

DEPARTMENT OF CITY CLERK

CITY HALL

MARCH 26, 2003

The Retirement Board Medical Sub-Committee meets this day at 9:30 o'clock A.M., in The Conference Room, Third Floor, City Hall.

PRESENT: Vice-Chairwoman Betty J. Jackson and Dr. Melvin Hershkowitz
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Also present are Edward J. Lynch, Jr., Pension Administrator; Kenneth Chiavarini, Assistant City Solicitor, Law Department; Brian Jackvony, Member, Retirement Board; Dr. Guy Geffroy, Medical Advisor; Claire E. Bestwick, First Deputy City Clerk and Lori L. Hagen, Assistant Clerk.

Accidental Disability Retirements

- a. **Keith Grant – Accidental Disability**
- b. **Barbara LaPlante – Accidental Disability**
- c. **Michael Herchen – Accidental Disability**
- d. **Hope Varone – Accidental Disability**

VICE-CHAIRWOMAN JACKSON: The disabilities under Rhode Island General Law 42-46-4 and Rhode Island General Law 42-46-5, discussing the physical and mental health of a person. We have four applicants for disability retirement, and they're on the agenda. Based on the knowledge that we have received that all of the reports are not complete, I would like to ask that all of these, a, b, c and d be continued until our next regular scheduled meeting.

DR. HERSHKOWITZ: Can I ask a question? Are we required to discuss each individual person and give a reason or can we simply continue all of them as a group?

ASSISTANT CITY SOLICITOR CHIAVARINI: I think we should individually –

VICE-CHAIRWOMAN JACKSON: Do individually.

ASSISTANT CITY SOLICITOR CHIAVARINI: -- address each applicant --

VICE-CHAIRWOMAN JACKSON: Okay.

ASSISTANT CITY SOLICITOR CHIAVARINI: -- and then make a motion to the -- how we normally -- follow our normal procedures as far as continuing each applicant, on the basis -- if in fact they're lacking medical evidence in order for this Committee --

DR. HERSHKOWITZ: All right.

ASSISTANT CITY SOLICITOR CHIAVARINI: -- to proceed.

VICE-CHAIRWOMAN JACKSON: Okay, I would like to reverse what I just said and go with applicant number a., Keith Grant, application for accidental disability pension, and would like to continue Mr. Grant's application until our next scheduled meeting.

DR. HERSHKOWITZ: Should I -- may I comment on that?

MS. HAGEN: If you're going to talk about medical reports, you're going to have to go into Executive Session.

DR. HERSHKOWITZ: Oh.

MS. HAGEN: If this is just a broad --

DR. HERSHKOWITZ: Oh, I see. I was going to comment on why it's continued. Am I allowed to do that?

ASSISTANT CITY SOLICITOR CHIAVARINI: Doctor, I think if we're going to speak in general terms, maybe a missing medical report --

DR. HERSHKOWITZ: Yeah.

ASSISTANT CITY SOLICITOR CHIAVARINI: -- something like that.

DR. HERSHKOWITZ: That's right.

ASSISTANT CITY SOLICITOR CHIAVARINI: But I think anything substantive, relative to Mr. Grant or any of the applicant's conditions, I think we'd have to go into Executive Session

DR. HERSHKOWITZ: We are waiting for additional examinations for him.

Is that all right?

ASSISTANT CITY SOLICITOR CHIAVARINI: Yeah, that's absolutely okay.

DR. HERSHKOWITZ: I can say that, okay, without going into the details. Fine. Thanks.

VICE-CHAIRWOMAN JACKSON: Okay, applicant b., Barbara LaPlante, I would like to request that her application for accidental disability pension be continued based upon lack of medical evidence.

DR. HERSHKOWITZ: Agree, we're waiting for reports.

VICE-CHAIRWOMAN JACKSON: Applicant c., Michael Herchen, application for accidental disability, I would like to continue this based upon lack of medical evidence to our next scheduled meeting.

DR. HERSHKOWITZ: I agree. We're waiting for more reports on Mr. Herchen.

VICE-CHAIRWOMAN JACKSON: And applicant d., Hope Varone, application for accidental disability retirement, we'd like to continue until our next scheduled meeting based on lack of medical evidence.

DR. GEFFROY: Just a point of information, I just need to know what is missing because I received three reports, the three consultants reports last month, prior to last month's scheduled meeting. And because I was to be away, I don't know what happened then but I did have those. They were received.

VICE-CHAIRWOMAN JACKSON: You have them, we didn't. Did you receive them?

DR. HERSHKOWITZ: Um, I had a note, Betty, that the reports were delayed but finally did come in.

VICE-CHAIRWOMAN JACKSON: Yes.

DR. HERSHKOWITZ: And it isn't clear to me why --

VICE-CHAIRWOMAN JACKSON: We've never received them.

DR. HERSHKOWITZ: -- we deferred Hope Varone. I thought that we -- her attorney wanted to appear and -- and asked for a delay until he could come or until she could appear. But I -- we do have three reports on her I think.

VICE-CHAIRWOMAN JACKSON: So, you --

DR. HERSHKOWITZ: But I'm quite willing to --

VICE-CHAIRWOMAN JACKSON: -- continue then.

DR. HERSHKOWITZ: Or continue.

VICE-CHAIRWOMAN JACKSON: We have the medical evidence but her attorney wished to speak to the Board?

DR. HERSHKOWITZ: I'm not certain about that. There was some reason why we didn't proceed with her last month, and I believe it was either that her attorney wanted a delay or she herself wanted to appear. We'll -- we can give her every opportunity.

VICE-CHAIRWOMAN JACKSON: Okay. We'd like to continue based upon Miss Varone --

ASSISTANT CITY SOLICITOR CHIAVARINI: Doctor -- I'm sorry, Chairwoman Jackson.

VICE-CHAIRWOMAN JACKSON: Yes.

ASSISTANT CITY SOLICITOR CHIAVARINI: If I may, following the meeting I will confer with Mr. Lynch --

VICE-CHAIRWOMAN JACKSON: Yes.

ASSISTANT CITY SOLICITOR CHIAVARINI: -- to see if in fact it is a situation where her attorney would like to be present, and out of an abundance of caution will give him or her the opportunity to appear. And if not then we will proceed next month after Mr. Lynch notifies Miss Varone or her attorney.

VICE-CHAIRWOMAN JACKSON: Okay, I would like to continue Miss Varone's application for accidental disability retirement pension until our next

March 26, 2003

scheduled meeting on the request that her attorney appears or she gives proper notice as of what to do. Fine. That's it. Is there any other information? Dr. Geffroy?

DR. GEFFROY: No.

VICE-CHAIRWOMAN JACKSON: No?

DR. GEFFROY: All set.

VICE-CHAIRWOMAN JACKSON: Based upon this fact, I would like to request that all minutes of this meeting be sealed.

ASSISTANT CITY SOLICITOR CHIAVARINI: We're not in –

VICE-CHAIRWOMAN JACKSON: We're not in Executive Session. Okay, I would like to obtain a motion to adjourn.

ADJOURNMENT: On motion of Dr. Hershkowitz, Seconded by Vice-Chairwoman Jackson, it is voted to adjourn the meeting at 9:55 o'clock A.M.



First Deputy City Clerk



Assistant Clerk

