

CITY OF PORT ORANGE
FIRE AND RESCUE PENSION BOARD OF TRUSTEES SPECIAL MEETING
MINUTES
Monday, August 15, 2022, 4:00 PM

Members Present: Jim Reardon, Chairman
Joe Meeske, Secretary
William Crider
Chris Taylor
Plan Administrator: Julie Enright
Plan Attorney: Pedro Herrera, Via Conference Call
City Staff: Chief Joe Wulfing, Scott Russell

CALL TO ORDER/DETERMINATION OF A QUORUM

The meeting was called to order at 4:00 PM. There was a quorum with four members present.

DISABILITY HEARING FOR SCOTT RUSSELL

Purpose of the meeting is to conduct an informal hearing on the disability retirement (Line of Duty) request for Scott Russell and to render a determination as to eligibility for disability benefits.

Attorney Herrera reviewed the Disability process with the Board. For purposes of this meeting the Board decides the following:

1. Grant Line of Duty
2. Deny
3. Table – the Board needs more time, need questions answered, etc.

The Member (Applicant) is required to provide the burden of proof as follows:

1. Did the applicant suffer an illness, mental impairment or injury. *Yes*
2. If the applicant suffered an illness, mental impairment or injury, was it in the line of duty or could it have another cause. *Yes, in the line of duty*
3. Does the illness, mental impairment or injury cause a disability. If so, what is the nature of the disability.

F.S. 119.071(4)(b)1

4. Is the applicant suffering from a disability, is the disability permanent. *MMI – Yes, it is permanent. Mr. Russell can no longer lift overhead.*
5. Is the applicant totally and permanently disabled to the extent that he is unable by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Firefighter. *Yes, Mr. Russell cannot provide useful and efficient service as a Firefighter as he cannot lift overhead.*

Mr. Herrera reviewed the records of Dr. Cloon, Independent Medical Examiner and provided the report to the Board. Dr. Cloon's response was yes.

Member Meeske moved to grant Member Scott Russell line of duty disability; motion was seconded by Member Taylor and passed unanimously.

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Mr. Russell was advised he must keep the Board informed on his condition, and he has a continuing obligation to have a treating physician. Also, if there is a Worker's Compensation settlement then the Pension Fund can modify the amount based on the award received.

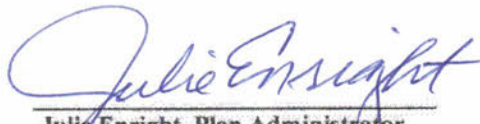
REQUESTS FROM THE PUBLIC/EMPLOYEES PRESENT

Mr. Russell asked about the attorney for Worker's Compensation.

ADJOURNMENT – There was no further business; meeting adjourned at 4:30 PM.

Respectfully Submitted:

Approved:


Julie Enright, Plan Administrator


Jim Reardon, Chairman