

## MINUTES

### METROPOLITAN EMPLOYEE BENEFIT BOARD

#### IN LINE OF DUTY COMMITTEE

March 22, 2017

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Wednesday, March 22, 2017 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue South, Nashville, Tennessee, at approximately 9:30 a.m.

Committee Members present: Chair: Jerry Hall; Vice-Chair: To be elected; Members: Christine Bradley John P. Kennedy and Charles D. Clariday. Alternate(s): Talia Lomax-O'dneal and Edna J. Jones.

Others present: Christina Hickey, Metro Human Resources and Nicki Eke, Attorney, Metro Legal Department.

Committee Chair Jerry Hall called the meeting to order and stated that items 1-3 have requested to be deferred.

Christine Bradley moved for approval of deferring items 1-3. John Kennedy seconded and the Committee approved without objection.

He also informed those present that the decisions of this Committee are only recommendations to the full Board for consideration.

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

1. In line of duty medical care appeal - Pensioner from Fire Department.

This item was deferred.

2. In line of duty medical care appeal – Employee from Fire Department.

This item was deferred.

3. In line of duty medical care appeal – Employee from Police Department.

This item was deferred.

4. In line of duty medical care appeal - Employee from Police Department.

Vickie Hampton and Tracy Patterson, Alternative Service Concepts, (ASC), were present. Vickie Hampton reviewed the claim with the Committee. She stated that the diagnosis from the Metro In Line of Duty (MIOD) clinic was a left ankle sprain/strain and after following the course of treatment at the MIOD clinic the individual was released at maximum medical improvement, (MMI). She stated that the individual returned to the clinic several months later with a different complaint related to the foot and there is no new or re-injury. She stated that based on the results of a magnetic resonance imaging, (MRI), the claim was denied as it was a new condition/diagnosis (achilles tear) and not related to the initial injury. Ms. Hampton also used a visual aid to show the Committee the difference between the two and how they are not related.

After some discussion regarding the medical information, John Kennedy moved to uphold ASC's recommendation to deny the claim. Christine Bradley seconded and the Committee approved with Doug Clariday opposing.

5. In line of duty medical care appeal - Employee from Police Department.

Vickie Hampton and Tracy Patterson, ASC, were present.

The employee and his attorney, Jack Byrd, were present.

5. In line of duty medical care appeal - Employee from Police Department.(continued)

Vickie Hampton reviewed the claim with the Committee. She stated that ASC received a stress claim in October 2016 for an incident (shooting) that happened back in 2014.

She stated that he had worked more than 10 years in law enforcement prior to coming to Metro and when he received treatment/counseling for the claim he gave a history of cumulative stress from the workplace and other personal and psychological stressors.

She stated that he did see a psychiatrist and was deemed unfit for duty and he then filed for an in line of duty disability pension, which was denied by the Civil Service Medical Examiner, (CSME). She also noted that he is not eligible for a medical disability pension as he does not have 10 years of service.

Ms. Hampton reviewed Metro's criteria for stress claims: 1) what was the specific work related event or events which caused mental injury; 2) did the event subject the employee to sudden mental stimulus such as fright, shock or excessive unexpected anxiety as opposed to gradual buildup over time; and 3) was the stress caused by the event extraordinary and unusual compared to others that have the same job. She stated that based on Metro's criteria, he does not meet the criteria for a stress claim. She stated that he did not file a claim for the incident until approximately 2 years later so you can not say that there was a specific incident that occurred that caused a work related mental injury, the medical record documents multiple gradual non-related work traumatic events from childhood to adulthood and the stress was not extraordinary or unusual compared to the stress of others because there were other officers at the scene as well and none of them have filed a stress claim.

The Committee discussed the criteria and Nicki Eke, Legal Department, reiterated that it has to be extraordinary and unusual in comparison to the stress ordinarily experienced by an employee in the same type of position.

Jack Byrd described the incident in detail with the Committee. He stated that every physician or counselor that he has seen has diagnosed him with post-traumatic stress disorder, (PTSD). He also reviewed Metro's criteria for stress claims and what the physician's state regarding the individual and his diagnosis.

There was some discussion regarding the CSME's recommendation after reading all of the medical information and how Metro's criteria for stress claims is written.

There was further discussion of Metro's criteria and that this does not meet that criteria, and the individual treating with the police advocacy support services (PASS) in 2016, which is way after the incident and the initial debriefing with PASS.

The employee addressed the Committee regarding the incident, having PTSD, and filing the claim.

There was some discussion regarding the medical record, the diagnosis of PTSD and that there is nothing that ties that incident to his current medical situation and the onset of PTSD.

Christine Bradley moved to uphold ASC's recommendation to deny the claim.

The motion failed due to the lack of a second and will go to the Board without a recommendation.

6. In line of duty medical care appeal - Employee from Emergency Communications Center.

Vickie Hampton and Tracy Patterson, ASC, were present.

The employee was not present.

Tracy Patterson reviewed the claim with the Committee. She stated that this claim is related to the employee reportedly hearing a scream or loud noise and feeling pain in the right ear. She treated at a local clinic and was diagnosed with acute sinusitis and an ear infection. She also reported at the clinic

6. In line of duty medical care appeal - Employee from Emergency Communications Center. (continued)

that it was not work related. Ms. Patterson stated that she told her employer that she had a ruptured eardrum and ASC denied the claim based on the medical information.

John Kennedy moved to uphold ASC's recommendation to deny the claim. Christine Bradley seconded and the Committee approved without objection.

With nothing further presented the meeting was adjourned at 10:00 a.m.

ATTEST:

APPROVED:

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***John P. Kennedy, Interim Director  
Human Resources***

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***Jerry Hall, Chair  
In Line of Duty Committee***