

AGENDA

A REGULAR MEETING OF THE BOARD OF RETIREMENT
LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION
300 N. LAKE AVENUE, SUITE 810, PASADENA, CA
9:00 A.M., WEDNESDAY, AUGUST 5, 2015

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES
 - A. Approval of the Minutes of the Regular Meeting of July 1, 2015
- IV. REPORT ON CLOSED SESSION ITEMS
- V. PUBLIC COMMENT
- VI. CONSENT AGENDA
 - A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
 - B. Requests for an administrative hearing before a referee.
(Memo dated July 23, 2015)
 - C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for service-connected disability retirement in the case of **Therasa A. Brandt**.
(Memo dated July 14, 2015)
 - D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for service-connected disability retirement in the case of **Rosalyn F. Carter**.
(Memo dated July 14, 2015)

VI. CONSENT AGENDA (Continued)

- E. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for an earlier effective date in the case of **Ralph Nausha**. (Memo dated July 21, 2015)
- F. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated July 27, 2015)

VII. GOOD OF THE ORDER
(For information purposes only)

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

- A. Applications for Disability
- B. Referee Reports
- C. Staff Recommendations
 - 1. Recommendation as submitted by Steven Tallant, Senior Staff Counsel, Disability Litigation: That the Board find **Michael Gamst** to be permanently incapacitated for his duties for service-connected reasons and grant him a service-connected disability retirement pension. (Letter dated July 15, 2015)

August 5, 2015

Page 3

X. EXECUTIVE SESSION

A. Conference with Legal Counsel – Existing Litigation
(Pursuant to Paragraph (1) of Subdivision (d) of California
Government Code Section 54956.9)

1. Michael Furman v. Board of Retirement
2. Terry Lee Marston v. Board of Retirement

XI. ADJOURNMENT

Documents subject to public disclosure that relate to an agenda item for an open session of the Board of Retirement that are distributed to members of the Board of Retirement less than 72 hours prior to the meeting will be available for public inspection at the time they are distributed to a majority of the Board of Retirement Members at LACERA's offices at 300 N. Lake Avenue, Suite 820, Pasadena, CA 91101, during normal business hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.

Persons requiring an alternative format of this agenda pursuant to Section 202 of the Americans with Disabilities Act of 1990 may request one by calling Cynthia Guider at (626) 564-6000, from 8:30 a.m. to 5:00 p.m. Monday through Friday, but no later than 48 hours prior to the time the meeting is to commence. Assistive Listening Devices are available upon request. American Sign Language (ASL) Interpreters are available with at least three (3) business days notice before the meeting date.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF RETIREMENT

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

300 N. LAKE AVENUE, SUITE 810, PASADENA, CA

9:00 A.M., WEDNESDAY, JULY 1, 2015

PRESENT: Shawn R. Kehoe, Chair
Alan Bernstein, Vice Chair
William de la Garza, Secretary
Anthony Bravo
Yves Chery
Vivian H. Gray (Arrived at 9:14 a.m.)
Joseph Kelly
David L. Muir (Alternate Retired)
Ronald A. Okum
William Pryor (Alternate Member)
Les Robbins

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer
Dr. Vito Campese, Medical Advisor
Steven Rice, Chief Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Vincent Lim, Chief Counsel
Disability Litigation

Frank Boyd, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Tamara Caldwell, Acting Division Manager
Disability Retirement Services

Vickie Neely, Specialist Supervisor
Disability Retirement Services

Thomas Wicke, Attorney at Law
Lewis, Marenstein, Wicke & Sherwin, LLP

I. CALL TO ORDER

The meeting was called to order by Chair Kehoe at 9:00 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Pryor led the Board Members and staff in reciting the Pledge of Allegiance.

III. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of June 11, 2015

Mr. de la Garza made a motion, Mr. Chery seconded, to approve the minutes of the regular meeting of June 11, 2015 with the revision to include Mr. Kelly's departure time. The motion passed unanimously.

July 1, 2015

Page 3

IV. REPORT ON CLOSED SESSION ITEMS

There was nothing to report at this time.

V. PUBLIC COMMENT

There were no requests from the public.

VI. CONSENT AGENDA

Mr. Robbins made a motion, Mr. de la Garza seconded, to approve the following agenda items. The motion passed unanimously.

A. Ratification of Service Retirement and Survivor Benefit Application Approvals.

B. Requests for an administrative hearing before a referee.
(Memo dated June 19, 2015)

Recommendation as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for an earlier effective date in the case of **Katrina S. Knight**. (Memo dated June 22, 2015)

For information only as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports.
(Memo dated June 22, 2015)

VII. GOOD OF THE ORDER

(For information purposes only)

Mr. Rademacher shared highlights from his attendance at the CALAPRS Administrators' Roundtable held on June 19. In addition, Mr. Rademacher congratulated LACERA staff members Raymond Boncato, Alicia Loza, and Cynthia Lau on their recent retirement.

Lastly, Mr. Rice congratulated Mike Herrera for being re-appointed to a three

VII. GOOD OF THE ORDER (Continued)

year term participating on the National Association of Public Pension Attorney's Executive Board.

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Chair Kehoe, seconded by Mr. Pryor, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
355C	MARCELLA L. JONES
356C	KEVIN M. GAVAGHAN
357C	OSCAR A. NAJARRO, JR.
358C	TIMOTHY D. GLOVER
359C	CHRISTOPHER A. GIROUX
360C*	DOUGLAS D. CREIGHTON
361C	JEFFREY R. COATES
362C**	RAJEAN G. HOLLOWAY
363C*	ASTRID L. MCDUFFEE

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Salary Supplement

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR (Continued)

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. Bernstein, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
1686A	ROBERT F. SALVUCCI
1687A	DAVID P. MIDDLETON
1688A	DAVID A. BOHON
1689A	DAVID J. BORTHWICK

General Members
Service-Connected Disability Applications

On a motion by Mr. Chery, seconded by Mr. Robbins, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
2527B*	ISABELLE F. BARSOUM
2528B	COLLEEN P. MCKENNA

* Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2529B	DORIS S. STUBBLEFIELD
2530B*	GRICELDA NUNEZ
2531B**	JANET LOWE
2532B	HARVEY H. ITO
2533B	AISHA M. SALIMU-MOORE
2535B*	GLEN G. GENEST
2536B	DIANE E. LOPEZ
2537B***	ABNER G. DIAZ
2538B*	WILLIAM L. WEST
2540B*	CHERYL E. WILLIAMSON

* Granted SCD – Retroactive

** Granted SCD – Employer Cannot Accommodate

*** Granted SCD – Salary Supplement

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

Chair Kehoe requested that the Board handle those cases that were pulled off the Consent Calendar first.

APPLICATION NO. & NAME

BOARD ACTION

2534B – MARK NATIVIDAD (DEC'D)

(Ms. Gray arrived at 9:14 a.m.)

Mr. de la Garza made a motion, Mr. Chery seconded, to grant a service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

2539B – FARIBA KOOKLAN

Mr. de la Garza made a motion, Ms. Gray seconded, to grant a service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

In addition, Mr. Muir requested that an Item be brought to the Disability Procedures & Services Committee regarding doctor rotations.

6826A – TAMARA M. BROWN

Mr. Bernstein made a motion, Mr. Pryor seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

6827A – BERTHA F. LUNA

Mr. de la Garza made a motion, Mr. Pryor seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720.

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6827A – BERTHA F. LUNA (Continued)

Ms. Gray made a substitute motion, Mr. Muir seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Bravo, Robbins, Chery, Chair Kehoe, and Ms. Gray voting yes; and Messrs. Kelly, Bernstein, Okum, and de la Garza voting no.

6828A – JANET C. WANG

Mr. de la Garza made a motion, Mr. Robbins seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720 and grant the option of an earlier effective date pursuant to Government Code Section 31724. The motion passed unanimously.

6829A – LORETTA Y. FANG

Mr. Pryor made a motion, Mr. Chery seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720 and grant the option of an earlier effective date pursuant to Government Code Section 31724. The motion passed unanimously.

328C – DANIEL K. JACKSON

Chair Kehoe made a motion, Mr. Robbins seconded, to grant a service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6711A – LEONARDO B. MUNSAYAC

Mr. Chery made a motion, Chair Kehoe seconded, to grant a service connected disability retirement pursuant to Government Code Section to 31720 since the employer cannot accommodate. The motion passed unanimously.

6789A – ROBERTO C. SURIA VAZQUEZ

Mr. Okum made a motion, Mr. de la Garza seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

6803A – ROSE M. HARRIS

Mr. de la Garza made a motion, Mr. Robbins seconded, to deny a service connected disability retirement since the applicant was not permanently incapacitated at the time the applicant left County service. The motion passed unanimously.

6733A – R4102DRAV

Mr. de la Garza made a motion, Mr. Kelly seconded, to deny a service connected disability retirement. The motion passed unanimously.

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Kimberly H. Chung

Pulled by the request of staff.

Alan W. Cormick – In Pro Per

Eugenia W. Der for respondent

Mr. Okum made a motion, Mr. Bernstein seconded, to deny a service connected disability retirement and find the applicant not disabled. The motion passed unanimously.

Patricia Harris-Jones – Thomas J. Wicke for applicant

Steven Tallant for respondent

Mr. Chery made a motion, Chair Kehoe seconded, to grant a service connected disability retirement and find the applicant disabled. The motion passed unanimously.

Victoria Restrepo – Thomas J. Wicke for applicant

Vincent A. Lim for respondent

Mr. Bernstein made a motion, Mr. Chery seconded, to deny the option of an earlier effective date.

The makers of the motion amended their motion to refer back to staff for additional information. The motion passed unanimously.

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

Irene Muro-Sauers – Thomas J. Wicke for applicant
Eugenia Der for respondent

Chair Kehoe made a motion, Ms. Gray seconded, to grant a service connected disability retirement. The motion passed (roll call) with Messrs. Bravo, Robbins, Chery, Chair Kehoe, and Ms. Gray voting yes; and Messrs. Kelly, Bernstein, Okum, and de la Garza voting no.

C. Staff Recommendations

1. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel, Disability Litigation: That the Board find that the delay in filing **George Martinez's** application was due to his inability to ascertain the permanency of his incapacity and that his application be deemed filed on the day after the last day of regular compensation. (Letter dated June 4, 2015)

Mr. Bernstein made a motion, Chair Kehoe seconded, to approve the recommendation. The motion passed unanimously.

2. For Information Only as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services regarding the 4th Quarter Report of Paid Invoices for March 2015 – June 2015. (Memo dated June 19, 2015)

July 1, 2015

Page 12

Green Folder Information (Information distributed in each Board Members Green Folder at the beginning of the meeting)

1. Retirement Board Listing dated July 1, 2015
2. Revision to the Minutes – June 11, 2015 (Memo dated June 26, 2015)
3. Disability Retirement Applications Agenda Correction Memo – 6711A (Memo dated June 17, 2015)
4. Appeal Packet Correction Memo – Victoria M. Restrepo (Memo dated June 24, 2015)
5. Appeal Packet Correction Memo – Alan W. Cormick (Memo dated June 23, 2015)
6. Letter from Edward Green III, M.D. (Memo dated June 29, 2015) (For Disability Procedures & Services Committee)

X. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:58 a.m.


WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR



DATE: July 23, 2015

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager 
Disability Retirement Services

SUBJECT: **APPEALS FOR THE BOARD OF RETIREMENT'S MEETING
OF AUGUST 5, 2015**

IT IS RECOMMENDED that your Board grant the appeals and requests for administrative hearing received from the following applicants and direct the Disability Retirement Services Manager to refer each case to a referee:

6817A	Melissa Hurtado	In Pro Per	Deny SCD – Grant NSCD
6818A	Rebecca L. Cocova	Thomas J. Wicke	Deny SCD – Grant NSCD
6819A	Russell A. Reed	Michael Treger	Deny SCD – Grant NSCD
6822A	Victoria Huaman	In Pro Per	Deny SCD – Employer can accommodate
6824A	Erik Degrade	In Pro Per	Deny SCD – Not disabled

July 14, 2015

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager
Disability Retirement Services



FOR: August 5, 2015 Board of Retirement Meeting

SUBJECT: **DISMISS WITH PREJUDICE THE APPEAL OF THERASA A. BRANDT**

Mrs. Therasa A. Brandt applied for a service-connected disability retirement on February 19, 2013. On September 3, 2014, the Board denied Mrs. Brandt's application for service-connected disability retirement, finding her not disabled.

Mrs. Brandt's attorney filed a timely appeal. On June 29, 2015, the applicant's attorney advised LACERA that his client did not wish to proceed with her appeal.

IT IS THEREFORE RECOMMENDED THAT YOUR BOARD:


Dismiss with prejudice Therasa A. Brandt's appeal for a service-connected disability retirement.

FJB: RC: sc

Brandt, Therasa A. doc

Attachment

NOTED AND REVIEWED:



Francis J. Boyd, Sr. Staff Counsel

Date: _____

7/24/15

July 14, 2015

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager
Disability Retirement Services



FOR: August 5, 2015 Board of Retirement Meeting

SUBJECT: **DISMISS WITH PREJUDICE THE APPEAL OF ROSALYN F. CARTER**

Mrs. Rosalyn F. Carter applied for a service-connected disability retirement on June 30, 2008. On May 6, 2009, the Board denied Mrs. Carter's application for service-connected disability retirement, finding her not disabled.

Mrs. Carter's attorney filed a timely appeal. On June 6, 2015, the applicant's attorney advised LACERA that his client did not wish to proceed with her appeal.

IT IS THEREFORE RECOMMENDED THAT YOUR BOARD:

Dismiss with prejudice Rosalyn F. Carter's appeal for a service-connected disability retirement.

FJB: RC: sc

Carter, Rosalyn F. doc

Attachment

NOTED AND REVIEWED:



Francis J. Boyd, Sr. Staff Counsel

Date: 7/21/15



July 21, 2015

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager
Disability Retirement Services

FOR: August 5, 2015 Board of Retirement Meeting

SUBJECT: **DISMISS WITH PREJUDICE THE APPEAL OF RALPH NAUSHA**

Mr. Ralph Nausha applied for a service-connected disability retirement on January 17, 2014. On May 21, 2015, the Board granted his application for a service-connected disability retirement.

Mr. Nausha's attorney filed a timely appeal regarding the effective date of Mr. Nausha's service-connected disability retirement. On July 13, 2015, the applicant's attorney advised LACERA that his client did not wish to proceed with his appeal.

IT IS THEREFORE RECOMMENDED THAT YOUR BOARD:


Dismiss with prejudice Ralph Nausha's appeal for an earlier effective date.

FJB: RC: sc

Nausha, Ralph.doc

Attachment

NOTED AND REVIEWED:




Francis J. Boyd, Sr. Staff Counsel

Date: 7/21/15

July 27, 2015

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager 
Disability Retirement Services

FOR: August 5, 2015 Board of Retirement Meeting

SUBJECT: **Application Processing Time Snapshot Reports**

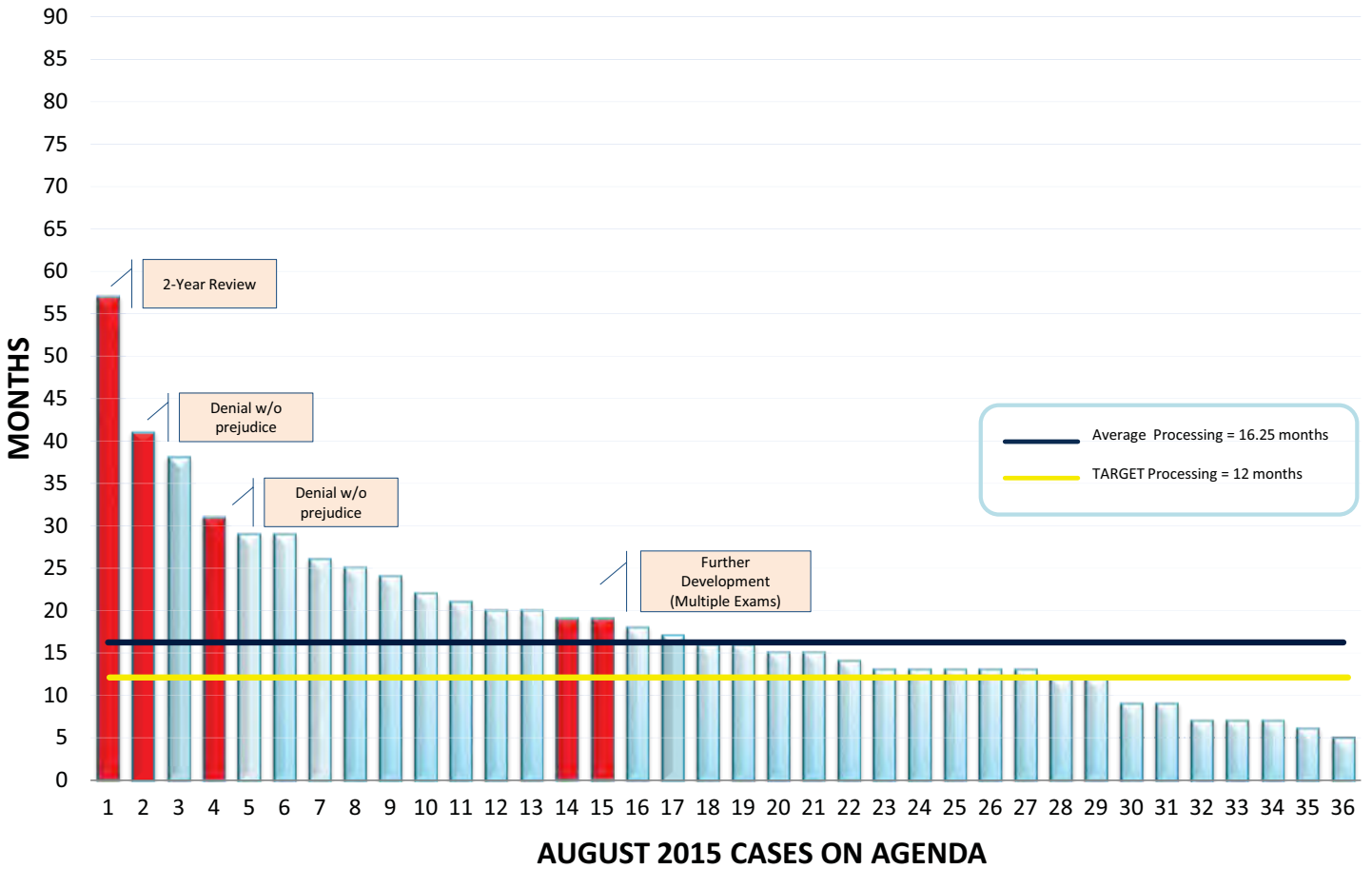
At the February 4, 2015 meeting, the Disability Procedures & Services Committee voted to add two additional snapshot reports addressing application processing times and pending applications by elapsed time since application date. These reports will now be provided on a monthly basis along with the current snapshot that provides a look at application processing time before and after procedural changes were made to the disability application process. The Board adopted proposed changes on July 12, 2012. The chart breaks down the periods for cases processed under the old procedures vs. the new procedures with the associated monthly processing timeframes.

The following chart shows the total time from receipt of the application to the first Board action for the month in question.

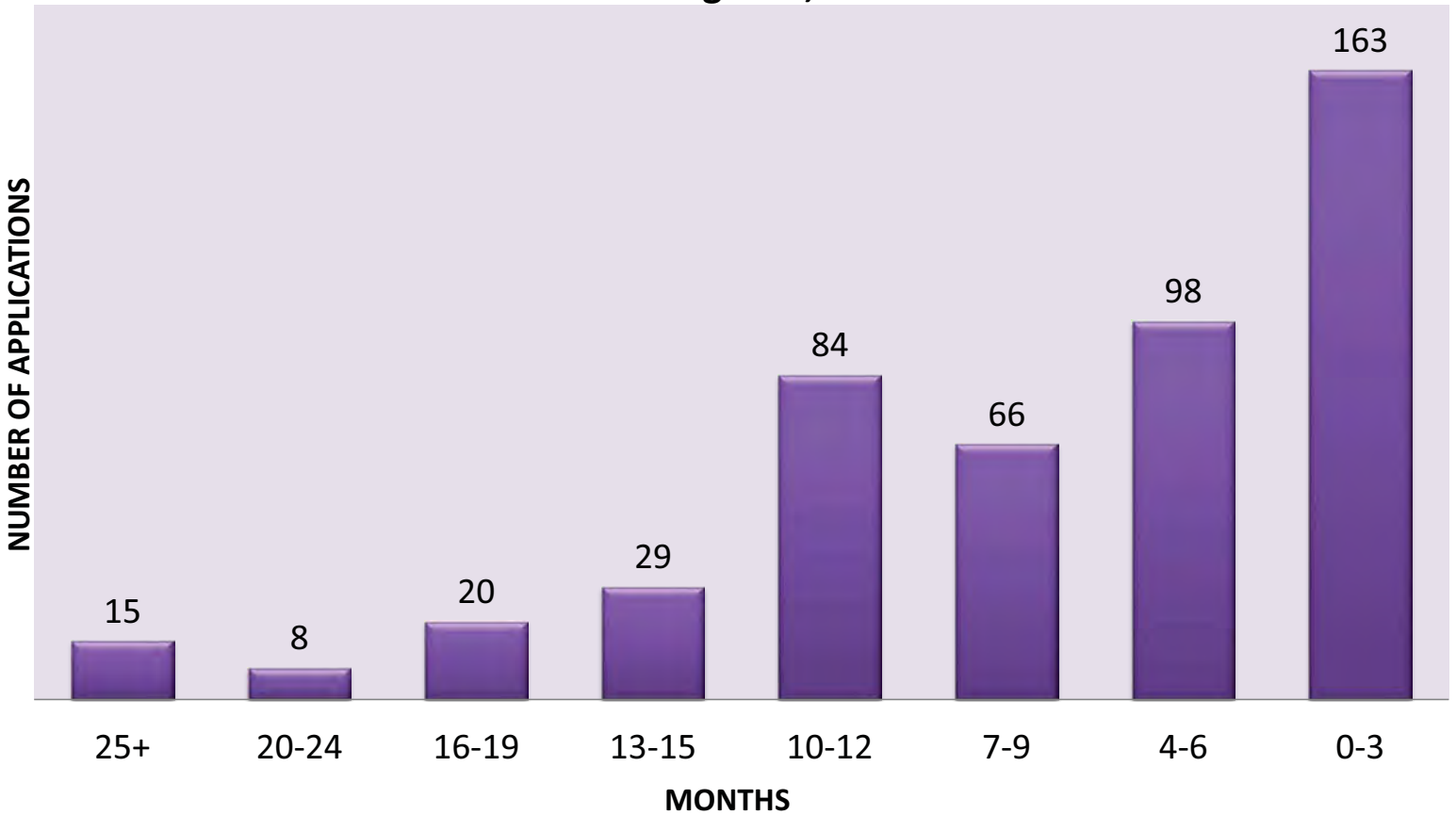
August 5, 2015 – Disability Retirement Agenda Average Application Processing Time Snapshot			
Received <u>Prior</u> to July 12, 2012		Received <u>After</u> July 12, 2012	
Number of Applications	Processing Time (in Months)	Number of Applications	Processing Time (in Months)
0	0	31	16.25
2-Year Review (1 CASE)			57.00
Held Over/Revised; Returned for Further Development (2 CASES)			19.00
Held Over/Revised; Deny w/o Prejudice ¹ (2 CASES)			36.00
<i>Average Processing Time for Revised/Held Over Calendar</i>			33.40

¹ Held Over/Revised, Deny w/o Prejudice--member provided additional information within 6 months, subsequent investigation commenced.

ACTUAL vs. AVERAGE PROCESSING TIME



TIME ELAPSED FOR PENDING APPLICATIONS As of August 5, 2015





DOCUMENT

UNAVAILABLE





DOCUMENT

UNAVAILABLE





DOCUMENT

UNAVAILABLE





DOCUMENT

UNAVAILABLE





DOCUMENT

UNAVAILABLE

