

**Minutes of SPECIAL Meeting of the
General Employees' Retirement Systems,
held Monday, November 18, 2013, at 9:00 A.M.,
in the Board Room, 2nd Floor, 11 North 3rd Street,
Jacksonville Beach, Florida.**



Call to Order

The meeting was called to order by Chairman Brandon Maresma.

Roll Call as follows:

General Employees' Pension Board:

Nick Currie
Randy Greene - *Absent*
Steve Hartkemeyer
Christine Hoffman
Brandon Maresma

Also present was Pension Administrator Ann Meuse, City Clerk Judy Bullock and Pension Attorney Robert Sugarman (via teleconference).

Ms. Bullock introduced the Board Members to Mr. Sugarman, noting there were four of the five in attendance.

Application for Non-Duty Disability Retirement, Joseph A. Callander

Mr. Sugarman explained that Mr. Callander had made application for Early Retirement and Non-Duty Disability the day after his employment with the City ended.

Mr. Sugarman asked Mr. Callander if he had legal representation, to which he responded that he did not. Mr. Sugarman also advised Mr. Callander, since only four of the five pension trustees were in attendance that he would need three affirmative votes to approve his application. Mr. Sugarman asked Mr. Callander if he would like to defer the hearing to a time when all five trustees were in attendance or if he wished to continue with the hearing on this date.

Mr. Callander stated that he would like to proceed with the hearing today.

Mr. Sugarman explained that Mr. Callander had a lawsuit against another entity due to injuries received in an auto accident. He asked Mr. Callander if that suit had been settled. Mr. Callander replied that it was settled and he had received a settlement of \$600,000.

Mr. Sugarman advised, due to a subrogation provision, Mr. Callander's disability pension would be reduced by the lawsuit settlement. He stated Mr. Callander was currently receiving an early retirement pension benefit of \$2,491.10 per month and if his application for disability benefits were approved, he

Minutes of Special General Pension Meeting,
held Monday, November 18, 2013

would receive \$3,558.71 per month. However, due to the subrogation provision, Mr. Callander would not be eligible to receive that benefit for approximately 14 years.

Mr. Sugarman reviewed the following five questions that are before the Board:

1. Has the applicant suffered an illness or injury? If so, please identify the illness or injury.
2. If the applicant has suffered an illness or injury, does it appear that the illness or injury was suffered in the line of duty (directly caused by the performance of his duties for the City) or are there indications that the illness or injury could have another cause?
3. Does the illness or injury cause the applicant any disability? If so, what is the nature and extent of the disability?
4. If the applicant is suffering from a disability, is that disability permanent or is there a reasonable likelihood that the applicant's condition can be improved through treatment? Has the applicant reached MMI [Maximum Medical Improvement]? If the applicant has not reached MMI, where there is a possibility that treatment, therapy, or surgery could improve the applicant's condition?

Mr. Callander advised that he was injured in an auto accident not associated with his employment and suffered a damaged nerve in the spinal column. He added that he has difficulty using a computer mouse, is unable to lift items that are 20 pounds or more, and has pain and numbness in his arms, legs, and hands.

Mr. Callander added that he was approved for social security disability after his first application.

Mr. Sugarman noted that the IME [Independent Medical Evaluation] performed at the request of the Pension Board indicated that Mr. Callander is not totally and permanently disabled from performing his job duties.

Mr. Callander advised that he was seen by a neurosurgeon at Shands Hospital and he is taking the maximum amount of pain relievers for his medical condition.

Discussion ensued among the Trustees regarding the conflicting medical opinions and suggested that Mr. Callander be sent for a second opinion to be paid for by the Pension System.

Mr. Sugarman advised that they could schedule an appointment with a neurologist and specifically ask if Mr. Callander's medications are at proper levels or if an adjustment in the medications is needed.

Motion: It was moved by Mr. Hartkemeyer, seconded by Ms. Hoffman, to table the application until Mr. Callander is seen by another physician at the Pension System's expense.

Minutes of Special General Pension Meeting,
held Monday, November 18, 2013

Roll call vote: Ayes – Currie, Hartkemeyer, Hoffman, and Maresma; motion carried unanimously.
Mr. Sugarman recommended that Mr. Callander consult his attorney regarding the subrogation provision and have his attorney contact Mr. Sugarman’s office.

Mr. Maresma requested that Mr. Callander provide Trustees with a copy of his lawsuit settlement agreement.

Adjournment

There being no further business coming before the Board, Mr. Maresma adjourned the meeting at 10:28 A.M.

Submitted by: Judy L. Bullock
City Clerk

Approval:

Date: February 11, 2014