

Legal Considerations Related to Police & Fire Disability Pension Adjudications

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RG

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APPLICATION PROCESSING/IMES

- Medical Records Retention Process*
- Subpoenas for Municipal Records*
- IME Intermediary Retention*
 - IME Provider Selection*
- Interrogatories to Providers*
- No Shows/Cancellations*
- Dissemination of Reports*



Wade v. North Chicago
5/3-115 & 5/4-112
Admin Rules
FOIA Implications???

INTERVENTION

-Timing

-Bases in Support of Petition

-Municipal Due Process Argument

-PSEBA Implications

-Pension Bd. Rule Making Authority



Village of Stickney v. Stickney Police Pension Fund

Williams v. Morton Grove Fire Pension Fund

Village of Vernon Hills v. Heelan

Village of Alsip v. Portincaso

APPLICATION AMENDMENTS

- Adding Injuries / Claims*
- Adding Medical Providers / Treatment*
- Rules of Civil Procedure Implications*
- Hampster Wheel Mentality*

everything but the kitchen
sink.



Eschbach v. McHenry Police Pension Fund
Kropp v. Kildeer Police Pension Fund (Rule 23)

PRO SE APPLICANTS

- Burden of Proof*
- Opening / Closing Statements*
- Examination of Witnesses / Self*
- Lack of understanding of the Law*
- Need for Legal Advice*



CONTINUANCES

- Last Minute Requests*
- Multiple / Repeated Requests*
- Cost Implications for Granting Continuances*
- Due process / abuse of discretion on administrative review*

Marconi v. Chicago Heights PPB



BIAS, PREJUDICE & RECUSALS

- Bias / Prejudice amongst Bd. Members and Applicant*
 - Bias by Legal Counsel*
 - Per Se Bias'?*
 - Motions to Recuse Trustee*
- Allegations during Cross Examination*
 - Major* *legal implications*



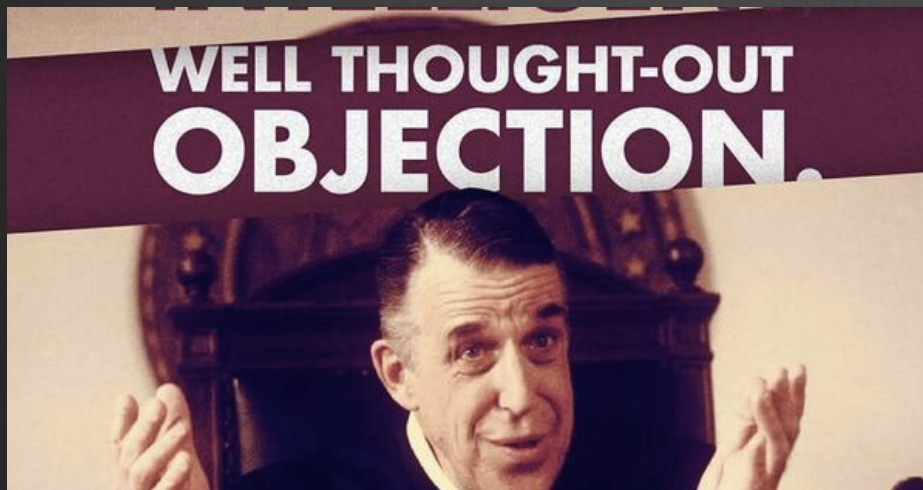
Kramarski v. Orland Park Police Pension Board
Danko v. Harvey Police Pension Board
Williams v. Morton Grove

OBJECTIONS TO IMEs

-Hearsay

-Foundation

-Authentication



*In Re Joseph S
Richardson v. Perales
Supreme Court Rule 90
Rules & Regs*

Internal Trustee Conflicts

- Differences of Opinions amongst Board members
 - “Pension Hat” v. municipal/active member/retiree hat
 - “Unanimity”



NOTICE

-Legal Requirements

-How to send Notices (mail, e-mail, certified mail, pigeon)

-How Far in Advance Must Notice be Sent

-Notice but still a no show...what to do in response

OMA

Pension Code Reqs

Admin Rules



EXPERT WITNESS TESTIMONY V. DEPOSITIONS

-Which is better?

-In person v. telephonic/zoom

-Legal/Evidentiary Implications

-Credibility Determinations



Rhoads v. Calumet City Fire Pension Fund

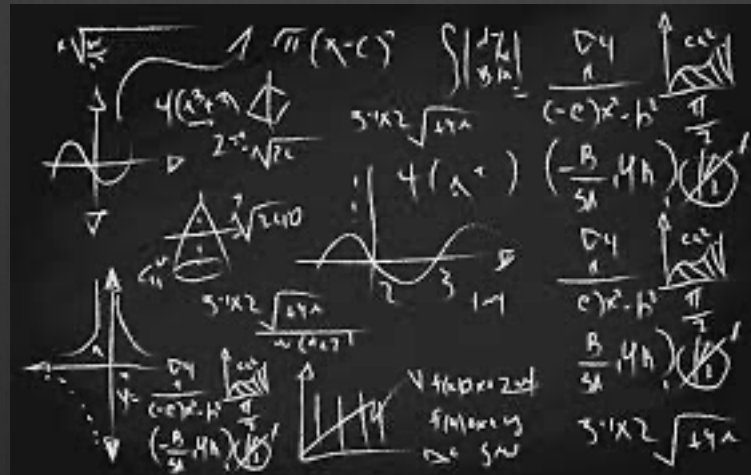
CLOSED SESSION

- Verbatim Recording*
- Minutes*
- Limitation on Uses*
- Voting*
- What can / cannot be considered in closed session*
- Closed session does not = ultimate confidentiality*



PENSION BENEFIT CALCULATIONS

- Final Salary Determinations
- Mistake in Benefit Statutory Provisions
- Final Administrative Decisions



FINAL ADMINISTRATIVE DECISIONS & RECONSIDERATION

- Vote v. Final Administrative Decision*
- New Evidence*
- New Development*
- Change in Trustee's opinion*

CH, CH, CH, CH,
CHANGES.

Howe v. Ret Bd.

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