

MINUTES
RETIREMENT HEARING COMMISSION
SPECIAL MEETING - MAY 8, 1987 - 9:30 A.M.

The Retirement Hearing Commission met in special session in Conference Room 103, 801 - 9th Street, on May 8, 1987 at 9:35 a.m.

PRESENT: Hermocillo, Koutrouba, Mayberry, Sequeira, Smith, Stamper

ABSENT: Russell

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE REGARDING APPEAL OF HARRY HOGAN FOR INDUSTRIAL DISABILITY BENEFITS
REJECT DECISION/APPEAL GRANTED

K. William Curtis, Attorney at Law, represented Harry Hogan, who was present. Richard Antoine, Deputy City Attorney, represented the Retirement System Manager.

The Commission received copies of the exhibits submitted and the transcript of the hearing held before the administrative law judge.

Mr. Curtis and Mr. Antoine presented final arguments and rebuttals and answered questions of the Commission.

With approval of the appellant, Mr. Mayberry moved the Commission adjourn to executive session. The motion was seconded by Mr. Koutrouba and was carried by the following vote:

AYES: Hermocillo, Koutrouba, Mayberry, Sequeira, Smith, Stamper

NOES: None

The Commission reconvened. Mr. Mayberry moved that the proposed decision of the Administrative Law Judge be rejected and that Mr. Hogan be granted an industrial disability retirement. The motion was seconded by Mr. Hermocillo and carried by the following vote:

AYES: Hermocillo, Koutrouba, Mayberry, Smith, Stamper

NOES: Sequeira

The Chairwoman directed Mr. Curtis to prepare the decision, findings of fact, determination of issues and order for the Commission's review and adoption, with guidance that Mr. Hogan's job stress was real and measurable.

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE REGARDING APPEAL OF RICHARD SHANROCK FOR INDUSTRIAL DISABILITY RETIREMENT BENEFITS
DECISION UPHELD/APPEAL DENIED

Paul W. Grunwald, Attorney at Law, represented Richard Shanrock, who was present. Richard Antoine, Deputy City Attorney, represented the Retirement System Manager.

The Commission received copies of the exhibits submitted and the transcripts of the hearing held before the administrative law judge.

Mr. Grunwald and Mr. Antoine presented final arguments and rebuttals and answered questions of the Commission.

With approval of the appellant, Mr. Mayberry moved the Commission adjourn to executive session. The motion was seconded by Mr. Koutrouba and was carried by the following vote:

AYES: Hermocillo, Koutrouba, Mayberry, Sequeira, Smith, Stamper

NOES: None

The Commission reconvened. Mr. Mayberry moved to adopt the decision of the administrative law judge to deny Mr. Shanrock industrial disability retirement benefits. The motion was seconded by Mr. Hermocillo and carried by the following vote:

AYES: Hermocillo, Koutrouba, Mayberry, Sequeira, Smith, Stamper

NOES: None

The Chairwoman directed Mr. Antione to prepare the decision, findings of fact, determination of issues and order for the Commission's adoption.

PROPOSED CHANGE TO CITY CODE SECTION 34.1407
SUPPORT

Richard E. Snyder, Secretary to the Commission, reviewed the recommended proposed change to City Code Section 34.1407 with the Commission, which would permit the recording of retirement appeal hearings by either tape recorder or a certified shorthand reporter. It is proposed that City Code Section 34.1407 be changed to read as follows:

Section 34.1407 Record of oral evidence at hearing

The proceedings at the hearing shall be recorded by a tape recorder or by a certified shorthand reporter.

Mr. Hermocillo moved that the Commission support the proposed change to City Code Section 34.1407. The motion was seconded by Mr. Stamper and carried by the following vote:

AYES: Hermocillo, Koutrouba, Mayberry, Sequeira, Smith, Stamper

NOES: None

Richard Snyder, Secretary to the Commission, will submit the proposed change to the Law and Legislative Committee and City Council for approval.

SCHEDULING OF SPECIAL MEETING

Because K. William Curtis, Attorney, representing Mr. Dan Ware and Mr. Raymond Tarrant will not be available for the regular scheduled June meeting, the Secretary requested the Chair to schedule a special meeting to hear both pending cases.

It was agreed upon by the Commission to schedule a special meeting for July 6, 1987.

There being no further business, the meeting was adjourned at 12:02 p.m. to meet again at the call of the chair.