

**CITY OF DADE CITY
POLICE OFFICERS' PENSION FUND &
FIREFIGHTERS' RELIEF & PENSION FUND
BOARD OF TRUSTEES
INITIAL DISABILITY HEARING MEETING MINUTES**

**City Hall, Council Chambers
38020 Meridian Ave, Dade City, FL 33525**

Wednesday, February 7, 2024, at 11:30AM

TRUSTEES PRESENT: Robert Tungate, Police Trustee
William Rowe, Police Trustee
David West, Police Trustee

TRUSTEES ABSENT: Kelly Curtis-Stout, Police Trustee
Richard Griner, Police Trustee

OTHERS PRESENT: Kevin Burns, Disability Claimant
Scott Christiansen, Christiansen & Dehner
Ferrell Jenne, Foster & Foster
Members of the Public

1. **Call to Order** – The meeting was called to order at 11:30AM by William Rowe.
2. **Public Comments** – None.
3. **New Business**
 - a. Initial Disability Hearing-Kevin Burns
 - i. Scott Christiansen outlined the disability application procedure. Scott stated the process starts with the claimant completing the disability application and providing a physician's statement stating the member was totally and permanently disabled and not able to render services as a police officer. Scott stated they then send interrogatories to the claimant and start collecting the ~~medical~~ records. Once all medical records were collected, an Independent Medical Examination (IME) was set-up. Scott commented the physician performing the IME was also provided all the medical records prior to the appointment. Scott stated the disability claimant was also provided the medical records, in case they want to supplement the records.
 - ii. Scott Christiansen stated after the IME was conducted and the report was received, an initial disability hearing was set. Scott stated at the initial hearing, only the documents were examined, no live testimony or depositions were permitted. Scott stated the Board would need to determine if the disability was In Line of Duty (ILOD) or non ILOD and if the injury was total and permanent. Scott stated the Board could also table a decision if more information was needed in making a determination.
 - iii. Scott Christiansen stated if the disability was granted, the benefit effective date was the date of the hearing. If the disability was denied, the claimant had the option to request a full hearing. Scott stated at the full hearing, testimony and depositions were permitted. Scott stated if the disability was denied at the full hearing, the claimant could appeal the decision to a circuit court judge.
 - iv. Scott Christiansen reviewed the standard of proof and stated it was a ~~preponderous~~ of evidence. Scott commented the burden of proof was on the claimant. Scott

stated his role was to collect all the records and answer any questions the Board may have.

- v. Scott Christiansen reviewed the disability provisions found in the plan document. Scott reviewed the total and permanent requirement and reminded the Board the claimant could find other areas of work, outside of law enforcement. Scott reviewed the exclusionary factors and stated he did think any applied.
- vi. Scott Christiansen reviewed the injury and multiple traffic fatalities the claimant had seen. Scott stated the disability application was based off of Post Traumatic Stress Disorder (PTSD). Scott stated Kevin Burns had worked for the department for almost 19 years and did an outstanding job during his tenure.
- vii. Scott Christiansen reviewed the Workers' Compensation physicians and the IME physician who all concluded that Kevin Burns was totally and permanently disabled and not able to render services as a police officer.
- viii. Kevin Burns stated it had been a rollercoaster and he had struggled for the last 5 years when he left work and returned home. Kevin reviewed the medications he had been prescribed, the insomnia and nightmares he experienced. Kevin stated his career goal was to retire based on his service, not an injury. Kevin reviewed the weekly appointments he had with his medical team. Kevin thanked Chief Walters for his support and helping him get the assistance he needed. William Rowe thanked Kevin Burns for his service.
- ix. Scott Christiansen stated he did not see anything in the records that showed the disability criteria had not been met.

The Police Board approved an ILOD disability for Kevin Burns, upon motion by David West and second by Robert Tungate; motion carried 3-0.

4. **Adjournment** – The meeting adjourned at 12:10PM.



William Rowe, Police Chairman

3/14/2024
Date

Date Approved by the Pension Board: 3/14/2024

Respectfully submitted by:


Ferrell Jenne, Plan Administrator