

CITY OF PORT ORANGE
POLICE OFFICERS' PENSION BOARD
June 6, 2022

The Port Orange Police Officers' Pension Board of Trustees met in special session on Monday, June 6, 2022 in the Police Department Training Room, 4545 Clyde Morris Boulevard, Port Orange, Florida.

MEMBERS PRESENT: Chairman Warren Carman (fifth member)
Secretary William Proctor (police member)
Brian Cobb (resident member)
Drew Bastian (resident member)
Andrew McKay (police member)

CONSULTANTS: Ken Harrison, Attorney (*Sugarman Susskind et al*)
Madison Levine, Attorney (*Sugarman Susskind et al*)*
Chad Little, Actuary (*Freiman Little Actuaries*)*
Karan Rounsavall, Plan Administrator

Chairman Carman called the meeting to order at 9:00 a.m. A quorum was in attendance. Attorney Levine and Actuary Little attended the meeting via video conferencing. (Zoom hosted by City of Port Orange)

The purpose of the meeting was to conduct a hearing on the application for a line-of-duty disability retirement submitted by Blake Sydeski and to render a determination as to eligibility for disability benefits. Officer Sydeski was in attendance along with Attorney Paul Kelly (his legal counsel for the disability).

Attorney Harrison reviewed the disability procedure and the role of pension board trustees. Trustees were fiduciaries and instructed to act in the best interest of the plan and its participants. Section 54-128 of the plan document, along with *Florida Statutes*, addressed disability benefits and the Board's responsibility in making such a determination.

Attorney Harrison advised that Officer Sydeski submitted to an independent medical exam (IME) as required by *Florida Statutes* and the plan document on April 14, 2022. The IME was conducted by Amy Clunn of SIMED Health in Ocala, Florida. Board members were in receipt of Dr. Clunn's evaluation and conclusion that Officer Sydeski's injuries were job related. The Board was in further receipt of Officer Sydeski's application for service-related disability retirement, police officer job description, and all medical records for the claimant related to injuries incurred in the line of duty.

The disability applicant had the burden of proof to provide through substantial evidence their inability to provide useful and efficient service as a police officer. In making this determination, the pension board considered five questions.

1. Did Officer Sydeski suffer an illness or injury?
2. If Officer Sydeski suffered an illness or injury, was it suffered in the line of duty (i.e., directly caused by the performance of his duties as a police officer for the City of Port Orange)?

3. Did the illness or injury cause Officer Sydeski any disability?
4. If Officer Sydeski suffered from a disability, was that disability permanent or was there a reasonable likelihood that the condition could be improved through treatment? Had Officer Sydeski reached maximum medical improvement (MMI)?
5. Was Officer Sydeski totally and permanently disabled from performing the duties of a police officer?

Attorney Paul Kelly addressed these questions on behalf of his client. Officer Sydeski suffered from post concussive syndrome, post traumatic headache (and related neurological complications) which was the result of an on-the job injury that occurred on December 10, 2019. Mr. Kelly went on to relate his history of medical treatments, numerous physician visits, numerous specialist evaluations, etc. Officer Sydeski had worked in a light-duty status since the injury.

Several treating physicians (including the IME physician) determined that Officer Sydeski's disabling condition was permanent and that he could not effectively perform the duties of a police officer. While Dr. Clunn answered all the above questions in the affirmative, she did not feel that her patient had reached maximum medical improvement (MMI) and recommended ongoing treatment with a neuropsychologist. However, Dr. Clunn concluded that it was very unlikely that Officer Sydeski could ever return to work as a police officer. Based on the evidence presented, Attorney Kelly requested that the pension board approve a service-related disability for his client.

Member McKay moved to approve a service-related disability retirement for Officer Blake Sydeski as of June 6, 2022 based on the evidence presented. Member Bastian seconded the motion and it carried unanimously.

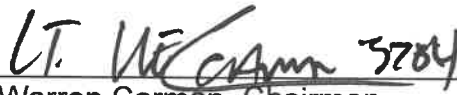
Attorney Harrison explained how a service-connected disability benefit was calculated. The plan document provided that *"the monthly service-connected disability benefit shall be the participant's accrued retirement benefit or 51 percent of the participant's average monthly compensation at the time of disability, whichever is greater..."*

Actuary Little noted that Officer Sydeski had been on light duty since December 10, 2019 and received regular pay during that time. *Accordingly, the disability benefit described above would be based on his trailing 12 months of salary (i.e., from June 6, 2021 through June 6, 2022).*

Plan Administrator Rounsavall reminded trustees to delete Officer Sydeski's medical records from their computers. A permanent copy of same was maintained by the pension plan.

PUBLIC COMMENT - None

The meeting adjourned at 9:34 a.m.


Warren Carman, Chairman


Karan Rounsavall, Plan Administrator