

LAKE WORTH FIREFIGHTERS' PENSION TRUST FUND
MINUTES OF MEETING HELD
September 19, 2013

The meeting was called to order at 9:05 A.M. in the Conference Room at Station 93, Lake Worth, Florida. Those persons present were:

TRUSTEES

Jimmy Shook
Valerie Hurley
Pat Highland
Mark Lamb
Rich Seamon

OTHERS

Margie Adcock, Administrator
Adam Levinson, Attorney
Cathy Waldron, Disability Applicant

ADDITIONS AND DELETIONS

There were no additions or deletions to the Agenda.

Rich Seamon departed the meeting on an emergency call.

DISABILITY HEARING FOR CATHY WALDRON

Mr. Levinson provided a background of the matter before the Board. He stated that Ms. Waldron filed an Application for Disability Pension in April 2013. The Board was shown a similar helmet and SCBA apparatus that was required to be worn by Ms. Waldron while on the job. Mr. Levinson stated that the first report of Ms. Waldron's injury dated back to October 7, 1998. He stated that he needed to get medical records from various doctors, some dating back to the 1990's. He stated that he obtained as many records as he could that existed.

Mr. Levinson reviewed with the Board various documents that had been obtained related to this Disability Application. He referred the Board to one of the most important documents, which was the First Report of Injury of Illness. He reviewed that document along with the Application for Disability Retirement filed by Ms. Waldron. Mr. Levinson noted that Dr. Craig Lictblau treated Ms. Waldron for many years. He stated that Dr. Douglas MacLear was her current treating physician. He reviewed the Physician Report Form provided by Dr. MacLear that stated Ms. Waldron was totally and permanently disabled. Mr. Levinson stated that Ms. Waldron was recently sent to the Board's independent doctor for an examination and evaluation. He reviewed the Independent Medical Examination Report provided by Dr. Wexler. He stated that Dr. Wexler has stated that Ms. Waldron is totally and permanently disabled. Mr. Levinson reviewed the Reasonable Accommodation Form to the Employer and the Employer's Statement of Disability. He stated that the Employer has responded that Ms. Waldron's alleged disability prevents her performance of many of her current duties.

Mr. Levinson reviewed the disability requirements set out in the Ordinance at Section 16-79. He stated that Ms. Waldron's treating doctor, Dr. MacLear, and the Board's doctor, Dr. Wexler, both agree that Ms. Waldron has met the three requirements necessary to obtain a disability retirement from the Fund. He noted that the County had an opportunity to weigh in on this matter and the County has advised that they are not offering Ms. Waldron any more accommodations.

Mr. Levinson stated that, based on the records before the Board, there is no dispute that Ms. Waldron incurred an injury in 1998. There was lengthy discussion on the reason for such a delay in filing for a disability. Ms. Waldron stated she could no longer physically do the job. She stated that she has done every medical procedure and taken every prescription the workers' compensation doctors have advised. She stated that the continuous wearing of the helmet and SCBA apparatus have made things progress. The doctor originally said that her injury would never go away, but that they could try to manage her pain. She said now the pain overrides her ability to work. Mr. Levinson noted that Participants are encouraged to work as long as they can, so he was not concerned with the delay in her filing a disability application. He stated that the Board could not force surgery on anyone. He noted that Ms. Waldron has already undergone some fairly invasive procedures. There was a lengthy discussion. It was noted that there were no conflicting doctor reports. A motion was made, seconded and carried 4-0 to grant the Service Connected Disability Application filed by Cathy Waldron.

It was noted that Ms. Waldron was still employed with the County. Once she terminates employment with the County her disability pension payment will begin. There was discussion on the conversion of the disability benefit upon the attainment of normal retirement age. Mr. Levinson stated that the Board has proposed an Ordinance change to the City concerning that, but as of right now, there is a disability conversion requirement.

Rich Seamon re-entered the meeting.

There was further discussion on the conversion issue. Mr. Levinson stated that the issues being raised might be moot if the Ordinance is changed. He stated that he would contact the City Attorney to try to get the proposed Ordinances that are currently pending with the City passed.

OTHER BUSINESS

There being no further business, the Trustees adjourned the meeting.

Respectfully submitted,

Mark Lamb, Secretary