

CITY OF PORT ORANGE
FIRE AND RESCUE PENSION BOARD OF TRUSTEES SPECIAL MEETING
MINUTES
Thursday, September 14, 2023, 4:30 PM

Members Present: Jim Reardon, Chairman
Joe Meeske, Secretary
Chris Taylor
Plan Administrator: Julie Enright
Plan Attorney: Pedro Herrera, Via Conference Call

CALL TO ORDER/DETERMINATION OF A QUORUM

The meeting was called to order at 4:30 PM. There was a quorum with three members present.

DISABILITY HEARING FOR THOMAS DuBRULE

Purpose of the meeting is to conduct an informal hearing on the disability retirement (Line of Duty) request for Thomas DuBrule 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. *Hypertension*
4. Is the applicant suffering from a disability, is the disability permanent. *Yes*
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. DuBrule advised the Board of his battling high blood pressure since 2015 and is unable to perform duties.

Board discussed the presumption of service connected with Health and Lung Bill in the State Statute. It was noted hypertension presumed to be in the line of duty.

Attorney Herrera reviewed the records and noted that workers compensation denied the claim. The record indicated buildup of cholesterol deposits. Attorney also noted that the pre-employment physical indicated high cholesterol with borderline for blockage. This would be rebuttal to presumption. Member stated that he was not being treated for hypertension at hire. Discussion ensued and it was noted that no diagnosis of hypertension was indicated on pre-employment physical. Consensus that the Board could not provide 51% burden of proof that the presumption was not caused by the job. IME noted that he is unable to perform duties of a Firefighter.

CITY OF PORT ORANGE
FIRE AND RESCUE PENSION BOARD OF TRUSTEES SPECIAL MEETING
MINUTES
Thursday, September 14, 2023, 4:30 PM

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

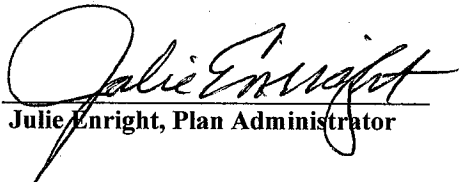
Mr. DuBrule was advised he must keep the Board informed on his condition, and he has a continuing obligation to have a treating physician. Also, if there is a Worker's Compensation settlement, he must make the Board aware of the settlement and the Pension Fund can modify the amount based on the award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

REQUESTS FROM THE PUBLIC/EMPLOYEES PRESENT

ADJOURNMENT – There was no further business; meeting adjourned at 5:12 PM.

Respectfully Submitted:

Approved:



Julie Enright, Plan Administrator



Jim Reardon, Chairman