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BEFORE
THE RETIREMENT BOARD
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF)
SPECIAL AUDIO MEETING)
No. 1072)

STENOGRAPHIC REPORT OF PROCEEDINGS had at
the audio meeting of the above-entitled matter,
held at 20 South Clark Street, Suite 300, in the
City of Chicago, County of Cook, State of Illinois,
on Wednesday, April 1, 2020, commencing at the hour
of 9:00 a.m.

APPEARANCES

PRESENT:

TIMOTHY McPHILLIPS, Active Trustee

MARY PATRICIA BURNS, Attorney

STEVEN R. SWANSON, Executive Director

APPEARED TELEPHONICALLY:

DANIEL FORTUNA, President and
Annuitant Trustee

ANTHONY MARTIN, Secretary and Active
Trustee

WILLIAM MURPHY, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

ANNETTE NANCE-HOLT, Active Trustee

VINCENT PINELLI, Attorney for the Fund
LORI LUND, Administrative Coordinator
KRISTY MAUFAS, Assistant Administrative
Coordinator

DANIEL G. SAMO, M.D., Board Physician

MICHAEL I. PETERS, M.D., Board Physician

LEE ANN MCKAY

MARK MYSLINSKI

1 MS. BURNS: This is the Special Audio
2 Meeting of the Retirement Board of Trustees of the
3 Firemen's Annuity and Benefit Fund of Chicago.

12:01PM

4 The meeting is being conducted at 20
5 South Clark Street, but it is also being held by
6 audio conference pursuant to the Executive Order
7 signed by the Governor of the State of Illinois on
8 March 16, 2020.

12:02PM

9 In addition, in furtherance of the
10 Governor's Executive Order and the guidance
11 provided to us by the Attorney General's Office of
12 the State of Illinois with respect to the conduct
13 of public meetings during this period of the
14 pandemic, we are recording this meeting and expect
15 at some time in the future to have a transcript of
16 the recording available on the Fund's website.

12:02PM

17 To that end, the minutes are going to
18 reflect that the Trustees after roll call are
19 present even though most are attending by audio
20 conference. In addition, in those minutes we will
21 reflect those members of the public who have
22 identified themselves as being present for this
23 hearing.

12:02PM

24 If during the call any person joins the

1 call or comes in while we are talking, we would ask
2 them obviously to hold off interrupting the flow of
3 testimony and instead allow us to get their name at
4 the conclusion of the proceedings.

12:03PM

5 Further, consistent with the practices
6 that were discussed with the Board at the last
7 meeting, authority was delegated to Trustee Martin
8 to work with outside counsel and the Executive
9 Director to come up with a process that would meet

12:05PM

10 with the requirements of the Illinois Pension Code
11 for the granting of disability benefits. That is
12 what we have done in the interim and that is the
13 process we intend to follow today.

12:05PM

14 What we're going to do for the record is
15 we have the doctors on the phone. We may or may
16 not have the applicants on the phone.

12:05PM

17 When we start the hearings, Vince
18 Pinelli, the attorney for the Fund, is going to
19 summarize the factual evidence after the exhibits
20 have been admitted into evidence, assuming that
21 they are admitted into evidence.

22 When Vince summarizes the facts, he will
23 refer to and only mention facts that are contained
24 in the written records that have been submitted and

1 will be considered by the Board.

2 After that summary of the factual
3 evidence, the doctor will be asked to testify. He
4 will be subject to questioning by our lawyers and
5 our trustees.

12:06PM

6 Again, we would ask the public if you are
7 on the phone to mute your phone, if possible, so
8 that everybody can hear the proceeding.

9 At the end of the evidence, once Vince
10 concludes the evidence, then the Trustees will make
11 the normal motions that they make and we will
12 ultimately have written Findings of Fact and
13 Conclusions of Law circulated.

12:06PM

14 Those Findings of Fact and Conclusions of
15 Law, as the Trustees know, have been prepared and
16 they are prepared with bracketed language either
17 granting or denying the benefit.

12:06PM

18 Once you make your decision, we will make
19 sure that those documents are eventually circulated
20 for signature.

12:06PM

21 However, a voice vote will be taken. We
22 are going to do it by voice vote and not do it by
23 roll call, unless any Trustees specifically ask for
24 a roll call.

1 The minutes, however, will reflect the
2 Trustees on the phone voting in the affirmative so
3 that we meet the requirement of the Code that five
4 trustees approve each benefit.

12:07PM

5 So we're going to try to do this as
6 expeditiously as possible to be able to get people
7 off the phone, but at the same time maintain a
8 level of due diligence for our important applicants
9 and also comply with the Pension Code for the
10 taxpayers of the City and State of Illinois.

12:07PM

11 With that, unless there are questions
12 before we start, can anybody who is on the phone
13 who has not identified themselves please do so now?

14 MEMBER CONYEARS-ERVIN: Good morning.

12:07PM

15 Treasurer Conyears-Ervin.

16 MS. BURNS: Good morning, Madam
17 Treasurer.

18 MS. BURNS: Trustee Soni, are you on the
19 phone?

12:07PM

20 MEMBER SONI: Yes. I can only be on the
21 phone for about 20 minutes.

22 MS. BURNS: Trustee Valencia, are you on
23 the phone?

24 MEMBER VALENCIA: Yes, I am here.

1 MS. BURNS: How are you feeling?

2 MEMBER VALENCIA: Good. Ready to roll.

3 MS. BURNS: We are all praying for you.

4 Anybody else on the phone who hasn't

12:08PM

5 identified themselves?

6 President Fortuna, just to summarize, I
7 think we are ready to go, if you would have someone
8 take roll. Would you like me to do it as long as I
9 am here?

12:08PM

10 MEMBER FORTUNA: We're going to call the
11 meeting to order at 9:08 and either Secretary
12 Martin or yourself please do roll call.

13 MS. BURNS: I will do the roll call.

14 Trustee Holt.

12:08PM

15 MEMBER NANCE-HOLT: Present.

16 MS. BURNS: Trustee Murphy.

17 MEMBER MURPHY: Present.

18 MS BURNS: Trustee McPhillips.

19 MEMBER MCPHILLIPS: Present.

12:08PM

20 MS. BURNS: Trustee Martin.

21 MEMBER MARTIN: Present.

22 MS. BURNS: Trustee Valencia.

23 MEMBER VALENCIA: Present.

24 MS. BURNS: Trustee Conyears-Ervin

1 MEMBER CONYEARS-ERVIN: Present.

2 MS. BURNS: President Fortuna.

3 CHAIRMAN FORTUNA: Present.

4 MS BURNS: Trustee Soni.

12:08PM

5 MEMBER SONI: Present.

6 MS. BURNS: We have all of the trustees
7 present.

8 Mr. President, you are ready to begin.

12:09PM

9 MEMBER MARTIN: Do we have request of
10 members of the public to address the Board.

11 Does anybody on the phone choose to
12 address the Board?

13 Hearing none, we will move on to Item 2-A
14 Consideration of approval of the following matters.

12:09PM

15 We are going to consider the Occupational
16 Disease Disability for EMT Battalion Chief Michael
17 A. Carbone, 1st District,

18 Without anything further, Vince will be
19 conducting this hearing.

12:10PM

20 MR. PINELLI: Thank you, Mr. Secretary.

21 As you indicated, this is a hearing on the
22 application for Occupational Disease Disability
23 benefit being made by Michael Carbone.

24 Before we proceed, I would seek to move

1 for admission of what's been marked as Board
2 Exhibits 1 through 12, which have previously been
3 distributed to the Trustees.

4 Mr. Chairman, I move for admission of
5 those documents.

12:11PM

6 CHAIRMAN FORTUNA: They are admitted
7 without objection.

8 MR. PINELLI: Thank you.

9 (Board Exhibits 1 through 12 were
10 admitted into evidence.)

12:11PM

11 MR. PINELLI: For purposes of the
12 Trustees, I would just indicate by way of summary
13 that Chief Carbone is applying for an Occupational
14 Disease Disability benefit based upon a heart
15 condition that he has.

12:11PM

16 He suffered a heart attack at home, not
17 on duty, on February 6th of 2019. As a result of
18 that, he was treated, he underwent a surgery and
19 had stents implanted at Lutheran General Hospital.

12:11PM

20 He has subsequently undergone treatment
21 for that condition and still is experiencing
22 episodic hypertension events.

23 He entered service with the Fire
24 Department in 1990. He, therefore, had more than

1 seven years of service and the records indicate
2 that he developed this heart condition during the
3 time he has been in service with the Fire
4 Department. He did not have it before he came on
5 the Department.

12:12PM

6 That in sum and substance is a summary of
7 the facts from the medical records and exhibits.

8 If there are no questions on that, then I
9 would move to call the doctor, Doctor Peters, the
10 Fund's Physician/Consultant to testify.

12:12PM

11 MS. BURNS: Before that happens, Doctor
12 Peters, and maybe Doctor Samo do it at the same
13 time, would you both raise your right hands and be
14 sworn in?

15 (Witnesses sworn.)

16 MS. BURNS: The record is going to
17 reflect that both the doctors were sworn and both
18 answered in the affirmative.

19 MICHAEL I. PETERS, M.D.
20 a witness herein, having been first duly sworn, was
21 examined and testified as follows:

22 EXAMINATION

23 BY MR. PINELLI:

24 Q Doctor Peters, would you please just

1 state your name for the record?

2 A Michael I. Peters.

3 Q And you are a physician; is that correct?

4 A Yes.

12:13PM

5 Q Are a copy of your qualifications as a
6 physician are attached to the Board Exhibits; is
7 that correct?

8 A Yes.

12:13PM

9 Q Do you perform a function as a consultant
10 to this fund in which you examine applicants,
11 review medical records and report to the Board?

12 A Yes, I do.

13 Q And then do you follow that up with a
14 written report that you submit to the Board with
15 your findings?

12:13PM

16 A Yes.

17 Q Is a copy of your written report
18 submitted to the board as Board Exhibit Number 2?

19 A Yes, it is.

12:13PM

20 Q Did you follow your procedures as a
21 consultant with respect to this applicant Mr.
22 Carbone?

23 A Yes, I did.

24 Q Doctor, can you please just summarize for

1 us, if you would, the history of his medical
2 condition and his treatment.

3 A Chief Carbone suffered an acute anterior
4 wall myocardial infarction while he was at home on
5 February 6, 2019.

12:14PM

6 He went to the Cardiac Cath Lab at
7 Lutheran General. It showed a 100 percent
8 occlusion of his left anterior descending coronary
9 artery.

12:14PM

10 He had two stents placed. Initially had
11 a reduced injection fraction, which has recovered.
12 He's on lifelong aspirin therapy and he is on
13 anti-hypertensive medications but he has had
14 episodic elevations of his blood pressure.

12:14PM

15 During his rehabilitation, he had a fall
16 with a left rotator cuff injury, which he reports
17 has recovered. Although, MRI shows that he has a
18 tear and was advised to have surgery. Chief
19 Carbone has chosen not to have surgery at this
20 time.

12:15PM

21 Q Doctor, to your knowledge, based on your
22 experience, do the standards of the National Fire
23 Protection Act indicate that it is not recommended
24 that a firefighter with his history of the heart

1 condition and stent placement continue to perform
2 full fire fighting duties?

3 A Per the NFPA, he is unable to return to
4 full fire fighting duties because of his history of
5 a MI with stents.

12:15PM

6 MR. PINELLI: Thank you. That is all the
7 questions I have of the doctor at this time.

8 CHAIRMAN FORTUNA: Trustees, any
9 questions of the doctor?

12:15PM

10 MEMBER MARTIN: None.

11 MS. BURNS: We are lucky enough to have
12 Mr. Carbone on the phone. Maybe just ask if he
13 would like to add anything.

14 CHAIRMAN FORTUNA: Chief Carbone, would
15 you like to add anything?

12:16PM

16 MR. CARBONE: No, ladies and gentlemen, I
17 would not.

18 MR. PINELLI: Thank you.

19 MEMBER MARTIN: I would like to make a
20 motion to grant.

12:16PM

21 MEMBER MCPHILLIPS: Second.

22 CHAIRMAN FORTUNA: Motion to grant by
23 Trustee Martin. Seconded by Trustee McPhillips.

24 Trustee Martin.

1 MEMBER MARTIN: Yes.

2 CHAIRMAN FORTUNA: Trustee Soni.

3 MEMBER SONI: Yes.

4 CHAIRMAN FORTUNA: Trustee

5 Conyears-Ervin.

6 MEMBER CONYEARS-ERVIN: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER McPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: Trustee Holt.

10 MEMBER NANCE-HOLT: Yes.

11 CHAIRMAN FORTUNA: Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Valencia.

14 MEMBER VALENCIA: Yes.

12:16PM

15 CHAIRMAN FORTUNA: And I am a yes.

16 MS. BURNS: It should be shown as a

17 unanimous vote.

18 CHAIRMAN FORTUNA: I would look for a

19 motion for reexam.

12:17PM

20 MEMBER MARTIN: I would like to make a

21 motion for reexam consistent with the Board's

22 existing policy.

23 MEMBER NANCE-HOLT: I will second that.

24 CHAIRMAN FORTUNA: Motion for reexam by

1 Trustee Martin. There is a second by Trustee Holt.

2 All in favor?

3 (Chorus of ayes.)

4 CHAIRMAN FORTUNA: Motion carries.

12:17PM

5 Trustee Martin, I would entertain a
6 motion to adopt the Findings of Facts, please.

7 MEMBER MARTIN: I'd like to make a motion
8 to adopt the Findings of Fact as distributed by
9 Fund counsel.

12:17PM

10 MEMBER MCPHILLIPS: Second.

11 CHAIRMAN FORTUNA: Motion by Trustee
12 Martin. Seconded by Trustee McPhillips.

13 All in favor?

14 (Chorus of ayes.)

12:17PM

15 CHAIRMAN FORTUNA: Opposed?

16 Hearing none, motion passes.

17 Mr. Carbone, based on the Findings of
18 Fact made by the Trustees, the Trustees have voted
19 to grant the benefit you have requested.

12:18PM

20 You will be notified by mail of the
21 Findings of Fact and the Board's decision.

22 Thank you, very much.

23 MR. CARBONE: Thank you President Fortuna
24 and the Board.

1 MR. PINELLI: We also have Mr. O'Connor
2 on the phone so Trustees know.

3 MEMBER MARTIN: Let the record reflect
4 that this is the Occupational Disease Disability
12:18PM 5 application for EMT Captain Kevin O'Connor, Second
6 District Relief.

7 Without anything further, Vince, you're
8 conducting this hearing. Take it away.

9 MR. PINELLI: Thank you, Mr. Secretary.

12:18PM 10 This is the hearing on the application
11 for an Occupational Disease Disability benefit
12 being made by Captain Kevin O'Connor on today's
13 date.

14 I would first initially, Mr. Chairman,
12:18PM 15 move for admission of Board Exhibits 1 through 11
16 at this time.

17 CHAIRMAN FORTUNA: Admitted without
18 objection.

19 MR. PINELLI: Thank you.

12:19PM 20 (Board Exhibits 1 through 11 were
21 admitted into evidence.)

22 MR. PINELLI: Then just to summarize for
23 the Board, Captain O'Connor is applying for this
24 Occupational Disease Benefit.

1 He entered the service of the Fire
2 Department in 1998. So, therefore, he has more
3 than seven years of service.

4 He developed a heart condition during the
5 time he has been in service with the fire
6 department or since he began service with the fire
7 department and he is applying for this benefit
8 based upon a heart condition known as
9 cardiomyopathy which is a disease of the heart.

10 So at this time I would seek to call
11 Doctor Samo to testify, who I believe has been
12 sworn to testify.

13 (Witness previously sworn.)

14 DANIEL SAMO, M.D.

15 a witness herein, having been first duly sworn, was
16 examined and testified as follows:

17 EXAMINATION

18 BY MR. PINELLI:

19 Q Doctor Samo, would you please state your
20 name?

21 A Daniel Samo.

22 Q You are a physician; is that correct?

23 A Yes.

24 Q And are a copy of your qualifications as

1 such attached to the Board Exhibits?

2 A Yes.

3 Q And you perform a function as a
4 consultant to this fund in which you review medical
12:20PM 5 records, examine applicants and report to the
6 Board?

7 A Yes.

8 Q Did you file that procedure with respect
9 to Captain O'Connor?

12:20PM 10 A Yes.

11 Q You submitted a written report to the
12 Board that is marked as Board Exhibit Number 2; is
13 that correct?

14 A Yes.

12:20PM 15 Q Doctor Samo, could you please summarize
16 for us what is the medical condition that he has
17 and his current condition?

18 A His medical condition is that he has
19 dilated cardiomyopathy. In other words, his heart
12:20PM 20 is big and wasn't pumping well. Apparently it
21 began in the end of summer or fall of 2019 when he
22 began having some mild symptoms.

23 They got worse towards the end of 2018
24 and he saw his cardiologist and testing showed that

1 he had a severe dilation and abnormal function of
2 the left side of his heart.

3 He did not have anything that would
4 explain why it happened. No atrial fibrillation.
5 No occlusion. No alcohol consumption.

6 And he did have a cardiac catheterization
7 which showed no significant coronary artery disease
8 so that is why it is called a nonischemic
9 cardiomyopathy.

10 It was thought it possibly could reverse
11 itself and so he was treated with something called
12 a life vest, which is basically an external
13 defibrillator that you wear 24/7 in case he does
14 have an arrhythmia or a sudden cardiac death.

15 But further testing showed that his
16 condition did not improve and that they recommended
17 an implantable cardioverter-defibrillator; an ICD.
18 He elected to try a full nine month medical trial
19 realizing that if he had the ICD that he would not
20 be able to return to work as a firefighter.

21 As I said, he did not really improve
22 significantly and he continues to have abnormal
23 testing, which puts him at-risk, significant risk,
24 for sudden incapacitation due to an arrhythmia or

1 sudden death.

2 As of the time I saw him, he had not had
3 the ICD placed.

12:23PM

4 Q Doctor, just to be clear then, the
5 condition he has is a disease of the heart that
6 effects the functioning of the heart; is that
7 correct?

8 A Correct.

12:23PM

9 Q Okay. And, obviously, in his current
10 condition would you recommend that he return to
11 full fire fighting duties?

12 A No.

13 MR. PINELLI: Thank you, doctor. That is
14 all the questions I have at this time.

12:23PM

15 CHAIRMAN FORTUNA: Trustees, any
16 questions for Doctor Samo? Hearing none.

17 MR. PINELLI: Mr. O'Connor, do you want
18 to say something?

12:23PM

19 MR. O'CONNOR: I have nothing to add.
20 Thank you, Mr. President.

21 MEMBER MARTIN: I would like to make a
22 motion to grant.

23 MEMBER McPHILLIPS: Second.

24 CHAIRMAN FORTUNA: Motion to grant by

1 Trustee Martin. Seconded by Trustee McPhillips.

2 Trustee Martin.

3 MEMBER MARTIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee

7 Conyears-Ervin.

8 MEMBER CONYEARS-ERVIN: Yes.

9 CHAIRMAN FORTUNA: Trustee McPhillips.

10 MEMBER MCPHILLIPS: Yes.

11 CHAIRMAN FORTUNA: Trustee Holt.

12 MEMBER NANCE-HOLT: Yes.

13 CHAIRMAN FORTUNA: Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Valencia.

16 MEMBER VALENCIA: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 MEMBER MARTIN: Motion for reexam

19 consistent with our policy.

20 MEMBER MCPHILLIPS: Second.

21 CHAIRMAN FORTUNA: Motion for reexam by

22 Trustee Martin. Seconded by Trustee McPhillips.

23 All in favor?

24 CHAIRMAN FORTUNA: Opposed.

12:24PM

1 Hearing none, motion carries.

2 MEMBER MARTIN: I'd like to make a motion
3 to adopt the Findings of Fact as distributed by
4 Fund counsel.

12:24PM

5 MEMBER MCPHILLIPS: Second.

6 CHAIRMAN FORTUNA: Motion by Trustee
7 Martin. Seconded by Trustee McPhillips.

8 All in favor?

9 (Chorus of ayes.)

12:25PM

10 CHAIRMAN FORTUNA: Opposed?

11 Hearing none, motion carries.

12 Based on the Findings of Fact and
13 conclusions of law made by the Trustees, the
14 Trustees have voted to grant you the benefit you
15 have requested.

09:57AM

16 You will be notified by mail of the
17 Findings of Fact and the Board's decision.

18 Thank you and good luck.

19 MR. O'CONNOR: Thank you.

12:30PM

20 MEMBER MARTIN: This is the Duty
21 Disability application for Kristy M. Gaichas,
22 Ambulance Commander, Ambulance 79.

23 Without anything further, Vince.

24 MR. PINELLI: Okay. Just so I am clear,

1 I don't believe I heard that she was on the call,
2 is that correct, or has she joined the call?

3 MS. GAICHAS: I am on the call.

4 MR. PINELLI: Thank you for identifying
5 yourself.

12:30PM

6 Let the record reflect that this is a
7 hearing on the application for a Duty Disability
8 benefit being made by Kristy Gaichas on today's
9 date.

12:30PM

10 Mr. Chairman, I would move first of all
11 for Board Exhibits 1 through 14 at this time.

12 CHAIRMAN FORTUNA: Admitted without
13 objection.

14 MR. PINELLI: Thank you.

12:31PM

15 (Board Exhibits 1 through 14
16 were admitted into evidence.)

17 MR. PINELLI: To summarize for the
18 Trustees, Ambulance Commander Gaichas was working
19 on February 11, 2019 when she was attempting to
20 access a patient at a building.

12:32PM

21 She fell down stairs and injured various
22 parts of her body, including her right foot. She
23 was immediately transported by ambulance at that
24 time to Little Company of Mary Hospital where she

1 was treated for her injuries.

2 Subsequent to that date the treatment
3 included various surgeries, including a surgery on
4 her right foot.

12:32PM

5 By way of history, she had had a prior
6 duty related injury to her right foot in 2009,
7 which she was able to recover from and return to
8 work.

12:32PM

9 Following the surgery for this incident,
10 she has continued to have problems making a full
11 recovery from her right foot injury.

12 At this time I would seek to call the
13 doctor to testify.

14 (Witness previously sworn.)

15 DANIEL SAMO, M.D.

16 a witness herein, having been first duly sworn, was
17 examined and testified as follows:

18 EXAMINATION

19 BY MR. PINELLI:

12:33PM

20 Q You have previously been sworn, Doctor
21 Samo; is that correct?

22 A Yes.

23 Q Just restate for the record your name.

24 A Daniel Samo.

1 Q And you are a physician whose
2 qualifications are attached to the Board Exhibits?

3 A Yes.

12:33PM

4 Q And you perform a function to this Fund
5 in which you examine applicants, review medical
6 records and report to the Board; is that correct?

7 A Yes.

8 Q You followed that procedure with respect
9 to Kristy Gaichas?

12:33PM

10 A Yes.

11 Q Did you file a written report with the
12 Board that is marked as Board Exhibit Number 2?

13 A Yes.

12:33PM

14 Q Doctor, could you please summarize for
15 the Trustees the condition that Ms. Gaichas
16 experienced and what her current situation is?

17 A So as a result of her injuries to her
18 foot, she ended up having a fusion of the MTP joint
19 of her right great toe. The MTP joint is the one
20 between the toe and the foot.

12:34PM

21 She had had surgery to that joint in 2009
22 and had a prosthesis placed at that time.

23 And after the fall, she stated she was
24 having pain in her shoulder, in her hip, and that

1 was the main pain that she had, but she was also
2 having pain in the foot.

3 She finally saw her orthopedist Doctor
4 Garras, the foot specialist. And she was tender on
5 the outside of her foot, but when xrays showed that
6 the prosthesis, which is of the great toe, was
7 displaced and so surgery was done and the fusion
8 was done.

9 Her other injuries; the shoulder, the
10 knee, all resolved, but she continues to have pain
11 in her foot and the great toe and it was impairing
12 her ability to do tasks. She had constant swelling
13 which she wears compression hose. She can't run at
14 all. She is okay going up stairs but not down
15 stairs. She needs to really hold on if she's going
16 down stairs and she is able to drive.

17 Last CT scan showed that she did have a
18 bony fusion. The plan was that they were going to
19 take out the prosthesis since her bony fusion was
20 stable and that might help relieve some of her pain
21 symptoms.

22 At this point she is going to have
23 difficulty pushing off of or putting any pressure
24 on her great toe and especially going down stairs,

1 especially if carrying anything heavy like a
2 stretcher, and would have trouble standing on her
3 tippy toes. Since she is five foot zero, she needs
4 to do that fairly frequently.

12:36PM

5 Q Doctor, based upon the description you
6 just gave of the symptoms she is still experiencing
7 following the surgery, do you feel that she could
8 perform her functions with the fire department?

9 A No.

12:36PM

10 MR. PINELLI: Thank you. That is all the
11 questions I have of the doctor.

12 CHAIRMAN FORTUNA: Trustees, any
13 questions for the doctor?

14 MEMBER MARTIN: No questions.

12:36PM

15 CHAIRMAN FORTUNA: Hearing none.

16 MEMBER MARTIN: I would like to make a
17 motion to grant.

18 MR. PINELLI: Does Ms. Gaichas want to
19 say anything for the record?

12:37PM

20 MS. GAICHAS: I do not.

21 MR. PINELLI: Thank you.

22 Go ahead, Trustee Martin.

23 MEMBER MARTIN: I have a motion to grant.

24 MEMBER MCPHILLIPS: Second.

1 CHAIRMAN FORTUNA: There is a motion to
2 grant by Trustee Martin. Seconded by Trustee
3 McPhillips.

4 Trustee Martin.

5 MEMBER MARTIN: Yes.

6 CHAIRMAN FORTUNA: Trustee Soni.

7 MEMBER SONI: Yes.

8 CHAIRMAN FORTUNA: Trustee
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER McPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: Trustee Holt.

14 MEMBER NANCE-HOLT: Yes.

15 CHAIRMAN FORTUNA: Trustee Murphy.

16 MEMBER MURPHY: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 MEMBER MARTIN: Motion for reexam
21 consistent with the Board's policy.

22 MEMBER MCPHILLIPS: Second.

23 CHAIRMAN FORTUNA: There is a motion by
24 Trustee Martin. Seconded by Trustee McPhillips.

12:37PM

1 All in favor?

2 (Chorus of ayes.)

3 CHAIRMAN FORTUNA: Motion carries.

4 MEMBER MARTIN: I'd like to make a motion

12:38PM

5 to adopt the Findings of Fact distributed by Fund

6 counsel.

7 MEMBER MCPHILLIPS: Second.

8 CHAIRMAN FORTUNA: Motion by Trustee

9 Martin. Seconded by Trustee McPhillips.

12:38PM

10 All in favor?

11 (Chorus of ayes.)

12 CHAIRMAN FORTUNA: Motion carries.

13 Based on the Findings of Fact and

14 conclusions of law made by the Trustees, the

09:57AM

15 Trustees have voted to grant you the benefit you

16 have requested.

17 You will be notified by mail of the

18 Findings of Fact and the Board's decision.

19 Thank you and good luck.

12:39PM

20 MS. GAICHAS: Thank you very much.

21 MEMBER MARTIN: Let the record reflect

22 this is the Occupational Disease Disability

23 application for EMT Peter Krouse, Engine 65.

24 Vince.

1 MR. PINELLI: Thank you, Mr. Secretary.

2 This is the application for Occupational
3 Disease Disability benefit being made by Engineer
4 Peter Krouse pursuant to 40 ILCS 56-151.2, which
5 allows for an application by a Firefighter before
6 they exhaust their right to salary under the
7 circumstances where the Firefighter is terminally
8 ill.

9 I would move first of all for admission
10 of Board's Exhibits 1 through 9, Mr. Chairman.

11 CHAIRMAN FORTUNA: Exhibits are admitted
12 without objection.

13 MR. PINELLI: Thank you.

14 (Board Exhibits 1 through 9 were
15 admitted into evidence.)

16 MR. PINELLI: For the benefit of the
17 Trustees, Mr. Krouse was on layup. He was
18 diagnosed with a terminal illness of renal cancer.

19 Pursuant to the statute, he was allowed
20 to apply for his benefit on January 29th of 2020
21 and unfortunately he passed away on February 12th
22 of 2020 as a result of that disease.

23 He entered service in 1999 and,
24 therefore, had more than seven years of service.

1 And the records indicate that he developed the
2 cancer during the time that he was in service with
3 the Fire Department.

4 At this time I would move to call doctor
12:27PM 5 Peters for a brief question.

6 (Witness previously sworn.)

7 MICHAEL I. PETERS, M.D.

8 a witness herein, having been first duly sworn, was
9 examined and testified as follows:

10 EXAMINATION

11 BY MR. PINELLI:

12 Q Doctor Peters, you have previously been
13 sworn and we know that you perform a function as a
14 consultant to this fund.

15 12:28PM You were not able to examine Mr. Krouse;
16 is that correct?

17 A Yes.

18 Q But you did do a review of the medical
19 records; is that correct?

20 12:28PM A Yes, I did.

21 Q Based on your review of the medical
22 records, did it indicate that he was suffering from
23 a terminal illness at the time he applied for this
24 benefit in January of 2020?

1 A Yes, he was.

2 Q That condition was renal cancer; is that
3 correct?

4 A That's correct.

12:28PM

5 Q And based upon your experience, knowledge
6 and training is that the type of cancer that may be
7 caused by exposure to heat, radiation or a known
8 carcinogen as defined by the International Agency
9 for Research on Cancer?

12:28PM

10 A Yes, it is.

11 MR. PINELLI: Thank you. I have no
12 further questions of the doctor.

13 CHAIRMAN FORTUNA: Trustees, any
14 questions for the doctor? Hearing none.

12:29PM

15 MEMBER MARTIN: Mr. President, I would
16 like to make a motion to grant.

17 MEMBER MCPHILLIPS: Second.

18 CHAIRMAN FORTUNA: Motion to grant by
19 Trustee Martin. Seconded by Trustee McPhillips.
20 Trustee Martin.

21 MEMBER MARTIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Soni.

23 MEMBER SONI: Yes.

24 CHAIRMAN FORTUNA: Trustee

1 Conyears-Ervin.

2 MEMBER CONYEARS-ERVIN: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 MEMBER McPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: Trustee Holt.

6 MEMBER NANCE-HOLT: Yes.

7 CHAIRMAN FORTUNA: Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 MEMBER MARTIN: I'd like to adopt the

13 Findings of Facts distributed by Fund counsel.

14 MEMBER NANCE-HOLT: Second.

12:29PM

15 CHAIRMAN FORTUNA: Motion by Trustee

16 Martin to adopt the Findings of Fact. Seconded by

17 Trustee Holt.

18 All in favor?

19 (Chorus of ayes.)

12:29PM

20 CHAIRMAN FORTUNA: Opposed?

21 Motion carries.

22 For the record, based on the Findings of

23 Fact made by the Trustees, the Trustees have voted

24 to grant this benefit.

1 MEMBER MARTIN: I don't think we have
2 anything left on the agenda.

3 CHAIRMAN FORTUNA: You can look at Old
4 Business or New Business, if there is anybody that
5 has anything to say.

12:39PM

6 MEMBER MARTIN: Not at this time.

7 CHAIRMAN FORTUNA: Then I would look for
8 a motion to adjourn.

9 MEMBER MARTIN: Motion to adjourn.

12:39PM

10 MEMBER MCPHILLIPS: Second.

11 CHAIRMAN FORTUNA: Motion by Trustee
12 Martin. Second by Trustee McPhillips. All in
13 favor?

14 (Chorus of ayes.)

15 CHAIRMAN FORTUNA: Motion carries.

16

17 (WHICH WERE ALL THE PROCEEDINGS

18 IN THE ABOVE-ENTITLED MEETING

19 AT THIS DATE AND TIME.)

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24

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

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DEBORAH TYRRELL, being a Certified Shorthand Reporter, on oath says that she is a court reporter doing business in the County of DuPage and State of Illinois, that she reported in shorthand the proceedings given at the taking of said cause and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid; and contains all the proceedings given at said cause.

Debbie Tyrrell
DEBBIE TYRRELL, CSR
License No. 084-001078