

MINUTES
RETIREMENT HEARING COMMISSION
SPECIAL MEETING - NOVEMBER 16, 1987 - 9:30 A.M.

The Retirement Hearing Commission met in special session in Conference Room 103, 801 - 9th Street, on November 16, 1987 at 9:45 a.m.

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

ABSENT: None

DRAFT FINDINGS AND DECISION ON THE DANIEL WARE MATTER
APPROVED

The Commission received and reviewed copies of the findings and recommendations, on the Daniel Ware matter, prepared by William Carnazzo, Counsel to the Commission. Mr. Mayberry moved that the findings and recommendations be approved and transmitted to the Office of Administrative Hearings. The motion was seconded by Mr. Sequeira and carried by the following vote:

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

NOES: None

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE REGARDING APPEAL OF BARBARA SLAUGHTER FOR INDUSTRIAL DEATH BENEFITS - CONTINUED
ADOPTED

This matter was continued from the October 28, 1987 meeting due to a lack of a majority vote. Dale Ordas, Attorney at Law, represented Barbara Slaughter, who was not present. Richard Antoine, Deputy City Attorney, representing the Retirement System Manager, was not present, as it was agreed upon at the October 28, 1987 meeting that there would be no further oral arguments.

Mr. Russell requested that it be placed on the record, so there was no appearance of impropriety, that in his legal practice, he had represented a client with the surname of Slaughter and he did not know if there was any connection between his client and Mr. Harry Slaughter. Mr. Russell stated he is not biased and could render a fair and impartial decision on this matter.

Mr. Hermocillo informed the members that he listened to the tape recording of the October 28, 1987 meeting, reviewed the material, and was prepared to vote.

The motion before the Commission, from the October 28, 1987 meeting, was to reject the the decision of the Administrative Law Judge and grant Barbara Slaughter industrial death benefits and the following vote resulted:

AYES: Hermocillo, Koutrouba, Mayberry

NOES: Russell, Sequeira, Smith, Stamper

Mr. Stamper moved to adopt the decision of the Administrative Law Judge and deny Barbara Slaughter industrial death benefits. The motion was seconded by Mr. Sequeira and was carried by the following vote:

AYES: Russell, Sequeira, Smith, Stamper

NOES: Hermocillo, Koutrouba, Mayberry

Mr. Russell was excused at 9:57 a.m.

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE REGARDING APPEAL OF JANICE BAILEY FOR INDUSTRIAL DEATH BENEFITS - CONTINUED
CONTINUED

K. William Curtis, Attorney at Law, represented Janice Bailey, who was present. Linda Gonzalez, 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 submitted copies of Sacramento City Charter Sections 413 and 429 for the Commission's reference.

Mr. Curtis and Ms. Gonzalez presented final arguments and rebuttals and answered questions of the Commission. During Mr. Curtis' final argument he cited two cases, Bowen and Gerule, which he indicated set causation standards. Mr. Carnazzo advised the Commission that there is no causation standard in state law or case law by which the Commission is bound. The ultimate standard of causation is up to the Commission and their interpretation of the provisions of the Sacramento City Charter and Code.

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

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

NOES: None

The Commission reconvened. Mr. Hermocillo moved that this matter be continued to the next regular meeting, November 25, 1987, at which time no further arguments will be presented; Mr. Curtis is to submit a memorandum, in reference to the evidence submitted, showing that there is substantial evidence as to the real and measurable connection between job stress and industrial death; Ms. Gonzalez is to review Mr. Curtis' memorandum and prepare a rebuttal; and, Mr. Carnazzo is to prepare a listing citing all cases, and copies there of, pertaining to the issue of causation standards. 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, requested that all of the above material be submitted by Friday noon, for timely distribution to the members.

The Chair requested that the Barbara Slaughter matter be placed on the November 25, 1987 agenda, for reconsideration, as there may have been a misunderstanding and voting error on the motions.

There being no further business the meeting was adjourned at 11:12 a.m. to meet again at the call of the chair.