

City of Gulfport Municipal Police Officers' Trust Fund
Minutes: Special Meeting of June 9, 2021

1. Call To Order

Board Chair Jason Motte called a special meeting of the Board of Trustees for the Gulfport Municipal Officers' Police Trust Fund to order at 2:00 PM. Those persons present included:

TRUSTEES

Jason Motte, Chair
Biff Lagan
Larry Tosi
Michael Vandenberg

OTHERS

DaleEverhart, ResourceCenters
(Administrator)
Scott Christiansen, Christiansen & Dehner
(Attorney)
Commander Farrand, Gulfport Police
Michael Rossi, Plan Member

2. Michael Rossi Disability Hearing

Mr. Christiansen reviewed the entire disability procedure. This is the initial hearing of the Board. Mr. Christiansen stated the procedure begins with a filing of a disability application by the claimant, including a statement from a doctor. All relevant medical records are then requested. A medical authorization form authorizes release of medical information which becomes public after the public hearing. All records collected by plan counsel are then provided to the claimant, the plan administrator, and to a doctor who conducts an independent medical evaluation. The claimant attends the independent medical evaluation

At this initial hearing stage, the Board is to consider only the record collected by Plan counsel, and any records and statements made by the claimant at the hearing.

If the Board finds that all criteria for a disability have been established, a motion to grant the application should occur, with the effective date, the day of today's hearing. If the Board finds that 1 or more of the criteria are not met, then a motion to deny the application would occur, with the claimant having the right to request a full evidentiary hearing. The claimant could then get additional evidence to support the claim. Lastly, the Board could request additional documents, records, or explanation from doctor(s), with a continuance of the initial hearing to a future date.

The standard of proof to be used by the Board is a preponderance of evidence.

The Board attorney's job for purposes of the disability claim is to collect records and to advise on any legal issues.

Criteria necessary to qualify for a line of duty disability requires that a member must be totally and permanently disabled, such that the member is unable to render service as a police officer due to a medically determinable physical or mental impairment. Further, the disability must be directly caused by the performance of duty as a police officer, since Mr. Rossi is not eligible for a not-in-line of duty benefit.

Dr. Tolli, who independently examined the member and member's records, indicated that the member is totally disabled from doing his job, and that the disability is permanent. He further indicated that the cervical condition is 20% due to service with Gulfport, and that the lumbar condition is 80% due to service with Gulfport.

Mr. Rossi was afforded the opportunity to make a presentation to the Board and declined. He indicated he was willing to answer questions from the Board.

Questions and discussion ensued. The claimant stated that the injury occurred over a period of time and worsened once he was required to lift a training dummy by himself. The claimant stated that no report of injury was made to his supervisor. Board members discussed a non-work-related motor vehicle accident resulting in lower back pain. The timing of the motor vehicle accident and the requirement for sole lifting of the training dummy resulted in questions concerning the direct cause of the inability to perform police duties.

The Board recessed at 3:10pm.
The Board reconvened at 3:20pm.

Additional discussion occurred concerning the timing of the motor vehicle accident and the inability of the claimant to lift a training dummy. Michael Vandenberg and Jason Motte expressed concerns over the causation of the disability. Biff Lagan stated that he would be interested

in seeing any workers compensation documentation as well as any tort claim information. The claimant indicated that there was a settlement concerning workers compensation benefits with the City of Gulfport.

Michael Vandenberg made a motion to find that

- 1. Claimant is totally and permanently unable to perform the duties of a police officer to which he was assigned prior to his incapacity.**
- 2. Claimant's employment with the City as a police officer was terminated by the City, effective November 9, 2020, because of Claimant's inability to perform the duties of a police officer, and therefore, the Board is estopped from finding that Claimant is not totally disabled.**
- 3. The records, medical and otherwise, and opinions and representations presented to the Board of Trustees failed to establish by the greater weight of the evidence that Michael Rossi's total and permanent disability was directly caused by the performance of his duties as a police officer for the City of Gulfport,**

and for these reasons that Michael Rossi's application for an in-line of duty disability pension is denied. Jason Motte seconded the motion, approved by the Trustees 4-0.

Mr. Christiansen stated he would prepare an Order for signature, to include information detailing claimant's rights to a full hearing.

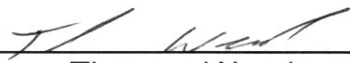
3. Scheduled Next Regular Meeting

Thursday, July 15, 2021, at 4:00PM

4. Adjournment

The meeting adjourned at 3:26PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Woodman', is positioned above a horizontal line.

Thomas Woodman, Secretary