Chair.

- 1. **CONSENT CALENDAR**

- a. Approval of the Minutes of the P & F Disability Committee meeting from May 8, 2023.

A motion was made to approve the Consent Calendar.

Approved. (M.S.C. Lanza/Santos 2-0-0) The motion passed unanimously by roll call vote.

- 2. **Application for a Change of Status to Service-Connected Disability Retirement**

- a. **David Goldfinger**, Police Officer, Police Department, Request for Change of Status to Service-Connected Disability Retirement effective January 31, 2017; 21.31\* years of service.

Stacey Fischer, Benefits Analyst, read the applicant's case information into the record. Mr. David Goldfinger, applicant, and his attorney Tom Boyle were present via Zoom. Russ Richeda, Disability Counsel, clarified for the Committee the specific body parts he focused on in his review of the records. Counsel Richeda also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Change in Status

to a Service-Connected Disability Retirement to the Board. Mr. Goldfinger thanked the Committee, ORS staff and his attorney for their time and hard work.

A motion was made to recommend approval of a Change in Status to a Service-Connected Disability Retirement to the Board. The case will go to the Consent Calendar of the August 3, 2023 Board Meeting.

Approved. (M.S.C. Lanza/Santos 2-0-0) The motion passed unanimously by roll call vote.

- b. **Steve Papenfuhs**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement effective January 23, 2010; 28.97\* years of service.

Stacey Fischer, Benefits Analyst, read the applicant's case information into the record. Mr. Steve Papenfuhs, applicant, was present via Zoom and spoke on his own behalf. Russ Richeda, Disability Counsel, clarified for the Committee the specific body parts he focused on in his review of the records. Counsel Richeda also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Change in Status to a Service-Connected Disability Retirement to the Board. Mr. Papenfuhs thanked the Committee for their time and consideration.

A motion was made to recommend approval of a Change in Status to a Service-Connected Disability Retirement to the Board. The case will go to the Consent Calendar of the August 3, 2023 Board Meeting.

Approved. (M.S.C. Lanza/Santos 2-0-0) The motion passed unanimously by roll call vote.

- c. **John R. Rohrbaugh**, Fire Engineer, Fire Department, Request for Change of Status to Service-Connected Disability Retirement effective September 12, 2015; 20.12\* years of service.

Stacey Fischer, Benefits Analyst, read the applicant's case information into the record. Mr. John R. Rohrbaugh, applicant, was not present. Russ Richeda, Disability Counsel, clarified for the Committee the specific body parts he focused on in his review of the records. Counsel Richeda also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Change in Status to a Service-Connected Disability Retirement to the Board.

A motion was made to recommend approval of a Change in Status to a Service-Connected Disability Retirement to the Board. The case will go to the Consent Calendar of the August 3, 2023 Board Meeting.

Approved. (M.S.C. Lanza/Santos 2-0-0) The motion passed unanimously by roll call vote.

- d. **Jeffrey Smith**, Police Captain, Police Department, Request for Change of Status to Service-Connected Disability Retirement effective June 25, 2011; 27.29\* years of service.

Stacey Fischer, Benefits Analyst, read the applicant's case information into the record. Mr. Jeffrey Smith, applicant, was present via Zoom and spoke on his own behalf. Russ Richeda, Disability Counsel, clarified for the Committee the specific body parts he focused on in his review of the records. Counsel Richeda also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Change in Status to a Service-Connected Disability Retirement to the Board. Mr. Smith thanked the Committee for their time and due diligence.

A motion was made to recommend approval of a Change in Status to a Service-Connected

Disability Retirement to the Board. The case will go to the Consent Calendar of the August 3, 2023 Board Meeting.

Approved. (M.S.C. Lanza/Santos 2-0-0) The motion passed unanimously by roll call vote.

- **PROPOSED AGENDA ITEMS**

None.

- **PUBLIC COMMENTS**

None.

- **ADJOURNMENT**

The meeting was adjourned at 10:32 a.m.

Minutes Recorded, Prepared and Respectfully submitted by,

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Roberto L. Peña, CEO, Office of Retirement Services