

**CITY OF PALMETTO
POLICE OFFICERS' PENSION
BOARD OF TRUSTEES
February 25, 2019 1:30 P.M.**

BOARD MEMBERS PRESENT:

Ryan LaRowe, Chair
Mike Fuller, Secretary
Jim Freeman
Richard Wilson

STAFF AND OTHERS PRESENT:

Scott Christiansen, Board Attorney
Misti Howey, Attorney for Disability Claimant
Chad Oyler, Disability Claimant
Amber LaRowe, Assistant City Clerk

Chair LaRowe called the meeting to order at 1:31 p.m.

Attorney Christiansen discussed the procedures for the disability hearing, the application, the records gathered from medical professionals, and the independent medical examination performed by a doctor for the Plan.

Mr. Christiansen informed the Board that this is the initial hearing and is meant to look at the records received in the case to find one of the following:

- Determine if all criteria has been established by the records provided then the Board will make a decision to grant the disability
 - If grant in-line of duty, then the process is over and Mr. Oyler's retirement date will be today's date
- If one or more criteria has not been established by the records then the Board can make a decision to deny the disability
 - If deny disability or determine not in-line of duty, Mr. Oyler can request a formal evidentiary hearing
 - If deny at the formal evidentiary hearing, Mr. Oyler can request a judicial review in an appellant court
- If the Board finds that something was not clear in the records, then today's hearing can be recessed to a future date to allow time to obtain additional information

Attorney Christiansen described his role in the disability application process. He informed the Board on the process of collecting records and will advise the Board on any legal issues as the Board applies evidence to the criteria as outlined in the Plan. The burden of proof rests on the claimant and the standard of proof is not beyond a reasonable doubt.

Section 22-178 of the City Code of Ordinances [Police Pension Plan Section] states that if a member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the Board within thirty days from the date of termination. Attorney Christiansen informed the Board that the City did terminate Mr. Oyler due to medical issues; therefore, the Board has to determine that he is totally disabled because the City terminated him due to not being able to perform his duties as a police officer.

Section 22-178 discusses presumption which is "any condition or impairment of health of a member of a member caused by hypertension or heart disease shall be presumed to have suffered in-line of duty unless the contrary is shown by competent evidence, provided that such member shall have successfully passed a physical

examination upon entering into such service, including cardiogram, which examination failed to reveal any evidence of such condition; and provided further, that such presumption shall not apply to benefits payable or granted in a policy of life insurance or disability insurance.” Attorney Christiansen noted that Mr. Oyler’s new hire physical exam did not reveal any evidence of any health conditions.

Attorney Christiansen reviewed the records of the case. He cited the doctors who had provided medical records for Mr. Oyler. Dr. Henkel was the independent medical examiner (IME) and indicated, in his opinion, that Mr. Oyler has reached maximum medical improvement. He further stated that “the patient’s stroke did not occur as a direct result of his duties as a police officer. However, the most likely cause of the patient’s ischemic stroke would have been a cardio embolic event, likely caused by a paroxysmal cardio arrhythmia. Given these factors, this stroke would meet the criteria for presumption of causation as stipulated in Section 185.34 Florida Statutes.”

Misti Howey, Attorney for claimant, provided background information. She discussed the criteria for the “heart and lung act” [Florida State Statute 112.18]. She touched on the four basic elements that have to be met:

1. Meet the definition of a protected class; Mr. Oyler was a detective for the Palmetto Police Department
2. Have to have a protected condition; Mr. Oyler was diagnosed with hypertension in October 2017
3. Have to have passed a pre-employment physical; Mr. Oyler passed his exam in 2002
4. Have to be disabled, totally or partially; doctors have determined him to have reached maximum medical improvement, and, like Attorney Christiansen stated, the City terminated his employment for medical reasons, therefore, he his totally disabled

In regards to Worker’s Compensation claim, Ms. Howey informed the Board that Mr. Oyler is currently in litigation regarding his denied claim.

Mr. Freeman questioned if a stroke is a “covered condition”? Attorney Christiansen stated a stroke in and of itself is not; however, did the hypertension cause the stroke or some other cardiac event; the IME stated it was most likely caused by a cardiac event.

Discussion ensued amongst the Board members regarding the disability claim and information as provided.

Motion: Mr. LaRowe moved, Mr. Fuller seconded, and the motion carried 4-0 to approve the disability and accept that the criteria has been met for in-line of duty related injury for Mr. Chad Oyler.

Attorney Christiansen informed Mr. Oyler that the calculation for his benefits will begin as of today’s date. Mr. Oyler will be contacted by the City this week to be explained the process and fill out the appropriate paperwork.

Chair LaRowe adjourned the meeting at 2:26 p.m.

MINUTES APPROVED: August 26, 2019

Mike Fuller

MIKE FULLER, SECRETARY