

*WEST PALM BEACH FIREFIGHTERS' PENSION FUND*  
**MINUTES OF SPECIAL MEETING HELD**  
**JUNE 3, 2021**

1. Dave Merrell called an electronic meeting of the Board to order at 4:06 PM. Mr. Baur called roll for the Board. Those persons present included:

**TRUSTEES**

Dave Merrell, Chair  
Brian Walker, Secretary  
Elizabeth Fugler  
Mark Parks

**OTHERS**

Scott Baur, Administrator (Resource Centers)  
Bonni Jensen, Attorney (Klausner Kaufman Jensen & Levinson)  
Jeff Barndt, Disability Applicant  
Jeff Stefaniak, Member  
Tom Wesolek, Member

2. **DISABILITY HEARING: JEFF BARNDT**

Ms. Jensen provided instructions to the Board. She stated that member Jeff Barndt applied for a duty disability benefit. To grant such a benefit, the Board must find that a member disabled physically or mentally has a total disability, the disability is permanent, and the disability resulted from the performance of his or her duties as a firefighter or paramedic in the City of West Palm Beach. Mr. Barndt has more than 5 years of service. The Trustees must review the records to find if sufficient evidence exists to grant the disability benefit, determine if more information is needed, or to deny the benefit.

Mr. Barndt addressed the Board. His career includes 20 years in total as a firefighter paramedic. Following a 2016 accident, he reported that endured a hostile work environment. The Board considered the circumstances at length, including actions taken by Mr. Barndt to address his own circumstances. The Trustees reviewed the diagnosis that Mr. Barndt received for PTSD and the time frames when Mr. Barndt received or discontinued counseling for the condition. Mr. Barndt also has a grievance pending with the City of West Palm Beach for wrongful termination, although Mr. Barndt explained that he was not seeking to return to work but rather looking for options through the grievance to receive continued treatment for his condition. The Trustees examined the gradual deterioration of his work in the Department and his personal circumstances in detail.

Mr. Barndt appeared to initially show some improvement with some treatments, including EMDR; however, he discontinued those treatments after losing his medical insurance following his termination. While the comments provided by Mr. Barndt offer some context for the medical documentation gathered by the Board, Ms. Jensen advised that the Board must rely solely on the evidence to make the determination that Mr. Barndt is totally and permanently disabled. The Board authorized Independent Medical Exam (IME) did not find a link between the service by Jeff Barndt and the PTSD diagnosis, but rather identified other psychological issues. Member Tom Wesolek spoke at length on behalf of Mr. Barndt, addressing the circumstances, work environment, and nuances of PTSD situations. The Department adjusted the assignments for Mr. Barndt as his work performance deteriorated. The Board then considered the specific circumstances leading to his termination, since Mr. Barndt reported that the Department treated him in a manner inconsistent from other employees in the Department.

Chair Dave Merrell called the matter to a vote. Bonni Jensen again advised the Trustees that the Board can approve the benefit, deny the disability pension, or seek further information. The member has the burden of proof to establish that he or she is disabled. The Board IME failed to establish a link between the psychological issues experienced by Mr. Barndt and the performance of his duties as a firefighter in the City of West Palm Beach. The Board further considered the possibility that Mr. Barndt might improve with additional treatment.

- ***Brian Walker made a motion to deny Mr. Barndt a duty disability pension benefit based on the lack of diagnosis. The motion received a second from Mark Parks, passed by the Trustees 4-0.***

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The Trustees made additional findings in this determination.

- *Mark Parks made a motion finding that Mr. Barndt is not fully prevented from rendering useful and efficient service as a firefighter. The motion received a second from Elizabeth Fugler, passed by the Trustees 4-0.*
- *Brian Walker made a motion finding that the evidence does not support that Mr. Barndt is likely to remain permanently and continuously disabled. The motion received a second from Elizabeth Fugler, passed by the Trustees 4-0.*
- *Brian Walker made a motion to find that the injury sustained by Mr. Barndt is not job related because the records do not support the connection. The motion received a second from Elizabeth Fugler, passed by the Trustees 4-0.*

Ms. Jensen will prepare an order denying the disability. Mr. Barndt will have 20 days to appeal the decision in a formal hearing following receipt of the signed order. In a formal hearing situation, the Board will retain special counsel as well.

3. OTHER BUSINESS

The Board had no other business for discussion at the Special Meeting.

4. ADDITIONAL REPORTS

The Board had no further reports for the Special Meeting.

5. PUBLIC COMMENTS

No members of the public had any comment.

6. ADJOURNMENT

The Chair adjourned the Special Meeting at 5:15 PM.

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Brian Walker, Secretary