

OFR80002

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: MINUTES

CITY DEPARTMENT: ADMINISTRATIVE SERVICES

YEAR: 1980

FIRE PENSION BOARD

A meeting of the Fire Pension Board was called to order at 9:10 a.m. on February 12, 1980 in the City Hall Council Chambers. Members present were: Gary Tharp, Mike Petersen, Fred Knowles, Jane Quimby, John Tasker and Claudia Smith. Also present were Gerry Ashby and Jeanne Herring.

The minutes of the last meeting were read and approved.

The meeting opened with Chairman Gary Tharp asking Claudia Smith if anything had been heard in regards to Jack Brandhorst. Claudia stated that a Mail-o-gram had been received from his attorney advising the Board that he was in contact with the attorney in California who was to get with Doctor Lilly and obtain tests and results of same that had been conducted on Mr. Brandhorst for the Pension Board.

Gerry Ashby then stated that he had asked Claudia Smith to call today's meeting in order to see if the Board would reconsider Greg Hazelhurst's request for disability retirement in light of information received by doctors. Gerry also told Board members that another letter had been received by Dr. Moore in response to the Board's decision at the last meeting. He went on to state that Dr. Moore did not feel that moving Greg to another station would be an acceptable solution to Greg's medical problems. Gerry then mentioned the fact that John Tasker had relayed to him that Denver was having some success in regards to disability retirement requests involving back problems. Gerry did call Denver and was informed that they are not having any more success in these instances than anywhere else and, Pension Board's had to rely on the doctors opinions in these types of cases. Gerry stated he did know there was some abuse in pension funds, but that the Board had to rely on professional medical opinions they seek.

Gerry told Board members that if the Board would not reconsider in this case, Greg could seek legal counsel to represent him in a formal hearing process. Gerry went on to state he did not know on what basis the Board denied this request. There was some discussion and Jane Quimby stated she was having problems with this request because of different things that had been mentioned and the supposedly type of work he is performing while working for Powderhorn Ski Corp. John Tasker then stated that if Greg could run a tobogan down the hill at Powderhorn he was basically doing the same duties as a Fireman. He stated that pulling a tobogan would require bending and lifting which seemed to be the big objection in this case.

Fred Knowles then stated that he wanted a hearing for the purpose of talking to the doctors and relating to them the other activities Greg has allegedly been doing since he injured his back. Gerry told Board members that if they granted his request at this time, they could recall him at any time if he was found to be doing duties similar to that of a Fireman. Gerry asked Board members what would happen if Greg went out on a fire and was required to lift and bend. He stated that Greg could conceivably refuse to do such duties instead of further injuring himself.

Fred Knowles asked if a hearing was held would it be at the expense of the Board? Gerry stated yes. Fred also asked if Dr. Patterson would be present. Gerry said that all three doctors would be present at a formal hearing so that thorough information could be obtained. Gerry then stated he felt what the Board was trying to do in this instance was to obtain further specific information prior to making a final decision.

After more discussion, Fred Knowles made a motion that a formal hearing be scheduled with all interested parties. The motion was seconded by Mike Petersen and carried unanimously. Gary Tharp asked if, after a formal hearing, the Board again denied this request if Greg could take it to court; Gerry responded yes.

Page 2
Fire Pension Board meeting
February 12, 1980

Gerry Ashby then asked Claudia Smith to set up a hearing in this case to be held at the earliest possible date.

Gary Tharp stated he had talked to John Patterson in regards to his signing his application for death and disability benefits. John related to him he would not sign the application and he had obtained legal council.

There being no further business to come before the Board, the meeting was adjourned at 9:30 a.m.

Respectfully submitted,

Jeanne Herring
Secretary