

## MINUTES

### METROPOLITAN EMPLOYEE BENEFIT BOARD

#### IN LINE OF DUTY COMMITTEE

July 23, 2024

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Tuesday, July 23, 2024 in the Sonny West Conference Room, Howard Office Building, 700 President Ronald Reagan Way, Nashville, Tennessee at approximately 9:30 a.m.

Committee Members present: Chair: Jonathan Puckett; Vice-Chair: Christine Bradley; Members: Shannon Hall and Robert Weaver. Alternate: Edna Jones.

Others present: Christina Hickey, Metro Human Resources, Nicki Eke and Courtney Mohan, Attorneys, Metro Legal Department, Vickie Hampton and Kimberly Binkley, Davies, and Dr. Kenton Dodd, Civil Service Medical Examiner.

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

#### 1. Public Comment Period

A maximum of five (5) persons who write their names on the sign-up sheet provided at the meeting will be allowed to comment on matters that are germane to items on the Agenda. Comments are limited to a maximum of two (2) minutes per person. To provide comment, you must sign up prior to the beginning of the meeting.

There were no public comments.

Christina Hickey noted that the actions taken at this Committee are recommendations to the full Board.

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

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated this claim was initially heard at the February 2024 IOD Committee meeting and went to the March Board meeting where it was deferred pending clarification as to whether or not he had the coronary artery disease or heart disease prior to being hired by Metro. She stated that RRS indicated that the medical evidence supports that he had the coronary artery disease or heart disease before he was hired by Metro as well as hypertension that was pre-existing prior to his employment. She stated that it would count as a heart condition under the presumption. She also stated that Davies maintains its denial based on the RRS review.

There was some discussion of exacerbation of the pre-existing conditions, whether or not he had a waiver on file pre-hire, causation, and risk factors.

Shannon Hall moved to uphold the denial. Christine Bradley seconded, and the motion resulted in a tie vote with Shannon Hall and Christine Bradley in favor and Jonathan Puckett and Robert Weaver opposed.

There was some discussion of what action can be taken if the Board is not able to make a decision on this item as it has ended in a tie vote previously.

Nicki Eke, Legal Department, stated it would have to be a denial.

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

The employee's spouse and Danny Yates, union representative, were present.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She reviewed his employment history with the Fire Department, the known risk factors for amyotrophic lateral sclerosis, (ALS), and there being no extensive firefighting exposure. She stated that based on the review of the records presented the preponderance of medical evidence does not show that the illness arose primarily out of his employment by greater than fifty percent and Davies maintains the denial.

There was some discussion of the possible exposures and the extenuating circumstances of this case.

Robert Weaver moved to approve the claim based on the unique circumstances of this particular case. Jonathan Puckett seconded.

After some discussion of the military standard for ALS, exposures and other studies, a vote was taken on the motion to approve the claim and the Committee approved without objection.

4. In line of duty medical care appeal – Pensioner from the Fire Department.

The pensioner was present.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated that while being treated for hypertension, he complained of left shoulder and cervical pain and had a MRI done which showed moderate multilevel degenerative cervical spondylosis with moderate spinal canal stenosis and moderate to severe neuroforaminal stenosis, which is a degenerative disease.

There was some discussion regarding the firetruck exacerbating the disease process.

The pensioner addressed the Committee regarding the condition and the firetruck being the cause.

Danny Yates, union representative, addressed the Committee regarding the apparatus he is describing and its defects.

There was some discussion of the firetruck being fixed, no documented injury related to any of this, and the medical record indicating it could be related to autoimmune and that he is an avid motorcycle rider.

After some discussion of the lack of medical to support the claim, the treating physicians talking about autoimmune disorders, no101 form in the file, and confirming that the vehicle was repaired, Christine Bradley moved to uphold the denial. Shannon Hall seconded, and the motion resulted in a tie vote with Christine Bradley and Shannon Hall in favor and Jonathan Puckett and Robert Weaver opposed.

5. In line of duty medical care appeal – Pensioner from the Fire Department.

The pensioner was present.

Danny Yates, union representative, was also present.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated the pensioner retired in October of 2017 and filed a claim for hearing loss in August of 2023. She stated the medical records, hearing loss questionnaire and 101 Form were sent to the Civil Service Medical Examiner, (CSME) for review and he advised that the shape of the hearing loss curve is mostly associated with age related hearing loss and the claim was denied. She stated that Davies did receive a request for reconsideration from the employee with no new medical information and to date Davies maintains its denial based on the CSME's opinion.

5. In line of duty medical care appeal – Pensioner from the Fire Department. (continued)

The pensioner addressed the Committee regarding the claim. He stated that his hearing loss was long before he retired and admitted that he did not fill out a 101 Form during employment.

Danny Yates also addressed the Committee regarding noise exposures.

After some discussion regarding any hearing tests on file, no 101 Form, no medical records that demonstrate hearing loss before he retired and that the hearing loss is age related versus job related, Shannon Hall moved to uphold the denial. Christine Bradley seconded, and the Committee approved with Jonathan Puckett opposed.

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

The employee and his spouse were present.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated that the claimant does not qualify for review under the PTSD presumption that went into effect on January 1, 2024. She stated that he has reported direct and indirect exposure to numerous incidents and filed a 101 Form on July 27, 2023 with four injury dates listed. She stated he was approved for a medical disability pension in May of 2024. She also stated that he asked that workplace trauma be added to the existing 101 and the claim was denied as the reported condition of psychological stress does not meet Metro's criteria as an accepted psychological stress claim.

The pensioner addressed the Committee regarding the claim. He described different traumatic incidents he has been exposed to along with workplace issues. He also discussed his injury on duty, current medical conditions, counseling, and treatment plans. He also noted that he has never been debriefed after some of the traumatic incidents.

After some discussion regarding the documented injury and that it has exacerbated his condition, Robert Weaver moved to approve the claim.

There was some discussion regarding the medical record not technically containing all relevant information to make a decision.

Robert Weaver withdrew his motion.

There was some discussion of the injury on duty that occurred and is that injury causing the PTSD, or the PTSD is compounding that.

There was some discussion of the medical record containing a lot of information regarding PTSD, there being more than one disabling condition and the compounding factors of the PTSD medical care claim.

There was also some discussion that the medical records for the PTSD treatment and the injury on duty claim speak to traumatic events from childhood, in the workplace and personal life that are not related to traditional police job functions.

After some discussion regarding compounding issues, Robert Weaver moved to approve the claim. Jonathan Puckett seconded, and the Committee approved with Shannon Hall opposed.

At this time the Committee took a five-minute break and then reconvened with the remainder of the agenda.

There was some discussion regarding debriefing for public safety workers.

7. In line of duty medical care appeal – Pensioner from the Fire Department.

The pensioner was present.

Danny Yates, union representative was also present.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated that after review the CSME opined that absent the presentation of medical records prior to the evaluation it is impossible to make the determination of when hearing loss occurred

Shannon Hall moved to uphold the denial of the claim. Christine Bradley seconded, and the Committee approved without objection.

With nothing further presented the meeting was adjourned at 12:20 p.m.

ATTEST:

APPROVED:

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**Shannon B. Hall, Director  
Human Resources**

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**Jonathan Puckett, Chair  
In Line of Duty Committee**