

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of July 24, 2014**

**MINUTES**

On July 24, 2014, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:10 a.m. in the Board's Conference Room.

Present: Paula Weiss  
William Rubin (participated via conference call)  
Brian Albert  
Patricia Fitzgerald  
Carol Stukes-Baylor  
Ronald Stagliano  
Andrew Thomas  
Veronica Pankey  
James Leonard

Also Attending: Francis Bielli - Board of Pensions  
Shamika Taliaferro - Board of Pensions  
Mark Murphy - Board of Pensions  
Sumit Handa, Christopher DiFusco - Investment Unit  
Ellen Berkowitz, Jo Rosenberger-Altman - Law Department  
Will Greene - Capital Loop  
M. Johnson - Cliffwater  
Daniel Stern - Cliffwater  
Pam McCue - Financial Investment News  
Tyler Schantz - Mayor's Intern

Ms. Weiss stated that the first order of business was the consideration of the Minutes of June 26, 2014.

Patricia Fitzgerald had one correction. **Al D'Attilio should be added to attendance of meeting on June 26, 2014, he was present at the meeting.** (Page 1)

Brian Albert made a motion to approve the Minutes of June 26, 2014. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

**CONSIDERATION OF (124) PENSION APPLICATIONS AND (75) WITHDRAWAL APPLICATIONS**

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

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

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

### **Case of John Butterly, Application for Service-Connected Disability Benefits – Plan “A”**

This is an application by John Butterly, former Firefighter, Fire Department, for Service-Connected Disability Benefits in Plan “A”.

According to Mr. Butterly, he sustained the injury when he was checking equipment and when he was trying to save fellow firefighters. He further stated that his disability is to both of his knees and the date of his injury is April 9, 2012.

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

**The motion to approve carried 5-3.**

### **Case of Nicholas Guirate, Application for Service-Connected Disability Benefits – Plan “A”**

This is an application by Nicholas Guirate, former Paramedic, Fire Department, for Service-Connected Disability Benefits in Plan “A”.

According to Mr. Guirate, he sustained the injury when he was restraining a violent patient and injured his lower back. His date of injury is March 22, 2008.

Andrew Thomas made a motion to approve. Veronica Pankey seconded the motion.

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

### **Case of Jose Ramos, Application for Service-Connected Disability Benefits – Plan “A”**

This is an application by Jose Ramos, former Firefighter, Fire Department, for Service-Connected Disability Benefits in Plan “A”.

According to Mr. Ramos, he sustained the injury when a wall collapsed and he was struck with debris. He injured left knee. His date of injury is July 7, 1996.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

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

**Case of Ethan Dang, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Ethan Dang, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Mr. Dang, he sustained the injuries when he was carrying a deceased body down the stairs and the body fell on him. The second injury occurred when he was lifting a deceased body and also lifting a prisoner onto a wheelchair. He injured his lower back, legs and feet. His dates of injury are June 11, 2009 and February 14, 2010.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

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

**Case of Melissa Green, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Melissa Green, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Ms. Green, she sustained the injury when she was conducting a perimeter check with her vehicle. She struck a deer with the front of the car. Her date of injury is December 14, 2009.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

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

**Case of Sean Lynn, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Sean Lynn, former Lieutenant, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Mr. Lynn, he sustained the injury while working when he was operating his segway and it malfunctioned, causing him to fall back onto the ground. He injured his right ankle. His date of injury is June 30, 2011.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

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

**Case of Raymond Tancredi, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Raymond Tancredi, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Mr. Tancredi, he sustained the injury when a wall collapsed and he was struck with debris. He injured his right ankle. His dates of injury are May 18, 2010 and June 29, 2004.

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

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

**Case of Roy Barksdale, Application for Service-Connected Disability Benefits – Plan “J”**

This is an *administrative application* for Roy Barksdale, former Correctional Lieutenant, Prisons Department, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Barksdale, he sustained the injury when he was attempting to control an inmate. He injured his neck. His dates of injury are June 6, 2010, October 20, 2007 and October 21, 2013.

Brian Albert made a motion to deny. Ronald Stagliano seconded the motion.

**The motion to deny carried 6-0-2.**

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

This is an application by Vernon Cheeks, former Emergency Repairman, Water Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Mr. Cheeks, he sustained the injury when he was taking some boxes off a shelf and lost his footing and the boxes fell on him. He injured his neck, back, left calf and leg. His date of injury is January 30, 2013.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 4-0-4.**

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

This is an application by Christopher Doctor, former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Mr. Doctor, he sustained the injury while working when he was stepping out of his truck and missed the last step. He injured his knee and lower back. His date of injury is November 12, 2011.

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

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

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

This is an application by George Naylor, former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Mr. Naylor, he sustained the injury when he was getting into the truck and slipped on oil. He injured both knees and his left wrist. His date of injury is October 22, 2011.

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

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

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

This is an application by Charles Ondrejka, former Deputy Chief of Staff, Sheriff Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Mr. Ondrejka, he sustained the injury when he was taking some boxes off a shelf and lost his footing and the boxes fell on him. He injured his neck, back, left calf and leg. His date of injury is January 3, 2012.

William Rubin made a motion to send to Hearing Panel. Ronald Stagliano seconded the motion.

**The motion to send directly to Hearing Panel carried 5-3.**

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

This is an application by Tiffany Stoutmire, former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Ms. Stoutmire, she sustained the injury while working when she was stuck by a car. She injured her entire left side. Her date of injury is July 5, 2012.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

**The motion to deny carried 4-0-4.**

**APPLICATION FOR ORDINARY DISABILITY BEYOND THE ONE-YEAR DEADLINE**

**Case of Michael Miller, Application for Service Connected Disability Benefits Beyond the One Year Deadline – Plan Y**

This is a request by Michael Miller, former Computer Operator for the First Judicial District, to make application for Service Connected Disability benefits beyond the one year deadline. Mr. Miller retired effective January 18, 2013. He made application for Service Connected Disability benefits on April 28, 2014. He is currently receiving Service Retirement benefits. A letter of Administrative denial dated June 23, 2014 was sent to Mr. Miller by Pension Counselor Stephen Martin, who cited section 22-309(a) of the Pension code, which refers to the 1-year time limit from date of separation for applying for Disability retirement benefits. Mr. Miller forwarded a letter to Executive Director Francis X. Bielli, received July 2, 2014, appealing his denial and requesting a hearing on his issue. Mr. Miller is 62 years of age and has 20 years, 5 months, 28 days of City service and is not currently receiving Worker’s Compensation benefits.

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

**The motion tied 4-4, the Chair voted to deny.**

**The motion to approve failed, and motion to deny carried 4-5**

**OLD BUSINESS**

**Case of Salvatore Malvestuto, Application for Service-Connected Disability Benefits – Plan “J”**

This case was **denied** at the January 23, 2014 Board Meeting. A Hearing Panel was held on April 23, 2014.

The Hearing Panel votes are as follows:

Mr. James Leonard:                 Recommend denial.  
  Failure to meet “solely due” standard.

Ms. Carol Stukes-Baylor:         Recommend approval.  
  The employee was rear ended by a limo while stopped at the traffic light. The impact from the accident caused the employees injury to this back.

Ms. Paula Weiss:                     Recommend denial.  
  Doesn’t meet solely due standard.

The history of the case is as follows:

This is an application by Salvatore Malvestuto, former Housing Rehab Inspection Supervisor II, Quasi Agency – Philadelphia Housing Development Corporation, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Malvestuto, he sustained the injury while working when a car ran into the back of his city vehicle. He further stated that his disability is to his lower back, right leg and right knee and the date of his injury is April 26, 2012.

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

**The motion to approve carried 5-3.**

## **NEW BUSINESS**

**Executive Director's Report** – Mr. Bielli updated the Board on the following subjects.

- Regulation 6 became effective July 16, 2014. There was no request for hearings nor were any appeals received.
- One Philly update: Mark Murphy discussed requirements gathering so that everything can then go to consultants; working well with Payroll, Human Resources and Pensions. All requirements looking to be done in the upcoming weeks.
- Park Rangers: A discussion ensued regarding process and status of including Park Rangers in City of Philadelphia Pension Plan.

**Litigation Summary** – Rosemary Walker discontinued her appeal at end of June 2014.

**Ronald Stagliano made a motion to adjourn. Brian Albert seconded the motion. The meeting adjourned at 9:36 a.m.**