

**CITY OF DAYTONA BEACH POLICE AND FIRE PENSION FUND
PENSION BOARD OF TRUSTEES DISABILITY MEETING**

**City Hall Conference Room 149
301 S. Ridgewood Ave, Daytona Beach, FL 32115
Tuesday, April 26, 2024, 3:00PM**

TRUSTEES PRESENT: Jay Maher
Michael Rowley
Gregg Gurdak
Erin Masters

TRUSTEES ABSENT: Brenda Fischer

OTHERS PRESENT: Ferrell Jenne, Foster & Foster
Pedro Herrera, Sugarman, Susskind, Braswell, & Herrera (via Zoom)
Paul Rosi, Disability Applicant

- 1) **Call to Order/Roll Call/Determination of a Quorum**
 - a) The meeting was called to order at 3:07PM by Jay Maher.
- 2) **Public Comment** – None.
- 3) **New Business**
 - a) Initial Disability Hearing-Paul Rosi
 - i) Pedro Herrera stated the Board would need to grant the disability benefit, deny the disability benefit, or table a decision if the Board feels that they need more information in order to make a determination. Pedro stated if the Board denied the disability benefit, the member had the option to petition for a full formal hearing. The full hearing could include live testimony and depositions. Pedro stated at the full hearing, the Board would need to hire special counsel. Pedro stated if the Board denies the disability at the full hearing, the member could petition the circuit court. The judge would review the disability documentation and write the opinion on the ruling.
 - ii) Pedro Herrera stated the burden of proof was on the applicant. Pedro reminded the Board the determination of granting or denying the disability benefit was on a preponderance of evidence. Pedro reviewed the issues before the trustees and the questions that should be answered. Pedro reviewed the disability provisions found in the plan Ordinance and the medical records that were collected pertaining to the disability.
 - iii) Pedro Herrera reminded the Board the applicant went to an Independent Medical Examination (IME) and stated the report from Dr. Ryan Hall was included in the disability binder.
 - iv) Paul Rosi briefly reviewed the medical calls he had been on, the high blood pressure and chest pains he was experiencing while running calls. Paul stated once he was prescribed the beta blocker, his blood pressure had been under control. Paul stated he had been seeing Dr. Figueroa for a couple of years. The Board asked about the statements that he had been non-compliant with taking medications. Paul Rosi stated he had always taken prescribed medications. The only lapse was when he was searching for a new primary care doctor.
 - v) The Board further discussed past medications and physicians who had seen Paul Rosi. Paul stated the hypertension was directly related to the post-traumatic stress disorder (PTSD) from the traffic accident he responded to on

3/6/2021. Paul further explained the traffic accident and the symptoms he had experienced since.

- vi) The Board discussed the non-compliance statements. Paul Rosi stated he did speak with a counselor once and it did not help. Paul stated he had been compliant with everything that had been asked of him. Paul stated the only symptom relief was when he takes the beta blocker, which he currently takes 2x per day. Paul stated his doctor told him he would be taking the beta blocker in perpetuity. Paul stated he was not permitted to work as a firefighter while taking the beta blocker. Paul stated he had been in a no pay status and burning through his sick/vacation time. Paul stated he had no more hours in his sick bank.
- vii) Paul Rosi stated he had been on workers' compensation receiving approximately \$500/week.
- viii) Pedro Herrera reviewed records in the disability binder from a cardiologist that offered alternative prescriptions and Paul Rosi denied the change. Paul Rosi stated the cardiologist stated he was too young to go out on a disability and she would take him off the beta blocker, even though Paul told the doctor it was the only medication that was alleviating the symptoms. Paul stated he had been trying alternative medications for the past 3 years with no luck. The only medication that had provided relief was the beta blocker. The beta blocker was prescribed by the city's physician.
- ix) The Board discussed the enlarged heart, the numerous opinions from the three cardiologists, and the beta blocker that was prescribed due to PTSD hypertension.
- x) Paul Rosi confirmed he was never on Prozac. Pedro Herrera reviewed various statements in the medical records related to issues from 2015. Paul stated Dr. Figueroa put him at Maximum Medical Improvement (MMI) with the City.
- xi) The Board further discussed the cardiologists Paul Rosi had seen. The Board discussed the records that show that the cardiologists refer Paul to a PTSD physician.
- xii) Paul Rosi stated he had tried for 3 years different medications and damage had been done to his heart. He wants to stay with a medication that was working, which was the beta blocker.

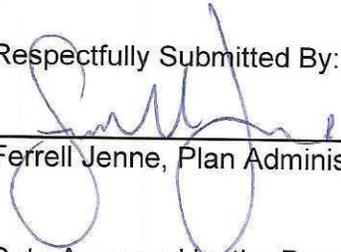
The Board voted to grant an ILOD disability for Paul Rosi, upon motion by Erin Masters, motion died with no second.

- xiii) Paul Rosi read the 4/22/2024 letter from Dr. Figueroa that stated he disagreed with several observations made by Dr. Hall. Paul reviewed past medications he tried to help with the PTSD hypertension.
- xiv) The Board discussed the preponderance of evidence and the fact that there were multiple physicians that state Paul Rosi did not have a permanent condition. The Board further discussed the PTSD and hypertension issues. Pedro Herrera stated the applicant doesn't have to reapply if the reason for the disability changes and the documentation supports the new cause.

The Board voted to table a decision until a cardiac and psychiatric independent medical examination appointments were completed, upon motion by Jay Maher and second by Gregg Gurdak; motion carried 4-0.

- 4) **Adjournment** - The meeting adjourned at 4:37PM.
- 5) **Next Meeting** – June 18, 2024, at 10:30AM, Quarterly Meeting

Respectfully Submitted By:



Ferrell Jenne, Plan Administrator

Approved By:



Jay Maher, Chairman
MICHAEL ROWLEY, SECRETARY

Date Approved by the Pension Board:

6/18/2024