

STATE OF INDIANA) SS:

BEFORE THE STATE, BOARD OF THE
PUBLIC EMPLOYEES' RETIREMENT FUND
FOR THE 1977 POLICE AND
FIREFIGHTERS' PENSION AND DISABILITY
FUND

IN THE MATTER OF PATRICIA ANN DOUGLAS CAUSE NO. 85-13

ADMINISTRATIVE ADJUDICATION

The above referenced matter came on to be heard in accordance with IC 4-22-1-1 by the duly appointed hearing officer, Burton L. Garten, on the 22nd day of November, 1985 in the offices of the Public Employees' Retirement Fund, Basement Conference Room, Harrison Building, 143 West Market Street, Indianapolis, Indiana 46204. Respondent, the Public Employees' Retirement Fund, was represented by H. Dudley Miller and the petitioner, City of Indianapolis Police Pension Fund was represented by Christopher D. Seigel.

Witnesses were sworn and testimony and exhibits were heard and received into evidence.

Burton L. Garten now recommends transfer of the hearing findings of fact and decision to the State Board for its final decision and disposition of said matter.

FINDINGS OF FACT AND DECISION AND CONCLUSIONS
OF LAW ARE FOUND IN THE ATTACHED REPORT
OF THE HEARING DATED NOVEMBER 22, 1985

ADMINISTRATIVE ORDER

Based on the foregoing, the State Board of the Public Employees' Retirement Fund does hereby grant membership in the 1977 Police and Firefighters' Pension Fund, to Patricia Ann Douglas, under IC 36-8-8-7 and IC 36-8-8-19.

All of which is ordered this 21st day of February
1986.

Richard T. Doermer, Chairman
J. Dwight Peterson, Vice Chairman
Myri W. Deitch, Jr., Trustee
Al H. Harding, Jr., Trustee
Marie T. Lauck, Trustee

Richard T. Doermer, Chairman
Board of Trustees
Public Employees' Retirement Fund

STATE OF INDIANA
PUBLIC EMPLOYEES' RETIREMENT FUND
143 WEST MARKET STREET, SUITE 800
INDIANAPOLIS, IN 46204

In the matter of receiving additional evidence for the review of the findings of fact and the initial determination of the Public Employees' Retirement Fund on the application for membership in the 1977 Police and Firefighters' Pension and Disability Fund under IC 36-8-8-7 by Patricia Ann Douglas.

Reason for Action: PERF Initial Determination Letter dated October 8, 1985 denying membership to Patricia Ann Douglas in the 1977 Police and Firefighters' Pension and Disability Fund.

Hearing Date: November 22, 1985 Place: Public Employees' Retirement Fund
Basement Conference Room, Harrison Building
143 West Market Street
Indianapolis, IN 46204

FINDING OF FACT AND DETERMINATION

The above matter coming to be heard before Burton L. Garten, duly appointed to conduct administrative hearings are provided by the Administrative Adjudication Act, Indiana Code 4-22-1.

The Public Employees' Retirement Fund (respondent) was represented by H. Dudley Miller. City of Indianapolis Police Pension Fund (petitioner) was represented by Christopher D. Seigel.

Petitioner's Exhibits

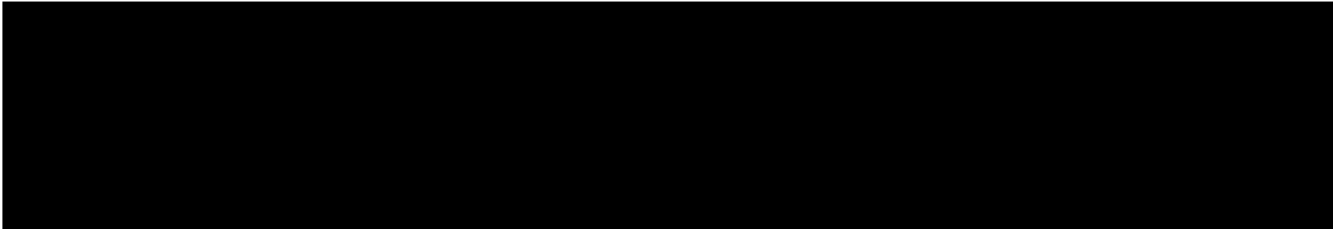
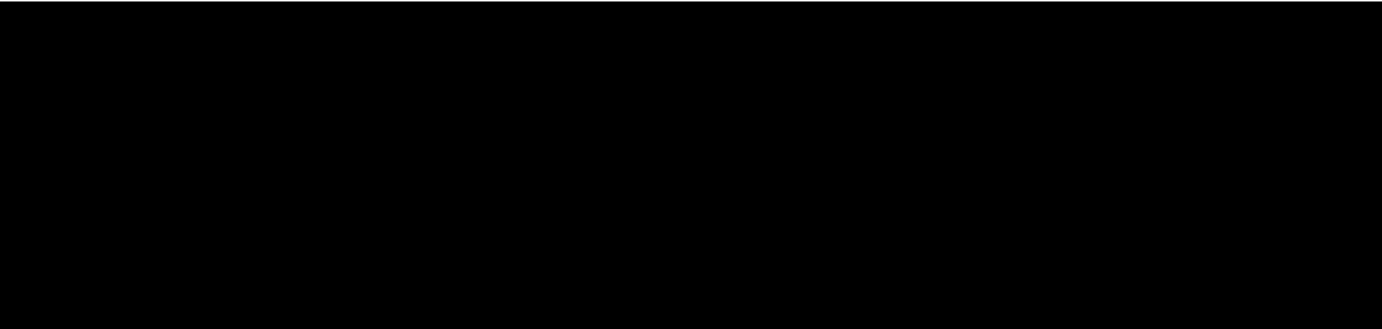
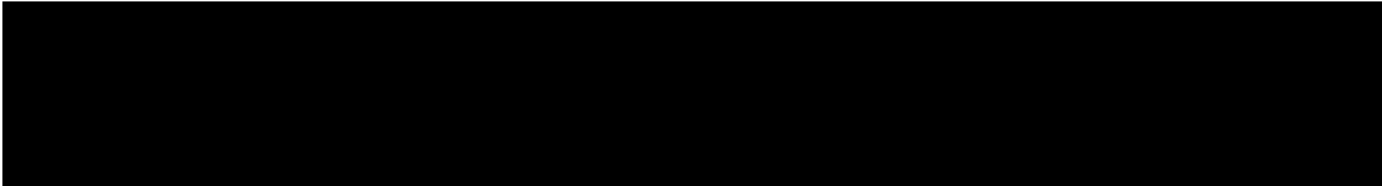
Copy of:

1. Letter dated June 19, 1985 from Katherine M. Gilkey, M.D. to Stanley Chernish, M.D. (1 page)
2. Indianapolis Police Department Medical Questionnaire on Patricia Ann Douglas (15 pages)
3. Wishard Hospital medical test results on Patricia Ann Douglas. (10 pages)
4. Letter dated October 8, 1985 from L. H. Earle, II, Executive Secretary of P.E.R.F. to Danny Overley, Indianapolis Police Pension Fund Secretary. (2 pages)

5. Letter dated October 15, 1985 from Katherine M. Gilkey, M.D. to Sgt. Danny Overley.
6. Deposition of Gary Charles Williams, M.D. taken November 20, 1985.
 - A. Petitioners Deposition Exhibit A - Medical reports of Patricia Ann Douglas' bee stings.
 - B. Petitioner's Deposition Exhibit B - November 19, 1985 report of Gary Williams, M.D.

FACTS

Patricia Ann Douglas was hired by The City of Indianapolis Police Department on August 6, 1985.



FINDINGS

Indiana Code 36-8-8-7 reads in part....

"(a) Except as provided in subsections (d), (e), and (f) of this section:

(1) a police officer who has not reached his thirty-sixth birthday; or

(1) a firefighter who has not reached his thirty-sixth birthday;

who passes a physical examination and mental examination prescribed by the local board under Section 19 of this chapter is a member of the 1977 Fund and is not a member of another pension fund."

Indiana Code 36-8-8-19 reads in part....

(a) The physical examination required by section 7(a) of this chapter shall be administered by a licensed physician and must include a general medical history and at least the following physical examinations:

- (1) Visual testing by Snellen Chart.
- (2) Pulmonary function test.
- (3) Chest X-ray (posterior-anterior and lateral views).
- (4) Lumbosacral spine X-rays (anterior-posterior, lateral, and oblique views).
- (5) Treadmill test.
- (6) Twelve (12) lead E.C.G.
- (7) Urinalysis.
- (8) V.D.R.L. test.
- (9) Audiometric test.
- (10) "Profile 4" tests, from which liver, kidney, blood, and metabolic tests may be detected.

The PERF board shall adopt minimum standards by rule under IC 4-22-2 that a police officer or firefighter must meet for the physical examination.

(b) The mental examination required by section 7(a) of this chapter shall be administered by a licensed physician or a licensed psychologist, who shall determine if the police officer or firefighter is mentally suitable to be a member of the department.

(c) The employer shall pay for no less than one-half (1/2) the cost of the examinations.

(d) Each local board shall name the physicians and psychologists who will conduct examinations under this section.

(e) If a police officer or firefighter passes the physical and mental examinations and becomes a member of the department, copies of the results of the examinations shall be sent to the PERF board, which shall retain them until the police officer or firefighter is found to be disabled, retires, or separates from the department. As added by P. L. 365-1983, SEC. 2.

35 IAC 2-1.1-1

" As determined from the applicant's medical history, the following conditions shall be disqualifying, except as indicated:

(14) Any applicant with a history of severe allergic reaction to insect bites or other conditions must be disqualified."

It has been established, pursuant to IC 36-8-8-7 that:

1. Patricia Ann Douglas has passed all physical and mental examinations prescribed by the local board under IC 36-8-8-19.

It has been established, pursuant to IC 36-8-8-19, that:

1. All required examinations were conducted on Patricia Ann Douglas.
2. Copies of the results of the examinations have been sent to the PERF board.

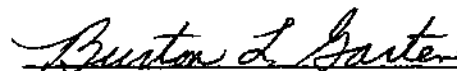
It has been established, pursuant to 35 IAC 2-1.1-1, that:

1. Patricia Ann Douglas has a minimum to moderate reaction [REDACTED]
2. Patricia Ann Douglas does not have a severe reaction [REDACTED]
3. The physician's examination of Ms. Douglas shows no condition which should result in the rejection of her Membership Application for the 1977 Police and Firefighters' Pension and Disability Fund.

DECISION AND CONCLUSION OF LAW:

Based on the evidence and testimony presented, and in view of the above facts and findings, I, Burton L. Garten, duly appointed hearing officer for the State Board of the Public Employees' Retirement Fund, would recommend the granting of membership in the 1977 Police and Firefighters' Pension and Disability Fund, pursuant to IC 36-8-8-7, IC 36-8-8-19, and 35 IAC 2-1.1-1.

December 5, 1985


Burton L. Garten, Hearing Officer
Public Employees' Retirement Fund