MINUTES

**METROPOLITAN EMPLOYEE BENEFIT BOARD**

**IN LINE OF DUTY COMMITTEE**

**October 1, 2013**

The Metropolitan Employee Benefit Board’s In Line of Duty Committee met on Tuesday, October 1, 2013 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue North, Nashville, Tennessee, at approximately 10:30 a.m.

Committee Members present: Chair: Christine Bradley; Vice-Chair: W. Todd Henry; Members Charles D. Clariday and \*Richard Riebeling. Alternate member: Jerry Hall.

Board Members Edna Jones and B.R. Hall were also present.

Others present: Shannon Hall, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Celia Goodson, Civil Service Medical Examiner.

# **BENEFIT BOARD ITEMS**

The Human Resources staff submitted the following for the Committee’s consideration and appropriate action:

1. In line of duty medical care request – Former employee from Police Department.

Shannon Hall reported to the Committee that this case has previously been before the Committee. She stated that the Committee made a recommendation to the Board, which was presented at the April Board meeting at which time the individual asked that the item be deferred pending additional medical information. Ms. Hall stated that to date no additional medical information has been supplied and she also spoke with the individual and they indicated that the Committee has everything.

After clarification that no additional information has been received, Todd Henry moved to deny the in line of duty medical care request. Charles Clariday seconded and the Committee approved without objection.

1. In line of duty medical care request – Employee from the Health Department.

\*Denotes the arrival of Richard Riebeling.

Shannon Hall reported to the Committee that this case has previously been before the Committee. She stated that the Committee requested that additional information be gathered by Alternative Service Concepts (ASC) regarding the claim.

Tracy Petty and Vickie Hampton, ASC, were present. Vickie Hampton stated that the additional information received was an affidavit from a co-worker claiming similar symptoms. She stated that even though the symptoms are similar, the diagnosis and course of treatment are different and ASC still recommends that the claim be denied.

Shannon Hall stated that the employee is present.

Robyn Lewis addressed the Committee regarding the claim and the ergonomics of the work station.

After some discussion regarding the reporting of the incident and causation, Richard Riebeling moved to deny the in line of duty medical care request. Todd Henry seconded and the Committee approved with Charles Clariday opposed.

1. In line of duty medical care request – Employee from the Health Department.

Tracy Petty and Vickie Hampton, ASC, were present. Vickie Hampton reviewed the claim with the Committee. She stated that after review of the individual’s job descriptions and medical records by the specialist, they have indicated that the carpel tunnel syndrome was not work related.

There was some discussion of the new legislation regarding repetitive injuries.

Thereasa Howse was present and addressed the Board regarding the claim. She reviewed her medical records, the incidents she has had with carpel tunnel throughout her employment with Metro and her job descriptions. She also stated that this is an old in line of duty injury from 1992.

There was discussion of any previous injury on duty forms filed for this employee and Vickie Hampton stated that the department and ASC could not locate any.

After some discussion regarding whether or not this is work related versus life related and the treating physician’s opinion that it is not work related, Richard Riebeling moved to deny the in line of duty medical care claim. Todd Henry seconded and the Committee approved with Charles Clariday opposed.

1. In line of duty medical care request – Service pensioner formerly employed at the Fire Department.

Tracy Petty and Vickie Hampton, ASC, were present. Vickie Hampton reviewed the claim with the Committee. She stated that the individual retired in 1997 and filed a presumption claim in April 2013. She stated that the treating physician stated that the condition was due to sun damage and not related to being employed with the Fire Department.

Richard Riebeling moved to deny the in line of duty medical care claim. Todd Henry seconded and the Committee approved with Charles Clariday opposed.

1. In line of duty medical care request – Employee from the Fire Department.

Tracy Petty and Vickie Hampton, ASC, were present. Vickie Hampton reviewed the claim with the Committee. She stated that this individual had been notified by Dr. Celia Goodson, Metro’s Civil Service Medical Examiner, that they would not be eligible for the heart presumption due to a pre-existing condition noted during their pre-employment physical. Ms. Hampton stated that the individual filed a claim for an aneurysm and the claim was denied due to the pre-existing condition.

There was some discussion of the condition, how it relates to the presumption and the individual being excluded from the presumption (heart and hypertension) based on a pre-existing condition noted during their pre-employment physical.

There was also some discussion of the circulatory system and that it is not part of the presumption bill despite an interpretation by the Board.

After discussion that this individual was employed and given a waiver based on non-job related hypertension and that the presumption states that the individual has to pass a pre-employment physical and this condition not be present, Todd Henry moved to deny the in line of duty medical care claim. Richard Riebeling seconded and the Committee approved with Charles Clariday opposed.

1. In line of duty medical care request – Employee from Police Department.

Tracy Petty and Vickie Hampton, ASC, were present. Vickie Hampton reviewed the claim with the Committee. She stated that the individual filed a stress claim citing undue stress in the workplace. Ms. Hampton stated that under Metro’s guidelines, it does not meet the criteria outlined for job related stress claims. She also noted that the individual had personal issues and work issues.

1. In line of duty medical care request – Employee from Police Department. (continued)

After some discussion of the specifics of the claim and disciplinary actions taken by the department, Todd Henry moved to deny the in line of duty medical care claim. Charles Clariday seconded and the Committee approved without objection.

1. In line of duty medical care request – Disability pensioner formerly employed at the Police Department.

Tracy Petty and Vickie Hampton, ASC, were present. Vickie Hampton reviewed the claim with the Committee. She stated that the individual is currently on a disability pension and claims that the subsequent conditions are the result of a prior compensable injury. Ms. Hampton stated that the results of a second opinion, an independent medical examination and neurologist indicate that the subsequent conditions are not related to the prior compensable injury.

Richard Riebeling moved to deny the in line of duty medical care claim. Todd Henry seconded and the Committee approved with Charles Clariday opposed.

With nothing further presented the meeting was adjourned at 11:01 p.m.

#### The foregoing minutes were approved by the Metropolitan Employee Benefit Board on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Shannon B. Hall

Metropolitan Employee Benefit Board Liaison