

City of Miramar Firefighters' Retirement Plan

MINUTES OF MEETING

November 1, 2017

Chairman James Estep called the meeting to order at 9:09 A.M. in the Meeting Room of Fire Station 100 located at 2800 SW 184th Avenue, Miramar, FL. Those persons present were:

TRUSTEES PRESENT

James Estep, Chairman
Manuel Esparza, Secretary
Patricia Barry, Trustee
Susan Finn, Trustee

Noel Marti, Advisory Comm
Cliff Ricketts, Advisory Comm

TRUSTEES ABSENT

Ulises Carmona, Trustee
Leo Nunez, Advisory Comm
Jason Swaidan, Advisory Comm

OTHERS PRESENT

Denise McNeill; Resource Center; Admin
Bonni Jensen; Klausner, Kaufman, Jensen &
Levinson; Attorney
Kanika Stamp; City of Miramar
Barbara Calderbank; Member of the Plan
Peggy and Andy Murray; Relatives of Ms.
Calderbank

PUBLIC COMMENTARY

James Estep invited those present to address the Board with public comments. There were no comments at this time.

INFORMAL HEARING – CALDERBANK DISABILITY

Bonni Jensen addressed a request from Barbara Calderbank to amend the reason for her original disability application to a shoulder injury. Mrs. Jensen reviewed the details of the matter:

The original application was filed in May 2015 for a psychological disability.

The administrator attempted to obtain records.

Documentation was not acquired to substantiate the first application.

There had been much communication with Barbara Calderbank and a few with her Workers Compensation attorney.

The Board received a letter to amend the reason for the disability to a shoulder injury and some documentation had been provided related to her recent surgery.

Mrs. Jensen explained the issue before the Board is whether to allow Ms. Calderbank to amend her application to a shoulder injury. Ms. Jensen explained the language in the Plan allows a member to make an application; however she is not currently a member and the Ordinance requires an Independent Medical Exam (IME) for the Board which has not yet happened. James Estep clarified the reason for the meeting was not an informal hearing but to address the request to change the reason submitted on the original application. Lengthy discussion followed regarding the process and the original application. It was noted the application requires the member submit the proper documentation describing the disability; which did not exist initially.

Ms. Calderbank addressed the initial application and requirements explaining she had completed the application initially due to her injury and was not being released back to duty. She explained the psychologist is still not releasing the records to date. She explained she has had two surgeries since the accident and provided copies of a deposition.

Mrs. Jensen explained there are statutory rules that do protect privacy on psychiatric matters. Ms. Calderbank explained she was unable to provide the documentation validating the claim

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since the provider refused to release the information even after several attempts to acquire the documentation. Ms. Calderbank explained the provider had explained she had waived her rights to the information initially and the City owned the records. It was noted there was not enough supporting documentation provided to address the first application and has had surgeries on the shoulder since that time.

- Sue Finn made a motion to accept the letter amending the application to a shoulder injury. The motion died for lack of second.

It was noted this is a difficult situation for the Trustees as much could have taken place with the shoulder in the past 2 ½ years.

Ms. Calderbank explained Dr. Stock was the provider refusing to release her back to duty in 2015; however he has refused to release the records.

- Sue Finn made a motion to deny the request to amend the application to a shoulder injury. The motion received a second from Manny Esparza. The vote tied 2/2 and did not pass.

Discussion followed regarding the situation.

- Manny Esparza made a motion to grant and allow the amendment to the original application changing the reason to a shoulder injury. The motion received a second from Sue Finn and was approved by the Trustees 4-0.

Mrs. Jensen explained the Board will need to complete the records requests, have an IME, then the information will come back to the Board as the informal hearing process. If it is denied in the informal hearing, then it will become a formal process with witnesses, etc. Mrs. McNeill explained they will need information from Human Resources for the updated Work Comp records. Mrs. Jensen explained they will need to give the IME provider as much information as possible for them to review.

ADJOURNMENT

The Trustees acknowledged their next meeting was set for November 17, 2017.

- Sue Finn made a motion to adjourn the meeting at 9:41 AM. The motion received a second by Manny Esparza and was approved by the Trustees 4-0.

Respectfully submitted,



Manuel Esparza, Secretary