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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

ANTHONY MARTIN, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

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

DANIEL SAMO, M.D., Board Physician

1 CHAIRMAN FORTUNA: I hereby convene this
2 meetings at 8:07 on December 15, 2021. We are
3 starting this meeting early to accommodate the work
4 schedule of various trustees so we have a quorum.
5 Please call the roll. The public was notified of
6 the start time for the meeting.

7 MEMBER MURPHY: Trustee Tebbens.

8 MEMBER TEBBENS: Here.

9 MEMBER MURPHY: Trustee Soni.

10 MEMBER SONI: Here.

11 MEMBER MARTIN: Trustee Martin.

12 MEMBER MARTIN: Here.

13 MEMBER MURPHY: Trustee Valencia.

14 MEMBER VALENCIA: Here.

15 MEMBER MURPHY: President Fortuna.

16 CHAIRMAN FORTUNA: Here.

17 MEMBER MURPHY: I am here.

18 CHAIRMAN FORTUNA: We have a quorum.

19 Public Act 101-0640 allows this meeting
20 to be conducted by audio and video conference. The
21 Act requires a roll call vote on each matter acted
22 upon.

23 Further consistent with Public Act
24 101-0640, for the record, I am physically present

1 with the Fund's Secretary, several trustees, and
2 the Executive Director is also present.

3 We have posted notice of this meeting in
4 accordance with the Open Meetings Act and the
5 meeting is being recorded. A transcript of this
6 proceeding will be prepared and ultimately, after
7 approval, will be made available on the Fund's
8 website.

9 Consistent with Public Act 91-0715 and
10 reasonable constraints determined by the Board of
11 Trustees, at each regular meeting of the Board of
12 Trustees and/or its committees that is open to the
13 public, members of the public may request a brief
14 time to address the Board on any relative matters.

15 Are there any requests for public comment
16 this morning?

17 Hearing none, we are going to move on.

18 Mr. Secretary.

19 MEMBER MURPHY: Mr. President, first
20 issue at hand would be the election of officers.

21 CHAIRMAN FORTUNA: There is a motion for
22 the election of officers by acclamation.

23 MS. BURNS: Could you please say who the
24 officers are, Trustee Murphy?

1 MEMBER MURPHY: The officers would be
2 President Fortuna, Vice-President Valencia and
3 Secretary Murphy.

4 CHAIRMAN FORTUNA: There is a motion on
5 the floor.

6 MEMBER MURPHY: Second.

7 CHAIRMAN FORTUNA: Seconded by Trustee
8 Murphy.
9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee Martin

14 MEMBER MARTIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: Trustee Valencia.

18 MEMBER VALENCIA: Yes.

19 CHAIRMAN FORTUNA: And I am a yes.

20 Motion carries.

21 MEMBER MURPHY: Mr. President, first we
22 are going to turn to the approval of Administrative
23 Items. Approval of the minutes of the regular
24 audio meeting of November 17, 2021 and the regular

1 audio meeting transcript of November 17, 2021.

2 I'd like to make a motion to approve the
3 minutes and the audio transcript for the November
4 17, 2021 board meeting.

5 MEMBER MARTIN: Second.

6 CHAIRMAN FORTUNA: There's a motion by
7 Trustee Murphy seconded by Trustee Martin.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Soni.

11 MEMBER SONI: Yes.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: Trustee Valencia.

17 MEMBER VALENCIA: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Moving on to B, Minimum
21 Formula Annuities. I would like to make a motion
22 to approve the 15 pages of Minimum Formula
23 Annuities starting with Member 14299 and ending
24 with Member 16215.

1 MEMBER MARTIN: Second.

2 CHAIRMAN FORTUNA: Motion by Trustee
3 Murphy seconded by Trustee Martin.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Soni.

7 MEMBER SONI: Yes.

8 CHAIRMAN FORTUNA: Trustee Martin

9 MEMBER MARTIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Tebbens.

11 MEMBER TEBBENS: Yes.

12 CHAIRMAN FORTUNA: Trustee Valencia.

13 MEMBER VALENCIA: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 MEMBER MURPHY: Moving on to Item C, I'd
17 like to make a motion to approve Widow's Annuities
18 starting with Member 12265 through Member 09414.

19 MEMBER MARTIN: Second.

20 CHAIRMAN FORTUNA: There is a motion by
21 Trustee Murphy seconded by Trustee Martin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee Martin

3 MEMBER MARTIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: Trustee Valencia.

7 MEMBER VALENCIA: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Moving on to Refunds, I'd

11 like to make a motion to approve the Refunds

12 starting with Member 11123 through Member 19000.

13 MEMBER SONI: Second.

14 CHAIRMAN FORTUNA: There is a motion by

15 Trustee Murphy seconded by Trustee Soni.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee Martin

21 MEMBER MARTIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY: Mr. President, moving on
5 E, I would like to make a motion approve the Death
6 Benefits starting with Member 12265 through Member
7 09414.

8 MEMBER TEBBENS: Second.

9 CHAIRMAN FORTUNA: Motion by Trustee
10 Murphy seconded by Trustee Tebbens.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee Martin

16 MEMBER MARTIN: Yes.

17 CHAIRMAN FORTUNA: Trustee Tebbens.

18 MEMBER TEBBENS: Yes.

19 CHAIRMAN FORTUNA: Trustee Valencia.

20 MEMBER VALENCIA: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Mr. President, under F, I
24 would like to make a motion to approve the Partial

1 Payments beginning with Member 12265 and continuing
2 through Member 10124.

3 MEMBER VALENCIA: Second.

4 CHAIRMAN FORTUNA: Motion by Trustee
5 Murphy seconded by Trustee Valencia.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee Martin

11 MEMBER MARTIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Under G, Benefit

19 Recalculations, Request for Permission to Reside

20 Out of State, there are none this month.

21 Moving on to H, Guardianship, there is
22 one this month for Member 08946. I'd like to make
23 a motion to grant guardianship to the son of this
24 member, based on the staff's confirmation that all

1 the paperwork required by the Fund has been
2 received.

3 MEMBER SONI: Second.

4 CHAIRMAN FORTUNA: There is a motion by
5 Trustee Murphy seconded by Trustee Soni.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee Martin

11 MEMBER MARTIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: Trustee Valencia.

15 MEMBER VALENCIA: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Moving on to I, Removals.

19 I would like to make a motion to approve Removals
20 starting with Elvira A. Biancalana ending with
21 Daniel Grant.

22 MEMBER MARTIN: Second.

23 CHAIRMAN FORTUNA: There is a motion by
24 Trustee Murphy seconded by Trustee Martin.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: Trustee Valencia.

10 MEMBER VALENCIA: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: Mr. President, under
14 Administrative and Court Orders, I would like to
15 make a motion to approve the QILDROs and Child
16 Support Orders listed in the docket starting with
17 Member 011123 and ending with Member 015739, based
18 on the staff's confirmation that all the paperwork
19 required by the Fund to process the orders has been
20 received.

21 MEMBER MARTIN: Second.

22 CHAIRMAN FORTUNA: Motion by Trustee
23 Murphy seconded by Trustee Martin.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Soni.

3 MEMBER SONI: Yes.

4 CHAIRMAN FORTUNA: Trustee Martin

5 MEMBER MARTIN: Yes.

6 CHAIRMAN FORTUNA: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 CHAIRMAN FORTUNA: Trustee Valencia.

9 MEMBER VALENCIA: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Mr. President, moving on
13 to consideration of Duty Disability Applications.

14 MR. WELLER: I don't see that we have any
15 applicants dialed in yet.

16 MEMBER MARTIN: Motion to go out of the
17 regular order of business.

18 MEMBER MURPHY: Second.

19 CHAIRMAN FORTUNA: Motion by Trustee
20 Martin to go out of the regular order of business
21 seconded by Trustee Murphy.

22 MS. BURNS: Maybe do Investments?

23 MEMBER MURPHY: I would like to turn this
24 over to Trustee Martin as the Chair of the

1 Investment Committee.

2 MEMBER MARTIN: We had our Investment
3 Committee on the 13th of December.

4 Lorna, if you want to kind of walk
5 through what basically happened at the meeting and
6 the motions that need to be addressed.

7 MS. SCOTT: There were two items on the
8 agenda at the Investment Committee meeting. One
9 was the Callan Asset Liability Study.

10 Brady, from Callan, discussed the study
11 and the rationale for the proposed updated asset
12 allocation model.

13 After discussion, the Committee is
14 recommending adopting the revised asset allocation
15 model.

16 The second item on the agenda was the
17 Investment Report. Brady discussed the Fund
18 performance as of 9-30 and I provided an update of
19 the Fund performance through November 30th.

20 So, in general, I am looking for a motion
21 to ratify the Committee recommendation related to
22 the adoption of the revised asset allocation model.

23 MEMBER MURPHY: I'd like to make that
24 motion.

1 MEMBER MARTIN: Second.

2 CHAIRMAN FORTUNA: There is a motion by
3 Trustee Murphy seconded by Trustee Martin.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Martin

7 MEMBER MARTIN: Yes.

8 CHAIRMAN FORTUNA: Trustee Tebbens.

9 MEMBER TEBBENS: Yes.

10 CHAIRMAN FORTUNA: Trustee Valencia.

11 MEMBER VALENCIA: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

14 MS. SCOTT: The next item under
15 Investments is my Investment Report, which I did
16 cover in committee, so that would conclude for
17 Investments so I will turn it over to Jackie for an
18 accounting update.

19 MS. VLAHOS: As of December, we have a
20 surplus in our account of \$46.5 million. We have
21 benefits slightly higher from what we are used to
22 just because December is a big retiree month.
23 32 point almost 7 million dollars coming in. With
24 all the other bills that we pay for December, \$36.5

1 million in expenditures. Leaving us with a surplus
2 of \$9.9 million for the end of December after our
3 benefits are paid.

4 If you can go to the next sheet, the Cash
5 Flows. For December, like we just talked about, we
6 are not going to need any sort of draw down and we
7 are going to have a remaining balance, as you can
8 see, of approximately \$9.9 million in cash
9 available.

10 One thing we would like to point out, as
11 you can see on the bottom, there is an asterisk,
12 basically stating that for what is due to us for
13 2021 tax receipts, we still have approximately
14 \$10.9 million due to us.

15 As you see on the next line, which is
16 January 2022, if you look over to the right-hand
17 side, we are going to have to draw down
18 approximately \$18.5 million in order to cover our
19 benefit. This is just kind of due to timing.

20 I talked to Lorna. I believe she said
21 she would talk a little more about that.

22 If we were able to get our \$10.9 million
23 by the end of January, and I believe what she has
24 in the balance of Northern Trust for cash

1 available, we can cover it and that way we wouldn't
2 have to draw down.

3 It is basically a timing difference. I
4 wouldn't want to have to draw down investments just
5 to cover sort of like a timing difference.

6 I don't know, Reshma, maybe we can talk
7 later. Maybe you can comment on that about what
8 the likelihood would be that that could happen. I
9 would hate to sell something just due to timing.

10 MEMBER SONI: I see that, Jackie. Let me
11 look into that. Just for timing sake, you would
12 need something by the 25th of January or so?

13 MS. VLAHOS: Yes. If we knew for sure we
14 were getting it, then, yes, 25th would be great.

15 MEMBER SONI: Great. I will discuss and
16 I will give you a call.

17 MS. VLAHOS: Great.

18 Lorna, correct me if I am wrong, that is
19 what we discussed, right? With that \$10.9 million
20 and what you have available in cash, we wouldn't
21 need to draw down in January?

22 MS. SCOTT: We would need a little bit.
23 If you have \$10 million and I have say \$10 million,
24 \$15 million, that puts us right around 20, 25

1 million and to make a normal \$30 million payment,
2 you would need another 5 to 10 million then.

3 MS. VLAHOS: We have a balance of \$10
4 million. I think we should be good. I think what
5 we're looking at is what we have and in January we
6 need \$18.5 to draw down. It sounds like it would
7 be very close. We are at \$10.9 million. It sounds
8 like you have between 8 to 10. We should be able
9 to cover it. We will discuss it a little bit
10 later.

11 I wanted to ask for that, if that is
12 available, that way we don't have to draw down.

13 I think that is all. I don't think we
14 need any motion or anything like that.

15 MS. SCOTT: That would conclude the
16 Investment portion. We are ready to move on to the
17 next item.

18 MEMBER MURPHY: Mr. President, I would
19 like to move on to the applicant Mr. Graves. I
20 believe we have our first one, Cornelius Graves,
21 Battalion Chief.

22 MR. PINELLI: Thank you, Mr. Secretary.
23 We are ready to proceed.

24 Let the record reflect this is a hearing

1 on the application for Duty Disability Benefits
2 being made by Battalion Chief Cornelius Graves.

3 Good morning, Mr. Graves. I am one of
4 the attorneys representing the Fund. I will be
5 conducting this hearing for the record. Can you
6 hear me?

7 MR. GRAVES: Yes, sir. Good morning,
8 sir.

9 MR. PINELLI: Good morning, sir. I'd
10 like to advise you of some preliminary matters
11 before we start evidence.

12 First of all, there are currently six
13 trustees present in the meeting. If you don't know
14 you should know you need the yes vote of at least
15 five trustees in order to receive this benefit per
16 the Pension Code. Do you understand that?

17 MR. GRAVES: Yes, sir.

18 MR. PINELLI: I see that you do not have
19 an attorney representing you. Is it your desire to
20 proceed without an attorney?

21 MR. GRAVES: Yes, sir.

22 MR. PINELLI: Lastly, it is always the
23 applicant's burden of proof to present sufficient
24 evidence to the Board in order for the Board to

1 grant the benefit you are seeking. Do you
2 understand it is your burden of proof?

3 MR. GRAVES: Yes, sir.

4 MR. PINELLI: By way of procedures, I am
5 going to start by asking you some questions under
6 oath. The board members may or may not have
7 questions of you. Then I will call the Fund's
8 physician consultant to testify. If there is
9 anything I don't ask him that you think is
10 important for the Board to know, please let me know
11 and you will be given that opportunity. Do you
12 understand the procedures?

13 MR. GRAVES: Yes, sir.

14 MR. PINELLI: Then we are ready to
15 proceed. Is Dr. Peters on the line?

16 DOCTOR PETERS: Yes, I am here.

17 MR. PINELLI: Good morning, Dr. Peters.

18 DOCTOR PETERS: Good morning.

19 MR. PINELLI: Could you and Chief Graves
20 both please raise your right hands?

21 (Witnesses sworn.)

22 CORNELIUS GRAVES

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

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EXAMINATION

BY MR. PINELLI:

Q Chief Graves, could you please just state your name for the record?

A Cornelius Graves, III.

Q What is your current rank with the Fire Department?

A Battalion Chief.

Q What was your last assignment before you went on layup?

A City Wide Relief.

Q Sir, did you receive a copy of the Board Exhibits that were marked Board Exhibits 1 through 13 before today's hearing?

A Yes, sir.

Q Did you have a chance to review them?

A Yes, sir.

Q Do you have any objection to their admission into the record in support of your application?

A No, sir.

MR. PINELLI: Thank you.

Mr. President, I move for admission of Board Exhibits 1 through 13 without objection from

1 the applicant.

2 CHAIRMAN FORTUNA: Admitted without
3 objection.

4 MR. PINELLI: Thank you.

5 (Board Exhibits 1 through 13 were
6 admitted into evidence.)

7 BY MR. PINELLI:

8 Q Now, Chief, directing your attention to
9 October 31st of 2020, did you experience an injury
10 or injuries that is the basis of your application
11 today?

12 A Yes, I did.

13 Q Can you briefly describe for the board
14 members where you were and what happened,
15 understanding that we do have a copy of your
16 written submission of a statement of the
17 occurrence? Just briefly describe for us what
18 happened to you.

19 A Okay. On 10-31-2020, I was working at
20 Battalion 4 at Engine 5's quarters. Around 19:11 I
21 was dispatched to change of quarters to Engine 47's
22 quarters. Shortly after arriving at the Engine 47
23 quarters, I was dispatched to an automatic alarm at
24 a highrise at 7435 South Kingston.

1 I was restrained, traveling lights and
2 sirens, south to Stony Island Avenue and went to
3 turn left or east on 74th Street and Stony Island.
4 Stony Island is a divided street with four lanes in
5 each direction, with a parkway separating the north
6 and southbound lanes. Lane four is an extra wide
7 lane to accommodate parking.

8 I was stopped in the parkway insuring
9 that traffic was stopped and then proceeded through
10 the intersection.

11 I was hit by a vehicle who traveled
12 around the stopped traffic using the shoulder/park
13 lane area lane four.

14 The vehicle hit me so hard that the
15 airbags deployed and the buggy was totalled. I was
16 restrained in the vehicle, which probably saved my
17 life.

18 An off-duty police officer was on the
19 scene and assisted me in reporting the incident to
20 the officer.

21 As I was dazed, I was bypassed to Christ
22 Hospital by ambulance via Ambulance 60.

23 The Deputy District Chief Giordano
24 completed his paperwork at Christ and notified me

1 that there were two witnesses that remained on the
2 scene to provide statements. One being an off-duty
3 police officer. That my recollection of the
4 incident coincided with the statements he
5 collected.

6 Q Can you tell us just briefly what body
7 part did you sustain an injury to or caused you a
8 problem after the incident?

9 A That was my neck and my back.

10 Q So your cervical spine area and your
11 lower lumbar spine area?

12 A Yes, sir.

13 Q Now the records indicate that you had had
14 previous injuries to these areas of your body
15 before. A series of them going back to 1999.

16 A Yes, sir.

17 Q It looks like from the records, you had
18 treatment for each of those, that they were
19 injuries you sustained on-duty, and that you were
20 able to return to work after a period of
21 rehabilitation from each injury. Is that correct?

22 A Yes, sir.

23 Q Now back to the current incident, can you
24 tell --

1 A Did you want me to expound on that, what
2 you just said? Do you want me to expound on that
3 thought?

4 Q No, I just wanted to confirm that these
5 were duty injuries and that you were able to return
6 to work after a sufficient period of
7 rehabilitation. Is that correct?

8 A Yes.

9 Q Okay. Because we have the medical
10 records, we have the records showing the dates of
11 those injuries and so forth, that is in the Board
12 Exhibits.

13 A Okay.

14 Q Now, with respect to the current
15 incident, can you tell us please after the incident
16 you received some treatment for your back injuries,
17 correct?

18 A Yes, I did.

19 Q It looks like from the records that
20 included things like epidural steroid injections,
21 physical therapy and so forth; is that correct?

22 A Yes.

23 Q And were those treatments sufficient to
24 relieve your symptoms permanently?

1 A No.

2 Q Can you describe for the board members
3 currently what symptoms, limitations, pain,
4 et cetera, you're still experiencing?

5 A Well, PT, you know, was a lifesaver and
6 also allows me to function. The epidural shots
7 were not helpful. I took three of those and the
8 third one caused so much pain. They hit a nerve,
9 you know, that I was reluctant to do that again.

10 I have a very difficult time sleeping. I
11 am constantly tossing and turning. I have to get
12 up several times a night. It impacts me because
13 the lack of my sleep is so disturbing that, you
14 know, I just find myself fatigued at different
15 points in time. Also, because of the headaches,
16 they come four or five times a week, and are
17 debilitating. The tension pain builds up in my
18 neck, shoulders, arms. Basically restricts me to
19 just do basically things in my daily normal living.

20 Q Given those conditions, could you perform
21 your duties as a Battalion Chief with the
22 Department?

23 A No. I can't because putting on the
24 helmet is difficult enough and then with the extra

1 weight of the jacket and the straps, just extra
2 added weight, and not to even mention the tanks and
3 equipment that you have to carry around. So, it's
4 difficult with me in the every day life, you know.
5 So, as far as the Fire Department, even though
6 being a Battalion Chief is still -- it is going to
7 be a challenge, a big challenge.

8 Q Okay. Since you went on layup, have you
9 engaged in any activities by which you earn income?

10 A No, sir.

11 Q Have you engaged in any sporting
12 activities?

13 A No, sir.

14 Q Do you take any medications prescribed by
15 a physician for your condition?

16 A Yes. I take muscle spasms and pain and
17 -- what is this? It is muscle spasms and this is
18 for the muscle relaxant.

19 MR. PINELLI: That is all the questions I
20 have at this time.

21 CHAIRMAN FORTUNA: Trustees, any
22 questions?

23 MEMBER MARTIN: No questions.

24 CHAIRMAN FORTUNA: Hearing none.

1 MR. PINELLI: Then I will call Dr. Peters
2 to testify.

3 (Witness previously sworn.)

4 MICHAEL I. PETERS, M.D.

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

7 EXAMINATION

8 BY MR. PINELLI:

9 Q Sir, please state your name.

10 A Michael I. Peters.

11 Q You are a physician; is that correct?

12 A Yes, that is correct.

13 Q Do you perform a function as a consultant
14 to this fund?

15 A Yes, I do.

16 Q Are a copy of your qualifications as a
17 physician attached to the Board Exhibits?

18 A Yes.

19 Q As a consultant to the fund, do you
20 review medical records, examine or interview
21 applicants and file a written report with the
22 Board?

23 A Yes, I do.

24 Q Did you follow that procedure with

1 respect to Chief Graves?

2 A Yes, I did.

3 Q And due to the current pandemic
4 conditions, did you interview him versus actually
5 examining him?

6 A I interviewed him on the telephone.

7 Q Was the information he provided to you in
8 that interview consistent or inconsistent with the
9 medical records you reviewed?

10 A It was consistent with the medical
11 records.

12 Q Doctor, could you briefly summarize for
13 us what his current condition is, what injury or
14 injuries he sustained?

15 A Sure. BC Graves had eight documented
16 duty injuries to his head and neck beginning in
17 1999 and then in October of 2020 he was involved in
18 a high speed motor vehicle crash, that he
19 described, and now he has essentially chronic neck
20 and back radicular symptoms, radiating pains,
21 spasm, numbness.

22 Q Did you find that his symptoms were
23 consistent with the mechanism of injury that he
24 described as the cause of his condition?

1 A Yes, I did.

2 Q Based upon that description of his
3 symptoms, do you believe that he would be able to
4 perform his duties with the Fire Department?

5 A No, I don't.

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

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

10 MEMBER MARTIN: No questions.

11 CHAIRMAN FORTUNA: Hearing none.

12 MEMBER MURPHY: I'd like to make a motion
13 to grant the benefits requested by Battalion Chief
14 Graves.

15 MEMBER MARTIN: Second.

16 CHAIRMAN FORTUNA: Motion to grant by
17 Trustee Murphy seconded by Trustee Martin.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Sheridan.

21 MEMBER SHERIDAN: Yes.

22 CHAIRMAN FORTUNA: Trustee
23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.
2 MEMBER SONI: Yes.
3 CHAIRMAN FORTUNA: Trustee Martin
4 MEMBER MARTIN: Yes.
5 CHAIRMAN FORTUNA: Trustee Tebbens.
6 MEMBER TEBBENS: Yes.
7 CHAIRMAN FORTUNA: Trustee Valencia.
8 MEMBER VALENCIA: Yes.
9 CHAIRMAN FORTUNA: And I am a yes.
10 Motion carries.
11 MEMBER MURPHY: I'd like to make a motion
12 for reexam consistent with the Board's policies.
13 MEMBER MARTIN: Second.
14 CHAIRMAN FORTUNA: Motion for reexam by
15 Trustee Murphy seconded by Trustee Martin.
16 Trustee Murphy.
17 MEMBER MURPHY: Yes.
18 CHAIRMAN FORTUNA: Trustee Sheridan.
19 MEMBER SHERIDAN: Yes.
20 CHAIRMAN FORTUNA: Trustee
21 Conyears-Ervin.
22 MEMBER CONYEARS-ERVIN: Yes.
23 CHAIRMAN FORTUNA: Trustee Soni.
24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee Martin

2 MEMBER MARTIN: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Counsel has previously
10 sent around proposed Findings of Fact and
11 Conclusions of Law in the matter. Having had a
12 chance to review those, I'd like to make a motion
13 to adopt the Findings of Fact and Conclusion of Law
14 in this matter.

15 MEMBER SHERIDAN: Second.

16 CHAIRMAN FORTUNA: Motion by Trustee
17 Murphy seconded by Trustee Sheridan.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Sheridan.

21 MEMBER SHERIDAN: Yes.

22 CHAIRMAN FORTUNA: Trustee
23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee Martin

4 MEMBER MARTIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: Trustee Valencia.

8 MEMBER VALENCIA: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 Mr. Graves, based on the Findings of Fact
12 and Conclusions of Law made by the Trustees, the
13 Trustees have voted to grant you the benefit you
14 have requested.

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

17 Mr. Graves, thank you, and good luck.

18 MR. GRAVES: Thank you, sir, and thank
19 you, Board.

20 MEMBER MURPHY: Moving on to our next
21 disability applicant Ronald Regan.

22 MR. PINELLI: Let the record reflect this
23 is a hearing on the application for a Duty
24 Disability benefit being made by EMT Captain Ronald

1 Regan.

2 Good morning, sir. I am one of the
3 attorneys conducting this hearing for the record.
4 Can you hear me?

5 MR. REGAN: Yes, I can hear you.

6 MR. PINELLI: I'd like to advise you of
7 some preliminary matters before we start the
8 evidence.

9 First of all, there are eight trustees
10 available now to hear the evidence on your
11 application. If you don't know you should know the
12 Pension Code requires that you get the yes vote of
13 at least five trustees in order to receive this
14 benefit. Do you understand that?

15 MR. REGAN: Yes, sir.

16 MR. PINELLI: Mr. Regan, I also see that
17 you do not have an attorney representing you in
18 this matter. Is it your desire to proceed without
19 an attorney?

20 MR. REGAN: Yes, sir.

21 MR. PINELLI: Lastly, it is the
22 applicant's burden of proof to present sufficient
23 evidence to the board in order for the Board to
24 grant the benefit that the applicant is seeking.

1 Do you understand it is your burden of proof?

2 MR. REGAN: Yes, sir.

3 MR. PINELLI: By way of procedures, I am
4 going to start by asking you some questions under
5 oath. The board members may or may not have
6 questions of you. Then I will call the Fund doctor
7 to testify Dr. Peters. If there is anything I
8 don't ask him that you think is important for the
9 Board to know, please let me know and you will be
10 given that opportunity. Do you understand the
11 procedures?

12 MR. REGAN: Yes, I do.

13 MR. PINELLI: Then we are ready to
14 proceed. Could I have Dr. Peters and Mr. Regan
15 both please raise your right hands?

16 (Witnesses sworn.)

17 RONALD REGAN

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

20 EXAMINATION

21 BY MR. PINELLI:

22 Q Sir, we are ready to proceed. Could you
23 please state your name for the record?

24 A My name is Ronald Regan, Jr.

1 Q What's your rank with the Fire
2 Department?

3 A Captain EMT.

4 Q What was your last assignment before you
5 went on layup?

6 A Engine 104.

7 Q Directing your attention to the Board
8 Exhibits previously marked 1 through 11, you should
9 have received a copy of those from the staff in
10 advance of today's hearing. Did you receive such a
11 copy?

12 A Yes, sir.

13 Q Did you have a chance to review them?

14 A Yes, sir.

15 Q Do you have any objection to their
16 admission into the record in support of your
17 application?

18 A No, sir.

19 MR. PINELLI: Thank you.

20 Mr. President, I move for admission of
21 Board Exhibits 1 through 11 without objection from
22 the applicant.

23 CHAIRMAN FORTUNA: Admitted without
24 objection.

1 MR. PINELLI: Thank you.

2 (Board Exhibits 1 through 11 were
3 admitted into the record.)

4 BY MR. PINELLI:

5 Q Mr. Regan, you are applying for this Duty
6 Disability benefit based upon medical conditions
7 that you have experienced. Can you just briefly
8 describe for the Board what they are understanding
9 that the Board does have your written statement but
10 just give us a brief description of what happened
11 to you.

12 A Yes, sir. On November 8th, roughly, I
13 wasn't feeling too well. I check my body
14 temperature -- I normally do because I know Covid
15 was in the air. I had no fever so I wasn't overly
16 concerned. I talked to my daughter, who is a
17 nurse, and she suggested that I take a Covid test
18 anyway.

19 I took the test but I hadn't heard
20 results before my next workday so I called down to
21 the Medical Department and informed them that I
22 took the Covid test but I hadn't gotten my results.

23 The chief said how do you feel? I said I
24 feel okay. She said, well, go to work. So I went

1 to work. And that day I wasn't feeling too well
2 and what I did was I did my normal work for the day
3 and as the day went on I was feeling bad. You
4 know, I was feeling worse and worse.

5 So I was trying to lay down and try to
6 sleep it off. I was checking my temperature and
7 stuff all day. I had no temperature.

8 We got a fire about 9:20. Something like
9 that. We went to the fire. We set everything up.
10 It was a pretty big fire. And after we got
11 everything setup we was sitting around. What we
12 normally do is we sit around after we get
13 everything set up and had the water on the fire.
14 We was watching the fire. I was feeling worse and
15 worse as the night went on.

16 So I had to go and tell my Battalion
17 Chief and the DDC, who was standing together, that
18 I was going to go to the ambulance to have them
19 check me out to make sure everything was okay.

20 When I got in the ambulance, the
21 Paramedic looked at me funny. She said, you know,
22 your heart rate is 40. I said, well, you know,
23 that is because I am an athlete. I was joking. I
24 really didn't know anything was that serious. She

1 said, no, it is not that. We are taking you to the
2 hospital so they took me to the hospital.

3 When I got to the hospital, the doctor
4 came and looked at me and she said you have Covid
5 because they gave me a test when I got there. Then
6 the results from the other test I guess came back
7 as well that confirmed that.

8 Then she told me that I need a pacemaker
9 because my heart rate was so slow and I need a
10 heart block.

11 Being the person I am, I said, you know,
12 I don't need a pacemaker. She says everybody who
13 comes in here tells me that.

14 I was in the hospital for six days. They
15 put me on a CPAP or a BiPAP. I am not sure which
16 one it was. I was not intubated or anything.

17 But when I got out on about November
18 20th, I got a letter from the fire department that
19 said that somebody on my shift had Covid ten days
20 before I went into the hospital. So when I laid up
21 it was a duty layup because I was at work. That is
22 my story, I don't know what else you want me to
23 tell you.

24 Q That is fine, sir. I appreciate what you

1 told me. In addition, you underwent a couple of
2 procedures for your heart. One for the heart block
3 and then subsequently you also had it looks like an
4 ablation procedure to deal with atrial fibrillation
5 or atrial flutter?

6 A Yes, sir. I have both. They put a
7 pacemaker in. And, of course, since then I have
8 been going back and forth to Northwestern to have
9 different procedures done. They are now talking
10 about putting in a defibrillator in replacement of
11 my pacemaker just in case.

12 Q The records I saw indicate that you have
13 no history of smoking cigarettes; is that correct?

14 A No, I never smoked.

15 Q Did you ever have any medical treatment
16 for your heart or your lungs prior to November of
17 2020?

18 A No, sir.

19 Q Since you went on layup, have you engaged
20 in any activities by which you earn income?

21 A No, sir.

22 Q Have you engaged in any sporting
23 activities?

24 A No, sir.

1 Q Do you perform a function as a consultant
2 to this fund?

3 A Yes.

4 Q In that capacity, do you review medical
5 records, examine or interview applicants and report
6 to the Board?

7 A Yes, I do.

8 Q Did you file a written report with the
9 Board with respect to Captain Regan?

10 A Yes, I did.

11 Q And as a result of the current
12 conditions, did you interview him rather than
13 examine him?

14 A Yes. Due to the pandemic, I interviewed
15 him on the phone.

16 Q Was the information he provided you in
17 that interview consistent with the medical records
18 that you reviewed?

19 A Yes, it was.

20 Q Can you briefly summarize for us what is
21 his medical history with respect to COVID-19 and
22 any subsequent medical conditions?

23 A Yes. Captain Regan, as he described, was
24 on fire grounds. Felt lightheaded. The paramedics

1 at the scene noted that he had a slow heart rate.
2 For that reason, he was transported to the
3 emergency department where he was found to have a
4 slow heart rate secondary to complete heart block.
5 Meaning that the electrical part of his heart that
6 causes the heart to contract was not connected
7 electronically to the actual ventricles that
8 contract. So, therefore, there was a complete
9 disconnect between the electrical conduction of his
10 heart and the actual physical pumping function of
11 the heart. That required a pacemaker to replace
12 his nonfunctioning pacemaker within his heart.

13 He also had a documented duty exposure to
14 COVID-19 and he tested positive both the test that
15 he had done prior to his ED visit and admission
16 ended up becoming positive and he was positive at
17 the hospital.

18 My review of the medical literature would
19 show strong support that some people do present
20 with complete heart block at the time of their
21 diagnosis of COVID-19.

22 And then he also developed an arrhythmia/
23 atrial flutter that required an electronic
24 cardioversion. Because of that and because of the

1 risk of thrombotic stroke, he is on a blood thinner
2 Xarelto. And then subsequently developed a
3 cardiomyopathy, which is why he likely will need a
4 defibrillator implanted.

5 Q Doctor, if I understand what you're
6 saying then, these subsequent heart conditions that
7 he has developed and been treated for, there is a
8 causal connection between that and a COVID-19
9 infection?

10 A The definite answer is yes. Although, in
11 Captain Regan's case, he also has developed a
12 second problem, sarcoidosis, which is an
13 infiltrative disease that is involving his lungs
14 and heart.

15 Most likely that's not related to Covid
16 but the primary issue that he has with the complete
17 heart block, the atrial flutter requiring
18 cardioversion, the pacemaker, being on Xarelto, all
19 of that is most likely and very likely related to
20 his Covid infection.

21 Q Okay. Given those conditions and
22 symptoms, would he be able to perform his duties
23 with the department?

24 A No, he would not.

1 MR. PINELLI: Thank you, doctor. That is
2 all the questions I have.

3 CHAIRMAN FORTUNA: Trustees, any
4 questions for the doctor?

5 Hearing none.

6 MEMBER MARTIN: I'd like to make a motion
7 to grant.

8 MEMBER MURPHY: Second.

9 CHAIRMAN FORTUNA: Motion to grant by
10 Trustee Martin seconded by Trustee Murphy.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee Martin

21 MEMBER MARTIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 MEMBER MURPHY: I'd like to make a motion
5 for reexam consistent with the Board policies.

6 MEMBER SHERIDAN: Second.

7 CHAIRMAN FORTUNA: Motion for reexam by
8 Trustee Murphy seconded by Trustee Sheridan.
9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee

14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 MEMBER MURPHY: Counsel has previously
3 sent around proposed Findings of Fact and
4 Conclusions of Law. Having had a chance to review
5 those, I would like to make a motion to adopt those
6 Findings of Fact and Conclusions of Law in this
7 matter.

8 MEMBER TEBBENS: Second.

9 CHAIRMAN FORTUNA: There's a motion by
10 Trustee Murphy seconded by Trustee Tebbens.
11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee
16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee Martin

21 MEMBER MARTIN: Yes.

22 CHAIRMAN FORTUNA: Trustee Tebbens.

23 MEMBER TEBBENS: Yes.

24 CHAIRMAN FORTUNA: Trustee Valencia.

1 MEMBER VALENCIA: Yes.

2 CHAIRMAN FORTUNA: And I am a yes.

3 Motion carries.

4 Based on the Findings of Fact and
5 Conclusions of Law made by the Trustees, the
6 Trustees have voted to grant you the benefit you
7 have requested.

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

10 Thank you, very much, and good luck to
11 you.

12 MR. REGAN: Thank you, sir. Thank you,
13 Board.

14 MEMBER MURPHY: Mr. President, moving on
15 to our next applicant, Jose Mendez, Lieutenant, 3rd
16 District Relief. I believe he's represented by
17 counsel.

18 MR. PINELLI: Yes, that is correct.

19 Let the record reflect this is a hearing
20 on the application for a Duty Disability benefit
21 being made by Jose Mendez.

22 Mr. Mendez, are you on the line?

23 MR. MENDEZ: Yes, I am.

24 MR. PINELLI: Very well. Good morning.

1 You are represented by counsel. Counsel,
2 could you identify yourself for the record, please?

3 MR. MARCONI: Good morning. Jerry
4 Marconi on behalf of Lieutenant Mendez.

5 MR. PINELLI: Good morning, Mr. Marconi.
6 Before we proceed with the hearing, I'd like to
7 just deal with the exhibits. Counsel, did you
8 receive a copy of Board Exhibits 1 through 11?

9 MR. MARCONI: I did receive a copy via
10 email and then I forwarded those over to Lieutenant
11 Mendez.

12 MR. PINELLI: After your review and
13 Lieutenant Mendez's review, do you have any
14 objection to the admission of those exhibits into
15 the record?

16 MR. MARCONI: No.

17 MR. PINELLI: Thank you.

18 Mr. Chairman, I would move for admission
19 of Board Exhibits 1 through 11 without objection
20 from the applicant.

21 CHAIRMAN FORTUNA: Admitted without
22 objection.

23 (Board Exhibits 1 through 11 were
24 admitted into evidence.)

1 MR. PINELLI: Then we are ready to
2 proceed. Counsel, do you wish to call any
3 witnesses?

4 MR. MARCONI: Yes. I would call
5 Lieutenant Mendez.

6 MR. PINELLI: Lieutenant, could you
7 please raise your right hand?

8 (Witness sworn.)

9 MR. PINELLI: Counsel, you may proceed.

10 JOSE MENDEZ

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

13 EXAMINATION

14 BY MR. MARCONI:

15 Q Lieutenant Mendez, you're the applicant
16 in this case; is that correct?

17 A Yes.

18 Q You submitted your application on
19 September 24, 2021; is that correct?

20 A Correct.

21 Q All of the information within that
22 affidavit as you reviewed it recently is all true
23 and accurate; is that correct?

24 A Correct.

1 Q You have been employed by the Chicago
2 Fire Department since February of 1998; is that
3 correct?

4 A Correct.

5 Q And how long had you been a Lieutenant
6 before you laid up?

7 A Approximately two to three months.

8 Q Prior to a Lieutenant, where were you
9 assigned? What was your unit of assignment?

10 A I was at Engine 9 for approximately one
11 year and then prior to that Squad 2 for almost 18
12 years.

13 Q Squad 2, just for the record, just
14 briefly, what were the duties on Squad 2?

15 A It was a rescue unit so we would dive for
16 victims in lakes, rivers, Lake Michigan. We would
17 do high angle rescue. We would do hazmat. Pretty
18 much whatever the City needed.

19 Q I would assume you need to be in good
20 health to be in that unit; is that correct?

21 A Correct. They would give us physicals
22 like every three to four years just to be able to
23 dive.

24 Q Now, in your affidavit, it indicates that

1 everyone was tested at Rescue 1 on November 19,
2 2020 for Covid; is that correct?

3 A Yes.

4 Q What is Rescue 1?

5 A Rescue 1 is a firehouse on proper land at
6 the airport at Chicago O'Hare Airport.

7 Q It is your understanding without naming
8 names one of your coworkers tested positive, is
9 that correct, and was sent home?

10 A Yes. On the 19th, one person tested
11 positive and was sent home, correct.

12 Q On November 23rd, did you start feeling
13 or having symptoms of Covid?

14 A I woke up and I came home and I was
15 telling my wife that my knees and legs were really
16 sore and achy. Since she is a nurse practitioner,
17 she advised me to go get a Covid test because that
18 was a symptom.

19 Q You also have a daughter; is that
20 correct?

21 A Correct, I do.

22 Q How old is your daughter?

23 A Right now she is four. At the time she
24 was three.

1 Q So you followed your wife's advice and
2 you went and got a test; is that correct?

3 A Correct.

4 Q Did your wife and daughter also go get a
5 test?

6 A Yes, I got tested Monday morning and I
7 was positive. I think I got the test like 10:30.
8 I was positive by 12. And my wife called her
9 physician and they sent her that afternoon to go
10 get Covid tested and my daughter was tested the
11 following day about noon-ish. My wife and daughter
12 both came back negative.

13 Q Okay. At that point the only people in
14 your home would have been your wife and your
15 daughter; is that correct?

16 A Correct.

17 Q As of the 24th, you were positive, they
18 were both negative; is that correct?

19 A Yes.

20 Q Did your wife and daughter then within
21 say a week begin to display symptoms?

22 A My wife was positive about a week
23 afterwards and then my daughter was like four or
24 five days after her.

1 Q Now, in your affidavit, you describe that
2 your symptoms worsened and you ended up at
3 Northwestern in the ER I believe; is that correct?

4 A Correct.

5 Q Were you admitted into the hospital?

6 A Yes. I was admitted with -- I was Covid
7 positive but then did an x-ray of my lungs and I
8 had Covid pneumonia in both of them already.

9 Q Were you in Intensive Care or was it a
10 regular room?

11 A A regular room but on the Covid unit.

12 Q And from that it looks like you started
13 seeing a pulmonologist, a cardiologist, an ENT, and
14 then you had also a primary care physician; is that
15 correct?

16 A Correct.

17 Q Are you still experiencing any kind of
18 heart issues?

19 A Yes. I have -- what do you call it -- I
20 got a higher heart rate than normal so they have me
21 on Metoprolol 25 milligrams a day. And then they
22 did have me on a heart monitor also because of -- I
23 had a bunch of fluttering in the heart and they
24 wanted to see what it was but that's how they

1 realized my heart rate was faster than normal.

2 Q Right now you're just watching the heart
3 is that fair to say?

4 A Correct.

5 Q Then is Dr. Collander still your
6 pulmonologist?

7 A Correct.

8 Q Doctor Hughes, you are still seeing an
9 ENT doctor?

10 A Correct.

11 Q You indicated in your affidavit there is
12 a Northwestern Covid Clinic program. Are you still
13 in that?

14 A Yes, I am. It is for long haulers and
15 they take a bunch of us. They are trying to do
16 research with it and they set us up with a doctor
17 that we would need.

18 Q Currently what are your symptoms -- or,
19 I'm sorry, why do you feel that you can't go back
20 to the job right now?

21 A The main reason is they have me on two
22 inhalers. One I take daily. It is a steroid.
23 Albuterol in the morning. And then they have me on
24 a rescue inhaler. I am supposed to take four puffs

1 as needed and I do that two to three times a week.
2 Sometimes more. But easily I have a chronic cough
3 that I just cannot get rid of. If I take a deep
4 breath, that makes me cough and it's hard to take a
5 deep breath for me. The weather affects me daily,
6 depending on what it is. This morning when I
7 walked the dog around the block, I had to take
8 Albuterol because it was getting hard to breathe.
9 I used to be able to mow my lawn, you know,
10 straight through. Now I have to stop two or three
11 times to catch my breath. Climbing stairs, if I do
12 two flights, my leg -- I get some kind of muscle
13 soreness and it's my legs just make me stop and I
14 have to start catching my breath. I have to do
15 that for a little bit. I get one to two headaches
16 a day which I would never do. It's just a lot.

17 Q Right now are you following all the
18 directions of your doctors to try to get better so
19 that you can return to work?

20 A Yes. They said take your medicine, do
21 cardio. Pretty much they are saying it is time.
22 It is only time that is going to take -- time will
23 tell you everything later. But, you know, I
24 exercise. I get on a bicycle every day for about

1 30 minutes. They had me on pulmonary rehab so I
2 was doing that.

3 Q Is it your goal to do everything you can
4 and try to get back to work as quick as you can?

5 A Yes, that would be great.

6 MR. MARCONI: I have nothing else Vince.

7 MR. PINELLI: Thank you.

8 CHAIRMAN FORTUNA: Trustees, any
9 questions?

10 Go ahead, Vince. Trustees have no
11 questions.

12 MR. PINELLI: Thank you, Mr. President.

13 EXAMINATION

14 BY MR. PINELLI:

15 Q I just have a few questions, Mr. Mendez,
16 to followup on the ones your counsel asked you.

17 It looks like from the records I saw from
18 your social history that you never smoked
19 cigarettes; is that accurate?

20 A Correct. Never smoked.

21 Q Did you ever have any treatment at all
22 for either your lungs or your heart prior to this
23 diagnosis of COVID-19?

24 A In 2013, I had an infection on the pleura

1 around the lungs but I totally recovered. I had
2 physicals for the dive team, checking me out and
3 everything as everybody on the dive team does, and
4 they said everything looked fine.

5 Q No problems with your heart, though,
6 correct, prior to this?

7 A No, nothing at all.

8 Q And since you went on layup, have you
9 engaged in any activities by which you earn income?

10 A No.

11 MR. PINELLI: Thank you. That is all the
12 question I have.

13 Counsel, do you have anything else to
14 present before I call Dr. Peters to testify?

15 MR. MARCONI: I do not.

16 MR. PINELLI: Thank you. I call Dr.
17 Peters. I don't think I swore you in. Please,
18 raise your right hand.

19 (Witness sworn.)

20 MICHAEL I. PETERS, M.D.

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

23 EXAMINATION

24 BY MR. PINELLI:

1 Q Sir, state your name for the record.

2 A Michael I. Peters.

3 Q You are a physician; is that correct?

4 A Yes, I am.

5 Q And a copy of your qualifications as a
6 physician are attached to the Board Exhibits,
7 correct?

8 A Yes.

9 Q Do you perform a function as a consultant
10 to this fund?

11 A Yes, I do.

12 Q In that capacity, do you review medical
13 records, interview or examine applicants and report
14 to the Board?

15 A Yes.

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

18 A Yes, I did.

19 Q With respect to Lieutenant Mendez, did
20 you interview him?

21 A By telephone, yes.

22 Q Were the answers that he gave you to the
23 questions you asked consistent with the medical
24 records you had reviewed?

1 A Yes, they were.

2 Q Could you please summarize for us what
3 your findings were with respect to any diagnosis
4 that he has and any symptoms that he is currently
5 experiencing?

6 A Lieutenant Mendez had a documented duty
7 exposure for COVID-19 and then he subsequently
8 developed an acute infection, that was diagnosed as
9 a Covid pneumonia, requiring supplemental or extra
10 oxygen so he was hospitalized.

11 Since that time, he has had persistent
12 post-Covid restrictive lung disease. Meaning that
13 his overall lung volume and his ability to exhale
14 quickly are both reduced. He also has evidence of
15 his oxygen level dropping when he goes on a
16 formalized six minute walk test.

17 As he described, he requires frequent use
18 of a rescue Albuterol inhaler for minimal exertion
19 really. For short walks. For doing activities
20 around the house like cutting the lawn. Going up
21 and down stairs. He has a chronic cough. He has
22 had multiple courses of Prednisone steroid use
23 since his diagnosis.

24 Q You talked about his lung volumes being

1 decreased was that determined through objective
2 testing?

3 A Yes, he had a series of pulmonary
4 function tests and his lung volumes have worsened
5 over time.

6 Q Understanding, doctor, that we're still
7 all learning about this disease and/or this
8 infectious virus and its impacts, have you seen
9 anything yet, medical literature or your own
10 experience, that indicates what if any expected
11 course might be that he could recover from this?

12 A I think it is too soon to say that that
13 is likely to happen. Given the severity of his
14 present restrictive lung disease, he clearly can't
15 function as a firefighter or on a rescue team now.
16 I think only time will tell whether he will
17 improve.

18 MR. PINELLI: Thank you, doctor. That is
19 all the questions I have.

20 Counsel, do you have any questions?

21 MR. MARCONI: None.

22 CHAIRMAN FORTUNA: Trustees, do you have
23 any questions for the doctor?

24 MEMBER MURPHY: No, sir.

1 CHAIRMAN FORTUNA: Hearing no questions.

2 MEMBER MURPHY: I would like to make a

3 motion to grant the benefits requested by Jose

4 Mendez.

5 MEMBER MARTIN: Second.

6 CHAIRMAN FORTUNA: There is a motion to

7 grant seconded by Trustee Martin.

8 Trustee Murphy.

9 MEMBER MURPHY: Yes.

10 CHAIRMAN FORTUNA: Trustee Sheridan.

11 MEMBER SHERIDAN: Yes.

12 CHAIRMAN FORTUNA: Trustee

13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee Martin

18 MEMBER MARTIN: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: Trustee Valencia.

22 MEMBER VALENCIA: Yes.

23 CHAIRMAN FORTUNA: And I am a yes.

24 Motion carries.

1 MEMBER MURPHY: I would like to make a
2 motion for reexam consistent with the Board's
3 policy.

4 MEMBER SHERIDAN: Second.

5 CHAIRMAN FORTUNA: Motion for reexam
6 seconded by Trustee Sheridan.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee

12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee Martin

17 MEMBER MARTIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Tebbens.

19 MEMBER TEBBENS: Yes.

20 CHAIRMAN FORTUNA: Trustee Valencia.

21 MEMBER VALENCIA: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Counsel has previously

1 sent around proposed Findings of Fact and
2 Conclusions of Law in this matter. Having had a
3 chance to review those, I would like to make a
4 motion to adopt the Findings of Fact and
5 Conclusions of Law in this matter.

6 MEMBER TEBBENS: Second.

7 CHAIRMAN FORTUNA: Motion by Trustee
8 Murphy seconded by Trustee Tebbens.
9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee
14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee Martin

19 MEMBER MARTIN: Yes.

20 CHAIRMAN FORTUNA: Trustee Tebbens.

21 MEMBER TEBBENS: Yes.

22 CHAIRMAN FORTUNA: Trustee Valencia.

23 MEMBER VALENCIA: Yes.

24 CHAIRMAN FORTUNA: And I am a yes.

1 Motion carries.

2 Based on the Findings of Fact and
3 Conclusions of Law made by the Trustees, the
4 Trustees have voted to grant you the benefit you
5 have requested.

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

8 Good luck to you.

9 MR. MENDEZ: Thank you. Thank you,
10 Board.

11 MEMBER MURPHY: Mr. President, moving on
12 to your next applicant.

13 MS. BURNS: This next applicant is a
14 gentleman by the name of Francesco Paolucci.

15 I wanted to advise the Board that I had
16 conversations this morning with Mr. Paolucci's
17 Union attorney. Mr. Paolucci is involved in some
18 employment matters with the City. We can get into
19 that in more detail in closed session, if there are
20 questions

21 At the written request of this attorney,
22 Mr. Paolucci would like us to defer this matter
23 until the January meeting.

24 Would you entertain a motion at the

1 request of the applicant, after consultation with
2 the Fund's counsel, to defer this matter to
3 January, 2022?

4 CHAIRMAN FORTUNA: I will need a motion.

5 MEMBER MARTIN: I will make a motion to
6 defer.

7 CHAIRMAN FORTUNA: There is a motion by
8 Trustee Martin.

9 MEMBER VALENCIA: Second.

10 CHAIRMAN FORTUNA: Seconded by Trustee
11 Valencia.

12 Trustee Murphy.

13 MEMBER MURPHY: Yes.

14 CHAIRMAN FORTUNA: Trustee Sheridan.

15 MEMBER SHERIDAN: Yes.

16 CHAIRMAN FORTUNA: Trustee
17 Conyears-Ervin.

18 MEMBER CONYEARS-ERVIN: Yes.

19 CHAIRMAN FORTUNA: Trustee Soni.

20 MEMBER SONI: Yes.

21 CHAIRMAN FORTUNA: Trustee Martin

22 MEMBER MARTIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Tebbens.

24 MEMBER TEBBENS: Yes.

1 CHAIRMAN FORTUNA: Trustee Valencia.

2 MEMBER VALENCIA: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

5 Thank you.

6 MEMBER MURPHY: Moving on to our next
7 applicant Battalion Chief James Soludczyk.

8 MR. PINELLI: Let the record reflect this
9 is a hearing on the application for a Duty
10 Disability Benefit being made by Battalion Chief
11 James Soludczyk.

12 Good morning, Mr. Soludczyk. My name is
13 Vince Pinelli. I am one of the attorneys for the
14 Fund. I will be conducting this hearing for the
15 record. I'd like to advise you of some preliminary
16 matters before we start the evidence.

17 First of all, there are currently eight
18 trustees present to hear the evidence on your
19 application. You would need the yes vote of at
20 least five of those eight trustees in order to
21 receive this benefit. Do you understand that?

22 MR. SOLUDCZYK: Yes, sir.

23 MR. PINELLI: In addition, I see that you
24 have not hired an attorney to represent you in this

1 matter. Is it your desire to proceed without an
2 attorney?

3 MR. SOLUDCZYK: That is correct.

4 MR. PINELLI: Lastly, it is the
5 applicant's burden of proof to present sufficient
6 evidence to the Board in order for the Board to
7 grant the benefit that the applicant is seeking.
8 Do you understand it is your burden of proof?

9 MR. SOLUDCZYK: Yes, sir.

10 MR. PINELLI: By way of procedures, I am
11 going to start by asking you some questions under
12 oath. The board members may or may not have
13 questions of you. Then I will call the Fund's
14 physician consultant Dr. Samo to testify. If there
15 is anything I don't ask him that you think is
16 important for the Board to know, please let me know
17 and you will be given that opportunity. Do you
18 understand the procedures?

19 MR. SOLUDCZYK: Yes. Understood.

20 MR. PINELLI: Thank you. Then we are
21 ready to proceed. Is Dr. Samo on the line?

22 DOCTOR SAMO: Yes, I am.

23 MR. PINELLI: Good morning, doctor.

24 DOCTOR SAMO: Good morning.

1 MR. PINELLI: Doctor, would you and Mr.
2 Soludczyk please both raise your right hands?

3 (Witnesses sworn.)

4 JAMES SOLUDCZYK

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

7 EXAMINATION

8 BY MR. PINELLI:

9 Q Mr. Soludczyk, would you please state
10 your name for the record?

11 A James Peter Soludczyk.

12 Q Thank you. What is your current rank
13 with the Fire Department?

14 A I am currently a Battalion Chief EMT.

15 Q Sir, what was your last assignment before
16 you went on layup?

17 A I was the Deputy Commissioner of Special
18 Projects for the Chicago Fire Department.

19 Q Did your assignment change between the
20 time you were on layup and today's date?

21 A Yes. Because of the collective bargain
22 agreement and agreements, prior to retiring you
23 have to go down to the Civil Service rank to afford
24 the benefits of that collective bargain agreement.

1 So in September I was the service rank of Battalion
2 Chief EMT.

3 Q September 17th to be exact?

4 A Yes.

5 Q Thank you. Now, let's talk about the
6 exhibits. You should have been provided a copy of
7 Board Exhibits 1 through 19 before today's hearing.
8 Did you receive those?

9 A Yes, sir.

10 Q Did you have a chance to review them?

11 A Yes, sir.

12 Q Do you have any objection to their
13 admission into the record in support of your
14 application?

15 A No, sir.

16 MR. PINELLI: Thank you.

17 Mr. President, I move for admission of
18 Board Exhibits 1 through 19 without objection from
19 the applicant.

20 CHAIRMAN FORTUNA: Exhibits admitted
21 without objection.

22 MR. PINELLI: Thank you.

23 (Board Exhibits 1 through 19 were
24 admitted into evidence.)

1 BY MR. PINELLI:

2 Q Now, sir, directing your attention to
3 October 1st of 2020, did you sustain an injury or
4 injuries that is the basis of your application?

5 A Yes, I did, sir.

6 Q Understanding the Board does have your
7 written statement as part of the Board Exhibits to
8 review, would you please just briefly describe for
9 us today where you were and what happened to you?

10 A At the time I was a 3-11 Duty Chief for
11 the City of Chicago Fire Department. And at that
12 time I was heading to the 3rd Battalion
13 headquarters to meet with the battalion to give
14 them some equipment. The companies in the
15 battalion also hold what we call a night roll call,
16 which is customary for all Duty Chiefs, which was
17 to at least visit one engine company or firehouse
18 in the City just to review different policies and
19 procedures that come up in recent times.

20 While en route there, I was sitting at an
21 in line intersection. I was on the 18th Street
22 bridge just east of Canal Street and light was red.
23 I was stopped. And a vehicle came across the crest
24 of the bridge and abruptly struck my vehicle and

1 sent me forward. I was restrained.

2 I got out of my vehicle at first to
3 assess the damage. I saw his car severely damaged.
4 My car had minimal damage. It was a brand new Ford
5 Explorer, which has a robust rear end to prevent
6 any sense of damage to the vehicle.

7 I advised the individual that I got on my
8 radio and I notified the fire alarm office that I
9 was involved in an accident.

10 Due to the traffic on this bridge, I said
11 let's proceed to the intersection. Once we
12 actually reached the intersection, the Battalion
13 Chief responded to the investigation and a squad
14 car from the CPD arrived on the scene.

15 The individual advised me that he was a
16 coach for St. Ignatius and he needed to open the
17 facility. I told him it was not an option at the
18 time.

19 After confirming with the police officer,
20 we agreed that we would let him go open the
21 facility because he stated there were several
22 hundred kids that were there for soccer practice
23 and he was the only one who was able to let them in
24 the facility. So the police advised me that would

1 be acceptable.

2 I then via radio I changed the accident
3 investigation to 1st District Headquarters at
4 Engine 18's quarters.

5 While proceeding there, I noticed that my
6 body started to present the effects of the
7 accident. I had severe thoracic back pain and I
8 noticed that my arms were beginning to tighten up.

9 Once I got to Engine 18's quarters, I was
10 greeted by DDC Carboneau, who was the accident
11 investigation leader at the time. I immediately
12 curled over in pain. He requested an ambulance and
13 I was treated at Rush for the pain. And I also
14 noticed that I had a condition that still presents
15 to me. I feel like I have a constant bear hug
16 affect in my upper arms where I have constant
17 numbness going from my shoulders down to my hands.

18 I was then referred by the Medical
19 Section to Dr. Shapiro. He examined me. He sent
20 me for an EMG and an additional MRI. Then I had
21 surgery for corrective -- surgical cervical
22 correction on the 19th of January, which is a
23 couple of months after the accident.

24 Gone through PT and nothing has seemed to

1 relieve the conditions of the numbness in my arm.

2 Right now I have been referred again to
3 another medical team for further treatment at this
4 point. I have attended PT regularly. PT gives me
5 minimal relief. It is constant numbness and pain
6 and I don't have the ability to lift both my arms
7 over my head. I have very limited peripheral view
8 because of the cervical spine fusion of the 3/4
9 spine. That is it.

10 Q Let me just follow up with some
11 questions. Thank you for that recitation.

12 Prior to this October 1, 2020 date, had
13 you ever had any injuries to your cervical or neck
14 spine area before?

15 A I did. That was -- I had a fusion at
16 4/5/6 due to another injury it was on-duty. Again,
17 that was performed by Dr. Shapiro.

18 Q When was that?

19 A That was November -- the surgery itself
20 was November of 2019. The injury was July 2019.

21 Q Okay. You say that you were on duty
22 working for that injury as well?

23 A Yes, I was.

24 Q But you were able to come back to work

1 after that incident?

2 A Yes, I was returned to duty in July of
3 2020.

4 Q When you are referring to the fusion
5 surgery, when did you have the fusion surgery?

6 A The injury was January 19th of 2021.

7 Q So you had two surgeries following this
8 incident on October 1, 2020.

9 A No, only one. Only one surgery. That
10 was January 19th of 2021.

11 Q Let's talk about for a moment, while you
12 were on layup you still had the duties of Deputy
13 District Chief; is that correct?

14 A Deputy Fire Commissioner. The only
15 duties -- I didn't have any duties. I was still in
16 the capacity of the Deputy Fire Commissioner.

17 Q I'm sorry, I misspoke. I meant Deputy
18 Fire Commissioner.

19 A My rank was still Deputy Fire
20 Commissioner.

21 Q But while you were on layup, did you
22 perform any duties as a Deputy Fire Commissioner
23 that you're called upon to do?

24 A The only thing that was -- my name was in

1 facsimile that was created by Chang Wang, who was
2 the IT coordinator for the Fire Department at that
3 time. That was just a generic signature that was
4 applied to General Orders, if you refer to the
5 General Orders that was put in the packet. Any
6 directives from the Bureau were signed by the
7 Deputy Fire Commissioner. That was a generic
8 signature because there was no other person in my
9 stead that order allows my signature on SharePoint
10 for departmental distribution. But I actually
11 never physically reviewed any orders or anything on
12 that matter.

13 Q Okay. Since your assignment changed from
14 Deputy Fire Commissioner to Battalion Chief, have
15 you engaged in any work activities?

16 A None whatsoever.

17 Q Since you went on layup, have you engaged
18 in any activities by which you earn income?

19 A No, sir.

20 Q Can you briefly describe for the Board
21 what your current condition is with respect to any
22 pain or limitations that you have?

23 A It is constant numbness throughout my --
24 it is bilateral. Equal both on the right and left

1 arms. My shoulders to my fingers. I describe it
2 as a bear hug effect. It is constant squeezing of
3 my shoulders. It limits my ability to even work on
4 my computer. I can raise one arm at a time. I
5 can't raise both arms at a time over my head. I
6 have limited peripheral view due to the fusion. I
7 have less than 30 degree rotation of my head to the
8 left and about 45 to my right.

9 Q Okay. Are you currently taking any
10 medications prescribed by a doctor for your
11 condition?

12 A I went through three medical therapies.
13 They all failed. I was seeing a physician, Dr.
14 Hurley, from NorthShore Spine Institute. I am now
15 waiting for a follow up visitation with two doctors
16 to reevaluate and they are going to put me on a
17 Ketamine regimen and they are also going to
18 evaluate -- this is Dr. Kincaid and Dr. Dickerson
19 from NorthShore and they are going to evaluate the
20 possibility of a SCS, spine stimulator, to see if
21 that works.

22 Another treatment that was prescribed by
23 a therapist, I use the TENS Unit three or four
24 times a day to stimulate my nerves in my upper

1 body.

2 Q Lastly, I see from a document you filed
3 as an addendum to the application, that you have
4 filed a lawsuit against a third-party. I take it
5 that is against the driver that injured you?

6 A Yes. A couple weeks after the accident
7 Farmers Insurance I believe was making some
8 aggressive phone calls to me. And I felt at that
9 time that -- I spoke with the Fire Department
10 attorney Erin McCamp and he said you have to do
11 what you got to do. I sought counsel just to
12 protect myself. I didn't know what was going on
13 with this guy but I had to protect myself. I
14 didn't know what to do at the time. He said to
15 proceed forward with a personal injury lawsuit and
16 that is what we did.

17 Q That's fine. You've told us the name of
18 the attorney and the case number of the lawsuit and
19 that is all fine.

20 I just wanted to make you aware under the
21 Pension Code Section 6-228 there are certain
22 responsibilities you have to keep the Fund apprised
23 of the progress of that lawsuit. I just wanted to
24 make you aware of that and you will do that I

1 presume?

2 A Exactly, yes.

3 MR. PINELLI: Thank you. That's all the
4 questions I have of the applicant.

5 MEMBER TEBBENS: I have a question,
6 President Fortuna.

7 Chief Soludczyk, this is Trustee Tebbens.
8 Just to be clear on the record, you said that there
9 was another injury prior to 10-1-2020 on your
10 spine.

11 MR. SOLUDCZYK: Yes, there was. We were
12 in the process of doing some -- we were at Engine
13 44's quarters and I injured my neck while moving
14 some equipment there.

15 MEMBER TEBBENS; I don't see it reflected
16 in the summary of layups. Were you laid up as a
17 result of that previous injury of your shoulder?

18 MR. SOLUDCZYK: Yes. I was laid up and
19 returned to duty in July of 2020.

20 MEMBER TEBBENS: I don't see that on the
21 layup summary. Does anybody have that, that they
22 can corroborate that or correct my record here? I
23 am looking at Board Exhibit Number 4 of the
24 original application and the last thing I have is a

1 shoulder injury, left shoulder injury, on 6-21.

2 CHAIRMAN FORTUNA: Trustee Tebbens, I
3 believe if you look at 12.33, if that is what you
4 are referring to.

5 MEMBER TEBBENS: I was looking at the
6 summary but if it is reflected somewhere else then
7 that's fine. Was that related to the left shoulder
8 injury, Chief?

9 MR. SOLUDCZYK: The shoulder injury was
10 August of 2019.

11 MEMBER TEBBENS: I see 6-21-19 on the
12 shoulder injury. That was not associated with that
13 injury?

14 MR. SOLUDCZYK: No. So the shoulder
15 injury -- I was not laid up at the time. I was
16 being medically deferred to be evaluated. I wasn't
17 presenting with any symptoms for my neck injury at
18 that time. There was an investigation going on to
19 an incident that occurred with one of our ambulance
20 units. I took a heart monitor off the shelf while
21 and my arm fell immediately to the ground and it
22 tore my left rotator.

23 MEMBER TEBBENS: Okay. President
24 Fortuna, which exhibit do you have? 12 point what?

1 CHAIRMAN FORTUNA: I believe it was
2 12.33.

3 MEMBER TEBBENS: I have got 12.3 shows a
4 date of layup of 10-1-2020. That is my question,
5 he says there was an injury to his neck prior and I
6 don't see the layup anywhere in the record.

7 MR. PINELLI: If I may, Trustee Tebbens,
8 that layup summary is basically a summary prepared
9 by staff from a review of the CFD medical records,
10 which are at the back, which are the exhibits that
11 the president is referring to 12.31, 32, 33. Those
12 are the actual Fire Department records that reflect
13 that. 12.30 refers to the cervical discectomy and
14 fusion that he had.

15 MEMBER TEBBENS: 12.33 all the way at the
16 end so it is not in order.

17 MR. PINELLI: There is a series of
18 records that start at the end from the Fire
19 Department Medical Section, that is what those 12
20 point series of exhibits are.

21 MEMBER TEBBENS: That occurred during the
22 time of the shoulder injury? I am not following
23 that, that is why I am looking where it says the
24 summary here. It seems like they are all inclusive

1 of that. Did something occur during layup of the
2 shoulder injury?

3 MR. SOLUDCZYK: No. I was laid up August
4 31st.

5 MEMBER TEBBENS: When were you returned
6 to duty from the shoulder injury?

7 MR. SOLUDCZYK: July of 2019. July 2020.
8 I'm sorry, July 2020.

9 MEMBER TEBBENS: July of 2020. When did
10 the neck injury occur?

11 MR. SOLUDCZYK: The second neck injury
12 occurred August 1st -- October 1st, I'm sorry,
13 2020.

14 MEMBER TEBBENS: I understand that one
15 but you're saying there was an injury prior to the
16 10-1-2020, that is why I am trying to find that in
17 the record.

18 MR. SOLUDCZYK: I did not layup.

19 MEMBER TEBBENS: Wait a minute. You
20 didn't layup?

21 MR. SOLUDCZYK: For the neck injury.
22 There was no symptoms presenting at the time. They
23 noticed it when they did my MRI for the shoulder so
24 they -- I went to Northwestern. I was diagnosed

1 with the finger and they told me to follow up with
2 an orthopedic surgeon. At the time Medical said I
3 had no symptoms, that is all it was, and so I was
4 returned to duty.

5 MEMBER TEBBENS: Do we have anything in
6 the record to reflect that treatment?

7 MR. SOLUDCZYK: As far as what?

8 MEMBER TEBBENS: 12.33 is that what
9 you're saying? I don't see anything. You know,
10 doctor, you're going to have to help me out. Do we
11 have that injury on report, that previous injury to
12 his cervical spine, that occurred a couple months
13 prior? Was it a month or two months? What was it,
14 Chief?

15 MR. SOLUDCZYK: It was a month prior to
16 the shoulder injury. It is all in the
17 documentation. I don't have it in front of me.

18 MEMBER TEBBENS: You have got the
19 shoulder injury. You're telling me that this
20 cervical spine injury happened prior to 10-1
21 between July and August of 2020?

22 MR. SOLUDCZYK: 2019. No, no, no. 2019,
23 I was first injured. I don't know if it was June
24 or July at Engine 44's quarters. I was transported

1 to Northwestern at that time. When I got to
2 Northwestern, they diagnosed me with a popped
3 finger. I had a MRI, had x-rays. I referred to
4 Medical. Medical referred me to see a doctor. At
5 the time I had no symptoms related to it.

6 MEMBER TEBBENS: I see it in the record
7 here. I see a date of the 11-11-2019 cervical
8 anterior cervical discectomy fusion.

9 MR. SOLUDCZYK: Correct.

10 MEMBER TEBBENS: You're saying the injury
11 on 10-1 exacerbated this?

12 MR. SOLUDCZYK: No, it was a different
13 injury. The injury on 10-1 bruised my spine.

14 MEMBER TEBBENS: Unrelated to the
15 previous injury?

16 MR. SOLUDCZYK: Unrelated to the previous
17 injury.

18 MEMBER TEBBENS: Okay, that's fine. So
19 going back to your original layup was 10-1-2020.
20 Between 10-1-2020 and today's date, you didn't
21 perform any capacities in the Chicago Fire
22 Department? Any functions? Did you appear in
23 uniform? Did you appear in any activities to the
24 Fire Department?

1 MR. SOLUDCZYK: I had no authoritative
2 function at that time. Everything was referred to
3 the Fire Commissioner at that time. He did call me
4 several times for advice on different actions. My
5 bureau did call me several times for advice on
6 several actions. I did attend a ribbon cutting for
7 Engine 115's facility.

8 MEMBER TEBBENS: You were in uniform and
9 you performed some functions in that capacity?

10 MR. SOLUDCZYK: I did not perform any
11 functions. I had no authoritative functions. I
12 just showed up in a uniform but I had no authority
13 at the time. There is no documentations that I
14 approved or signed. There are several -- as Deputy
15 Fire Commissioner, there are several invoices that
16 have to be signed and everything. My signature was
17 used but it was not my signature. It was a
18 facsimile of my signature and any invoices that
19 were signed by either a Deputy District Chief or
20 District Chief and my initials --

21 MEMBER TEBBENS: That has been stated
22 already and that is in the record as well. Let me
23 ask you this last question. As a benefit so to
24 speak of your rank as a Deputy Fire Commissioner,

1 you were assigned a vehicle, correct?

2 MR. SOLUDCZYK: That is correct.

3 MEMBER TEBBENS: When was that vehicle --
4 when was your last use of that vehicle? When did
5 you return that vehicle?

6 MR. SOLUDCZYK: That was July.

7 MEMBER TEBBENS: Do you still have access
8 to it?

9 MR. SOLUDCZYK: July 2020. July 2021.

10 MEMBER TEBBENS: In July of 2020, you had
11 access to a City vehicle in the summer of 2021?

12 MR. SOLUDCZYK: I was using that to
13 report to Medical, that is it, and to my PT and all
14 that.

15 MEMBER TEBBENS: Okay.

16 MR. SOLUDCZYK: That is it.

17 MEMBER TEBBENS: So you were provided a
18 vehicle during your layup?

19 MR. SOLUDCZYK: That is correct, yes.

20 MEMBER TEBBENS: Was that a matter of
21 practice? Is that typical of the rank of Deputy
22 Fire Commissioner.

23 MR. SOLUDCZYK: That is typical of it.

24 MEMBER TEBBENS: That during a layup

1 period you have access to a City vehicle?

2 MR. SOLUDCZYK: Yes.

3 MEMBER TEBBENS: Okay. That is all the
4 questions I have.

5 CHAIRMAN FORTUNA: Trustees, any
6 questions?

7 MEMBER MARTIN: You have access to that
8 vehicle until the City takes it away, correct?

9 MR. SOLUDCZYK: That is correct.

10 MEMBER MARTIN: Until the City picks it
11 up because you're laid up. I saw you at Engine 115
12 for that ceremony. I was working. You were not.

13 To the extent that you have had multiple
14 injuries to your cervical spine; is that correct?

15 MR. SOLUDCZYK: Yes.

16 MEMBER MARTIN: Obviously, this was the
17 most severe and this is the one that kind of
18 prompted you to file for a disability; is that
19 correct?

20 MR. SOLUDCZYK: Yes, as it incapacitated
21 me.

22 MEMBER MARTIN: Even to the extent that
23 it aggravated a pre-existing injury, I think
24 counsel could maybe clarify for Tebbens and for the

1 other Trustees, eligibility for a Duty Disability
2 doesn't necessarily have to be for a specific
3 injuring but cumulative injuries. Am I correct on
4 that, Vince?

5 MR. PINELLI: Yes, it can be cumulative
6 or it can be an exacerbation of a preexisting
7 condition. Either one.

8 MEMBER TEBBENS: One comment just for the
9 record to be clear. Regardless of any member's
10 exempt rank status or career service status, I
11 wouldn't want to see any member, any member
12 whatsoever, deprived of their one-year layup, that
13 is my concern. If there was working or any
14 responsibilities that the City required of Chief
15 Soludczyk, in his official capacity, he is
16 entitled. This is not to deprive him of anything.
17 It is to reaffirm what we provide to our members
18 and that is you have a one-year layup. If he
19 hasn't exhausted it, he is still entitled to that,
20 which is quite frankly a greater financial economic
21 benefit than a Duty Disability. This is the
22 benefit of the member.

23 MEMBER MARTIN: Point made. I respect
24 that.

1 MR. SOLUDCZYK: I appreciate that, too.

2 CHAIRMAN FORTUNA: Hearing no more
3 questions, Vince.

4 MR. PINELLI: I have a followup with
5 Chief Soludczyk before we go to the doctor, if I
6 may.

7 CHAIRMAN FORTUNA: Please.

8 BY MR. PINELLI:

9 Q Chief Soludczyk, attached to the Board
10 Exhibits as Board Exhibit 19 is the job description
11 of a Battalion Chief. Did you see that?

12 A Yes, sir.

13 Q And that job description indicates that a
14 Battalion Chief is required as part of the physical
15 requirements to handle stressful and physically
16 demanding environments and strenuous fire fighting
17 work requiring physical strength, coordination,
18 endurance and flexibility. Is that your correct
19 understanding of the duties of a Battalion Chief?

20 A Yes, sir.

21 Q Could you meet that standard in your
22 current condition?

23 A No. I have extreme difficulty even
24 putting on a regular jacket. After the injury, I

1 was not even able to attempt to put on the SCBA, my
2 breathing apparatus, affix the face piece to my
3 head. Battalion Chiefs have to drive. I would not
4 be able to safely drive in an emergency situation
5 because of my limited peripheral view. My strength
6 has greatly been diminished and I exercise two,
7 three hours a day and it doesn't seem to want to
8 come back to the point where I would be able to
9 perform my duties.

10 Q Since the change in your rank in
11 September, are you performing or have you been
12 asked to perform any duties as Deputy Fire
13 Commissioner?

14 A I have not been asked officially to
15 perform any duties as Deputy Fire Commissioner
16 since the injury. I was reached out for advice and
17 direction by Commissioner Ford at the time and then
18 Commissioner Holt just on minor issues, nothing of
19 major concern.

20 MR. PINELLI: Okay. Thank you. That's
21 all the questions I have.

22 Any other questions from the Trustees
23 before I go to Dr. Samo?

24 CHAIRMAN FORTUNA: No more questions.

1 MR. PINELLI: I call Dr. Samo.

2 (Witness previously sworn.)

3 DANIEL SAMO, M.D.

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

6 EXAMINATION

7 BY MR. PINELLI:

8 Q Sir, please state your name.

9 A Daniel Samo.

10 Q Are you a physician?

11 A Yes.

12 Q Is a copy of your qualifications attached
13 to the Board Exhibits?

14 A Yes.

15 Q Do you perform a function as a consultant
16 to this fund?

17 A Yes.

18 Q In that capacity, do you review medical
19 records, either examine or interview applicants,
20 and report to the Board?

21 A Yes.

22 Q Did you follow that procedure with
23 respect to Battalion Chief Soludczyk?

24 A Yes.

1 Q And did you file a written report with
2 the Board marked as Board Exhibit Number 2?

3 A Yes, I did.

4 Q Doctor, could you just briefly summarize
5 for us your understanding of his diagnosis and
6 treatment with respect to his injuries?

7 A Well, as he explained in his history, he
8 had a prior injury requiring neck surgery in
9 November of 2019 as well as shoulder surgery in
10 December of '19. He did recover from that but
11 after the event he developed symptoms again and
12 more severe symptoms and was diagnosed with a
13 central cord myelomalacia, which is a bruise of his
14 spinal cord.

15 He eventually had a second surgery in
16 January of '21 and really has not had a good
17 recovery from that time on.

18 Q Doctor, I forgot to ask you, but when you
19 interviewed him was the information he provided to
20 you consistent with the medical records that you
21 had examined?

22 A Yes, it was.

23 Q And with respect to the accident or
24 incident on October 1st, were you able to determine

1 at all whether the injury that occurred at that
2 time was to the exact same area that he had the
3 prior injury that resulted in the fusion or not?

4 A Really can't tell exactly where the new
5 symptoms are coming from but it is in that general
6 area, yes.

7 Q Given his current symptoms, would he be
8 able to perform his duties as a Battalion Chief
9 with the Fire Department, based upon the job duties
10 that are attached?

11 A No.

12 MR. PINELLI: Thank you, doctor, that is
13 all the questions I have.

14 CHAIRMAN FORTUNA: Trustees, any
15 questions for the doctor?

16 MEMBER MARTIN: I did have one other
17 question. Basically, for staff, I mean, counsel
18 and I think all of the Trustees understand that no
19 firefighter has a right to receive a disability for
20 any period of time he is receiving salary.

21 Did staff verify that he no longer has a
22 right to receive salary?

23 MR. WELLER: Let me confirm with Lori on
24 that. Lori, are you on the line?

1 MS. LUND: Yes, I am on.

2 MR. WELLER: Did you hear Trustee
3 Martin's question?

4 MS. LUND: Yes. He is no longer in
5 receipt of salary as of, it is in your packet, the
6 ADM date in the docket. That is the first day that
7 he is unpaid by the City where we would pickup
8 disability, if he is granted. So beginning 10-2 of
9 2021 he is no longer in receipt of salary.

10 MEMBER MARTIN: Otherwise, he wouldn't be
11 before us; is that correct?

12 MS. LUND: Correct. We require an end of
13 employment form from the City of Chicago in order
14 to even take an application for disability.

15 MEMBER MARTIN: That answers the question
16 that was asked.

17 MEMBER MURPHY: I make a motion to grant.

18 MEMBER MARTIN: Second.

19 CHAIRMAN FORTUNA: There is a motion to
20 grant by Trustee Murphy seconded by Trustee
21 Martin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Martin

8 MEMBER MARTIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Tebbens.

10 MEMBER TEBBENS: Yes.

11 CHAIRMAN FORTUNA: And I am a yes.

12 Motion carries.

13 MEMBER MURPHY: I would like to make a

14 motion for reexam consistent with Board policy.

15 MEMBER SHERIDAN: Second.

16 CHAIRMAN FORTUNA: Motion for reexam by

17 Trustee Murphy seconded by Trustee Sheridan.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Sheridan.

21 MEMBER SHERIDAN: Yes.

22 CHAIRMAN FORTUNA: Trustee

23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee Martin

4 MEMBER MARTIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Tebbens.

6 MEMBER TEBBENS: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 MEMBER MURPHY: Counsel has previously
10 sent around proposed Findings of Fact and
11 Conclusions of Law. Having had a chance to review
12 the Findings of Fact and Conclusions of Law in this
13 matter, I would like to make a motion to adopt the
14 Findings of Fact and Conclusions of Law in this
15 matter.

16 MEMBER CONYEARS-ERVIN: Second.

17 CHAIRMAN FORTUNA: There's a motion by
18 Trustee Murphy seconded by Trustee
19 Conyears-Ervin.

20 Trustee Murphy.

21 MEMBER MURPHY: Yes.

22 CHAIRMAN FORTUNA: Trustee Sheridan.

23 MEMBER SHERIDAN: Yes.

24 CHAIRMAN FORTUNA: Trustee

1 Conyears-Ervin.

2 MEMBER CONYEARS-ERVIN: Yes.

3 CHAIRMAN FORTUNA: Trustee Soni.

4 MEMBER SONI: Yes.

5 CHAIRMAN FORTUNA: Trustee Martin

6 MEMBER MARTIN: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 Based on the Findings of Fact and
12 Conclusions of Law made by the Trustees, the
13 Trustees have voted to grant you the benefit you
14 have requested.

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

17 Good luck to you.

18 MR. SOLUDCZYK: Thank you all. I
19 appreciate your diligence in protecting the Fund in
20 general. Thank you all.

21 MEMBER MURPHY: Mr. President, the next
22 applicant is Lone Williams, Firefighter, Engine 1.
23 Vince.

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

1 Ms. Williams, are you on the line?

2 MS. WILLIAMS: Good morning.

3 MR. PINELLI: Good morning. Thank you.

4 Let the record reflect this is a hearing
5 on the application for a Duty Disability Benefit
6 being made by Firefighter EMT Ms. Williams.

7 Good morning, ma'am. As you have been
8 told, or maybe heard, I am one of the attorneys for
9 the Fund. I will be conducting this hearing for
10 the record. I would like to advise you of some
11 preliminary matters before we start the evidence.

12 First of all, there are currently seven
13 trustees present to hear the evidence on your
14 application. If you don't know you should know
15 that the Pension Code requires that you get the yes
16 vote of at least five of those seven trustees. Do
17 you understand that?

18 MS. WILLIAMS: Yes, sir.

19 MR. PINELLI: I see from the records you
20 do not have an attorney representing you. Is it
21 your desire to proceed without an attorney?

22 MS. WILLIAMS: Yes.

23 MR. PINELLI: Lastly, it is the
24 applicant's burden of proof to present sufficient

1 evidence to the Board in order for the Board to
2 grant the benefit that the applicant is seeking.
3 Do you understand it is your burden of proof?

4 MS. WILLIAMS: Yes.

5 MR. PINELLI: By way of procedures, I am
6 going to start by asking you some questions under
7 oath. The board members may or may not have
8 questions of you. Then I will call the Fund's
9 physician consultant Dr. Samo to testify. If there
10 is anything I don't ask him that you think is
11 important for the Board to know, please let me know
12 and you will be given that opportunity. Do you
13 understand the procedures?

14 MS. WILLIAMS: Yes.

15 MR. PINELLI: Thank you. Then would you
16 please raise your right hand? Dr. Samo would you
17 raise your right hand as well?

18 (Witnesses sworn.)

19 LONE WILLIAMS

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

22 EXAMINATION

23 BY MR. PINELLI:

24 Q Before we begin testimony, I just want to

1 ask you, Ms. Williams, about the Board Exhibits.
2 Did you receive a copy of Board Exhibits 1 through
3 12 in advance of this hearing?

4 A Yes.

5 Q Did you have a chance to review them?

6 A I did.

7 Q Do you have any objection to their
8 admission into the record in support of your
9 application?

10 A I just have -- there was it looked like
11 it was a typo on BD Ex. 4 in my layup summary. It
12 says right ankle but that should actually be the
13 left. I don't know if that matters or not.

14 Q I appreciate that. You're talking about
15 Board Exhibit 4, the first entry on 10-14-16
16 reflects a right ankle sprain and you're saying
17 that should be a left ankle sprain; is that right?

18 A Yes.

19 Q Okay. Thank you. Subject to that
20 clarification, do you have any objection to these
21 documents going in?

22 A No.

23 MR. PINELLI: Thank you.

24 Mr. President, I move for admission of

1 Board Exhibits 1 through 12, along with the
2 clarification made by Ms. Williams, without her
3 objection.

4 CHAIRMAN FORTUNA: Admitted without
5 objection.

6 MR. PINELLI: Thank you.

7 (Board Exhibits 1 through 12 were
8 received into evidence.)

9 BY MR. PINELLI:

10 Q Let me direct your attention to November
11 12th of 2020 and ask you if you were engaged in
12 your duties with the Fire Department on that date
13 when you sustained an injury or injuries that are
14 the basis of your application?

15 A Yes.

16 Q Understanding that the Board does have
17 your written statement, could you just briefly
18 describe for the members where you were and what
19 happened to you on that date?

20 A Yes. We had a high-rise fire at Jewelers
21 Row. I believe it was the 10th floor. I was
22 assisting with the line. I was about 200 feet in.
23 My captain told me to go get another line because
24 we needed more line.

1 So I went to go. As I was going to get
2 it and I get to like the entrance of the doorway,
3 someone accidentally -- it was a lot of people in
4 there. Someone accidentally knocked my mask off
5 and I suffered some smoke inhalation. I ran out of
6 the air and I fell down two flights of stairs.

7 I was rushed to the emergency room with
8 elevated carbon monoxide levels. They had me on
9 oxygen. I had x-rays at the emergency room and had
10 some followup visits. I ended up having surgery, a
11 microdiscectomy, in February of this year, and then
12 I just recently a few weeks ago had a SI joint
13 fusion on November 11th.

14 Q Okay. Thank you. Let me just start with
15 the smoke inhalation and that treatment and
16 symptoms, has that resolved?

17 A Yes. I had suffered also migraines but
18 that resolved within a few months.

19 Q Let's talk about your lower back injury.
20 Prior to this date, November 12th of '20, had you
21 ever had any back injuries?

22 A Yes.

23 Q Just briefly what was that or when was
24 that?

1 A Mostly like back pain. I had lifted
2 something wrong. I don't remember the exact date
3 but I have went to see doctors regarding back pain.
4 I did have surgery regarding that left ankle sprain
5 but I suffer from left side pain. My primary
6 complaint was my left ankle but that was it.

7 I have never been diagnosed until now
8 regarding the SI joint but I guess you will get to
9 that.

10 Q So we understand so any prior lower back
11 injury that you had was it duty related or from
12 work?

13 A Yes.

14 Q It sounds like you may have had layups
15 but you were able to return to work after
16 conservative treatment; is that right?

17 A Yes.

18 Q Then with respect to this incident, after
19 this incident, you mentioned you had the two
20 surgeries. The first being the microdiscectomy.
21 That was attempting to address the disc issues in
22 your lower back; is that correct?

23 A Yes.

24 Q How did your rehabilitation go from that?

1 Are you still having any problems from the disc
2 area?

3 A So, I don't feel the compression but I'm
4 still having the pain in my leg. When I had the
5 surgery, obviously, it takes time so I was giving
6 it some time. I eventually started physical
7 therapy. My low back pain seemed to get worse and
8 I actually felt worse than I initially did and I
9 stopped the physical therapy. And I asked the
10 City, you know, the Medical, if I can get a second
11 opinion and that's how I got diagnosed with the SI
12 joint being an issue.

13 Q The continued pain and discomfort caused
14 them to start looking at your SI joint as well?

15 A Yes.

16 Q And then you had a surgery on that as you
17 mentioned, a fusion, on November 11th; is that
18 correct?

19 A Yes.

20 Q That is so recent, are you doing any
21 physical therapy yet or not?

22 A No. No, I am not, sir.

23 Q Are they projecting that you will at some
24 point?

1 A Yes. I go back to the doctor in a couple
2 of weeks so I guess he will see my progress, see
3 how I feel, and then he will let me know.

4 Q Can you describe for the board members
5 currently what your condition is with respect to
6 pain limitations or affect on your activities of
7 daily living?

8 A Yes. So, I still have pain in my low
9 back. I can't really tell if I am healing or not.
10 Obviously, I just had surgery. I use a cane, a
11 walker, if it is really bad. I do take some meds.
12 I am on Tramadol. I have some muscle relaxers,
13 stool softener. I do take some Ibuprofen. When I
14 walk, I have that pain in like my low back and butt
15 region, especially if I have to put pressure on the
16 left leg. A lot of my pain is, you know, in my low
17 back but I still have the leg pain. My left side.

18 Q Since you went on layup, have you engaged
19 in any activity by which you earn income?

20 A No.

21 Q Have you engaged in any sporting
22 activities?

23 A No.

24 MR. PINELLI: Thank you. That is all the

1 questions I have of the applicant.

2 CHAIRMAN FORTUNA: Any questions?

3 Hearing none, Vince.

4 MR. PINELLI: Thank you. I call Dr. Samo
5 to testify.

6 (Witness previously sworn.)

7 DANIEL SAMO, M.D.

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

10 EXAMINATION

11 BY ATTY1:

12 Q Sir, please state your name.

13 A Daniel Samo.

14 Q You're a physician; is that correct?

15 A Yes.

16 Q Is a copy of your qualifications as a
17 physician attached to the Board Exhibits?

18 A Yes.

19 Q Do you perform a function as a consultant
20 to this Fund?

21 A Yes, I do.

22 Q In that capacity, do you review medical
23 records, examine or interview apartments and report
24 to the Board?

1 A Yes.

2 Q Did you follow that procedure with
3 respect to this applicant?

4 A Yes.

5 Q Did you file a written report with the
6 Board marked as Board Exhibit Number 2?

7 A Yes.

8 Q Doctor, when you interviewed the
9 applicant was the information she provided to you
10 consistent with what you saw in the medical records
11 you reviewed?

12 A Yes.

13 Q Could you briefly describe or summarize
14 for us the state of her current medical condition?

15 A She has had chronic back pain at least
16 back to 2018 for which she had had some injections
17 in 2019 and intermittently was seeing her
18 chiropractor but was apparently quite functional at
19 the time until after the event where she had the
20 smoke inhalation and then was being seen for that
21 and about a month later was being seen for back
22 pain which was worse and did not improve.

23 Eventually she had the microdiscectomy to
24 address a herniated disc, which really did not help

1 her very much. And then six weeks ago, she had a
2 fusion of her sacroiliac joint. Which based on
3 what she said today seems to have had little or no
4 affect on her symptoms. So she continues to have
5 significant problems with pain and dysfunction.

6 Q Would she be able to perform her duties
7 with the Fire Department given those symptoms?

8 A No.

9 Q Was the event that she described that she
10 experienced a mechanism sufficient to cause the
11 injuries to her lower back and sacroiliac joint?

12 A Yes. I mean, I don't know if there was
13 any injury to her sacroiliac join particularly but
14 she fell and she became symptomatic. Her history
15 is that she became symptomatic pretty immediately
16 after the fall. She didn't have treatment for it
17 for about a month but she was dealing with the
18 smoke inhalation and all those issues in between.

19 MR. PINELLI: Thank you, doctor. That is
20 all the questions I have of the doctor.

21 CHAIRMAN FORTUNA: Trustees, any
22 questions for the doctor?

23 Hearing, no questions.

24 MEMBER MARTIN: Mr. President, I would

1 like to make a motion to grant.

2 MEMBER MURPHY: Second.

3 CHAIRMAN FORTUNA: There is a motion to
4 grant by Trustee Martin seconded by Trustee Murphy.
5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee
10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee Martin

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: I would like to make a
21 motion for reexam consistent with the Board's
22 policy.

23 MEMBER SHERIDAN: Second.

24 CHAIRMAN FORTUNA: There is a motion for

1 reexam by Trustee Murphy seconded by Trustee
2 Sheridan.

3 Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee Sheridan.

6 MEMBER SHERIDAN: Yes.

7 CHAIRMAN FORTUNA: Trustee

8 Conyears-Ervin.

9 MEMBER CONYEARS-ERVIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Soni.

11 MEMBER SONI: Yes.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Counsel has previously
19 sent around proposed Findings of Fact and
20 Conclusions of Law in this matter. Having had a
21 chance to review those, I'd like to make a motion
22 to adopt those Findings of Fact and Conclusions of
23 Law in this matter.

24 MEMBER TEBBENS: Second.

1 CHAIRMAN FORTUNA: Motion by Trustee
2 Murphy seconded by Trustee Tebbens.

3 Trustee Murphy.

4 MEMBER MURPHY: Yes.

5 CHAIRMAN FORTUNA: Trustee Sheridan.

6 MEMBER SHERIDAN: Yes.

7 CHAIRMAN FORTUNA: Trustee

8 Conyears-Ervin.

9 MEMBER CONYEARS-ERVIN: Yes.

10 CHAIRMAN FORTUNA: Trustee Soni.

11 MEMBER SONI: Yes.

12 CHAIRMAN FORTUNA: Trustee Martin

13 MEMBER MARTIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 Based on the Findings of Fact and
19 Conclusions of Law made by the Trustees, the
20 Trustees have voted to grant you the benefit you
21 have requested.

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

24 Ms. Williams, thank you and good luck.

1 MS. WILLIAMS: Thank you so much,
2 everybody. Have a happy holiday.

3 CHAIRMAN FORTUNA: You, too.

4 MEMBER MURPHY: Mr. President, I would
5 like to make a motion to approve the Board
6 Physician Reviews of Disability Recipients.

7 MEMBER MARTIN: Second.

8 CHAIRMAN FORTUNA: There's a motion by
9 Trustee Murphy seconded by Trustee Martin.

10 Trustee Murphy.

11 MEMBER MURPHY: Yes.

12 CHAIRMAN FORTUNA: Trustee
13 Conyears-Ervin.

14 MEMBER CONYEARS-ERVIN: Yes.

15 CHAIRMAN FORTUNA: Trustee Soni.

16 MEMBER SONI: Yes.

17 CHAIRMAN FORTUNA: Trustee Martin

18 MEMBER MARTIN: Yes.

19 CHAIRMAN FORTUNA: Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: And I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Moving on to Item 7,
24 Expenditures, Administrative Expenses for Board

1 Review and Approval. I would like to make a motion
2 to approve the Administrative Expenses as
3 presented.

4 MEMBER SONI: Second.

5 CHAIRMAN FORTUNA: There is a motion by
6 Trustee Murphy seconded by Trustee Soni.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee
10 Conyears-Ervin.

11 MEMBER CONYEARS-ERVIN: Yes.

12 CHAIRMAN FORTUNA: Trustee Soni.

13 MEMBER SONI: Yes.

14 CHAIRMAN FORTUNA: Trustee Martin

15 MEMBER MARTIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Moving on to Item 8, the
21 Executive Director's Report. Mr. Weller, would you
22 please take it away?

23 MR. WELLER: Welcome, everybody, this
24 morning.

1 I want to say I have no Board approvals
2 that are required in the Executive Director's
3 Report so that is good. We can get through it
4 pretty quick.

5 I do have some items that we put in
6 BoardPaq for your review. One is that the December
7 holiday letter that is going to be sent by
8 Secretary Murphy, with the December summary. As
9 normal that gets reviewed by the Board to see if
10 there are any concerns or objections.

11 We usually do that by negative consent.
12 If I don't hear from anyone, that will be
13 acknowledged, and we will send it out once the
14 summary is done, so that is good.

15 We also have a list, and I think it is
16 something we hadn't done for a while, but I know
17 now with EMWQ and especially the holiday season and
18 a change on the board, the Trustees would like to
19 see the monthly donations that are received. We
20 are putting that in there as an item, just an
21 educational item. We know that is an important
22 piece to the firefighter community so we just want
23 to make sure we are staying transparent.

24 We are ending the year. We have been

1 finalizing out our eight hours of fiduciary ethics
2 training. I am happy to say that we have most
3 everyone confirmed and we have got everyone else on
4 a track to get that confirmation done so I believe
5 we will have 100 percent compliance so no
6 outstanding issues there.

7 We have started with Chairperson Soni on
8 the Budget. Jackie and I and the internal teams
9 have all met and have reviewed the needs that each
10 of the particular functional units are seeing in
11 2022. We have a good idea of where those numbers
12 are going to be.

13 We met with the other executive directors
14 at the systems. We know what the other systems
15 have on deck. So, Jackie and I have got meetings
16 scheduled the 27th with Co-chair Murphy and Chair
17 person Soni the 27th of December for one on ones.
18 Another meeting on the 11th for one on ones. And
19 then I believe we will have everything ready for a
20 formal Budget Committee that we have tentatively
21 got scheduled on the 19th at nine a.m. That is
22 where we are sitting right now. The timeline
23 should be fine and I don't see any reason why we
24 won't meet those tasks and have something for this

1 Board to approve at the January meeting.

2 We started our pre-audit meetings. We
3 have had two so far. We are moving along in that
4 direction. We started our actuarial meetings with
5 Segal and got them lined out with a timetable of
6 expectations and what we think needs to occur and
7 the timeline that needs to happen.

8 Everyone who we have been commissioned to
9 work with is aware of our timeline and at this
10 point have acknowledged the timeline to meet them.

11 We do have a little bit of a change. We
12 thought we were going have the retro from the
13 police coming through in the December checks. It
14 doesn't look like that is going to happen. It
15 looks like the City is going to do that in January.

16 As soon as the City pays that, we will
17 get those retros applied. The City has not paid
18 them as of yet, so there is not much we can do in
19 that regard.

20 The last thing I want to say, we have I
21 know six months worth of meetings on the
22 implementation of the Public Act 102091, which is
23 the Occupational Disability provision.

24 We have had meetings with both

1 stakeholders, both the City and the Union. We have
2 had extensive meetings internally and with our
3 legal team. We have talked to some of the
4 Trustees, the consensus of the staff and what I
5 believe will be our application of this, which at
6 this point in time I think is more just
7 acknowledging to the Board how we anticipate
8 implementing this.

9 We are going to take the most
10 conservative approach, which is not to read
11 anything into the legislation that is not there.
12 Begin to apply the provisions that the Code allows
13 us to vote on, what we do very well, is provide a
14 hearing for our members. We can provide the
15 finding of fact whether they are indeed
16 occupationally disabled or not.

17 Once we make those determinations, there
18 are several question marks that are going to follow
19 that, that unfortunately this Board cannot
20 anticipate or control. The IRS, how the City is
21 going to handle the insurance, how the courts are
22 going do QILDROS.

23 All of those are going to have to be
24 sorted out after we begin to apply this particular

1 piece of legislation and there is really nothing
2 that staff or the Board I think at this point in
3 time can do to give clarity to any one of those
4 three issues. Those are going to be issues that
5 are going to have to be looked at from the
6 stakeholders that control those issues.

7 We are a long way of saying I believe
8 we're going to be ready to at least begin
9 contemplating applications for those members who
10 might find this attractive given their
11 circumstances in January. That is where we stand
12 and that is optimistic but I believe that is
13 doable.

14 MEMBER MURPHY: Thank you, Mr. Weller.

15 MR. WELLER: Our next meeting is January
16 26th. It is a little bit later. It is the fourth
17 Wednesday of the month. If for whatever reason
18 someone currently has some reason they can't be
19 there, please let me know.

20 It is very difficult. As you know, we
21 have to kind of navigate around City Council and
22 people's schedules. We want to be accommodating,
23 if we possibly can, so let me know.

24 MEMBER SONI: One question I have is that

1 I see that most of our meetings hit on the same day
2 as City Council. I think that is difficult,
3 especially for Trustee Valencia, because she's
4 trying to juggle in between both. I know the 26th
5 is a City Council date. Is there any reason it is
6 not on the 19th?

7 MR. WELLER: We sit in between the
8 Laborers and we sit in between Muni. What happens
9 is Muni typically takes the Thursday. Laborers
10 takes the Tuesday. And then the Police will move
11 opportunistically -- like this week, the Police
12 have Monday, the 20th.

13 So what happens is we are -- because we
14 traditionally have Wednesday, we are defaulted to
15 Wednesday because the other plans take Tuesday and
16 Thursday. There are some opportunities for us to
17 take a Friday.

18 MS. BURNS: I think Trustee Soni is
19 asking why not the 19th of January?

20 MR. WELLER: The 19th of January we
21 already had two Trustees that could not attend the
22 19th meeting.

23 MS. BURNS: That is her answer.

24 MR. WELLER: I'm sorry. I over

1 complicated that.

2 MEMBER SONI: That's fine.

3 MR. WELLER: Sorry, Trustee Soni.

4 MEMBER SONI: I want to make sure that it
5 makes it easier for everyone.

6 CHAIRMAN FORTUNA: Thank you.

7 MS. BURNS: The question is now that we
8 are at the legal update portion of the meeting is
9 it possible to entertain a motion to go into closed
10 session?

11 MEMBER MURPHY: I would like to make a
12 motion to go into Executive Session pursuant to
13 Section 2(c)11.

14 MS. BURNS: To discuss pending and
15 threatened litigation.

16 MEMBER MARTIN: Second.

17 CHAIRMAN FORTUNA: There is a motion by
18 Trustee Murphy seconded by Trustee Martin.

19 Trustee Murphy.

20 MEMBER MURPHY: Yes.

21 CHAIRMAN FORTUNA: Trustee Sheridan.

22 MEMBER SHERIDAN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee Martin.

2 MEMBER MARTIN: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 We are in Executive Session.

7 (Whereupon, the Board went into

8 Executive Session off the record.

9 No action was taken in Executive
10 Session.)

11 MEMBER MURPHY: Mr. President, based on
12 the recommendation of counsel, I would like to make
13 a motion to continue to hold the monthly annuity
14 payment for Member 011094 until such time as
15 counsel, working with Fund staff, is comfortable
16 that the member's interests are being addressed in
17 a manner consistent with the Pension Code and
18 applicable law.

19 MEMBER MARTIN: I will second that
20 motion.

21 CHAIRMAN FORTUNA: There is a motion by
22 Trustee Murphy seconded by Trustee Martin.

23 Trustee Murphy.

24 MEMBER MURPHY: Yes.

1 CHAIRMAN FORTUNA: Trustee Sheridan.
2 MEMBER SHERIDAN: Yes.
3 CHAIRMAN FORTUNA: Trustee Martin
4 MEMBER MARTIN: Yes.
5 CHAIRMAN FORTUNA: Trustee Tebbens.
6 MEMBER TEBBENS: Yes.
7 CHAIRMAN FORTUNA: And I am a yes.
8 Motion carries.
9 MEMBER MURPHY: Moving on to Old
10 Business/New Business.
11 MEMBER MARTIN: Hearing none, I would
12 like to make a motion to adjourn.
13 MEMBER MURPHY: Second.
14 CHAIRMAN FORTUNA: There is a motion to
15 adjourn and a second.
16 Trustee Murphy.
17 MEMBER MURPHY: Yes.
18 CHAIRMAN FORTUNA: Trustee Sheridan.
19 MEMBER SHERIDAN: Yes.
20 CHAIRMAN FORTUNA: Trustee Martin
21 MEMBER MARTIN: Yes.
22 CHAIRMAN FORTUNA: Trustee Tebbens.
23 MEMBER TEBBENS: Yes.
24 CHAIRMAN FORTUNA: And I am a yes.

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Thank you, everyone.

(WHICH WERE ALL THE PROCEEDINGS
IN THE ABOVE-ENTITLED MEETING
AT THIS DATE AND TIME.)

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