

MUNICIPAL FIRE AND POLICE RETIREMENT
SYSTEM OF IOWA
950 Office Park Road, Suite 321
West Des Moines, Iowa 50265

IN THE MATTER OF:	)	
	)	
Kevin L. Lundt	)	DECISION
	)	
Applicant	)	

Iowa Code § 411.6(7) (1993)

STATEMENT OF THE CASE

The Applicant, Kevin L. Lundt ("Lundt") receives ordinary disability retirement benefits from the System. On April 5, 1994, the System contacted Lundt by letter to initiate the reexamination process pursuant to Iowa Code § 411.6(7). In accordance with that section and the System's administrative rules, Lundt was referred to the Medical Board for reexamination. On September 22, 1994, the Medical Board reported its findings to the System. An initial decision that Lundt was no longer permanently disabled (and thus no longer entitled to disability benefits under Chapter 411) was made by the System on October 14, 1994. Upon a timely appeal by both Lundt and the City of Muscatine, a hearing was held before the Appeals Committee of the Board (comprised of Judy Bradshaw, Chair; Dean Johnson and Frank Gray) on February 17, 1995 at the offices of the System. Lundt appeared on his own behalf. The City did not appear. Dennis Jacobs, Executive Director, appeared on behalf of the System. Alice Helle was present as counsel to the Committee. Lundt presented evidence and testified. He waived the opportunity to file a post-hearing brief.

FINDINGS OF FACT

The Committee, having reviewed the evidence of record and the arguments submitted by the parties, finds as follows:

1. Lundt injured his right wrist on or about May 22, 1991 when he attempted to stop a malfunctioning car in a parking lot with his hands. He was not on duty at the time of the incident. Problems with the wrist persisted, and he was eventually awarded ordinary disability benefits by the System.

2. The Medical Board, in its September 22, 1994 certification, stated as follows: "In summary, all physicians agreed that Mr. Lundt continued to have pain localized to the right wrist which was consistent with previous complaints. However, there is no objective evidence

on examination for using functional capacity evaluation that the pain has an anatomic or physiologic basis. This objective evidence being absent, leads us to conclude that the wrist pain is not a disabling condition and would not prevent Mr. Lundt from participating in the activities of a police officer."

3. Lundt testified at the hearing that he continues to have pain in the wrist and that he had not been seeing anyone for medical treatment since going on disability because he was told by the doctors that there was nothing further they could do. After he received notice of the System's October 14, 1994 decision, he went to Mayo Clinic for an evaluation on the advice of his attorney.

4. A February 1, 1995 letter from Dr. Sherwin Goldman of the Mayo Clinic, regarding Lundt's January 18, 1995 evaluation at that clinic was offered and accepted at the administrative hearing as Exhibit 1. In the letter, Dr. Goldman gave a diagnosis of "chronic right wrist pain" and indicated that no further tests or therapy were recommended. He also indicated that a "hand conference" would be held to determine whether or not surgery would be recommended. He further indicated that "plain x-rays taken of both wrists on January 18, 1995 were normal," but that "clench views . . . show slight widening of the right scapholunate interval. A right wrist arthrogram performed on January 20, 1994, showed a small extrusion of the scapholunate ligament on the right wrist."

5. Following the administrative hearing, the Committee contacted Mayo Clinic regarding the status of the "hand conference" and for clarification regarding the x-ray and arthrogram findings. In his response, Dr. Goldman indicated that the hand conference had been held, and that surgery was not recommended. Further, no correlation was found between the wrist pain and either the x-ray or arthrogram findings, which were characterized as "incidental" and a "normal variant finding."

CONCLUSIONS OF LAW

1. Iowa Code Section 411.6(7) states (in relevant part) as follows:

Re-examination of beneficiaries retired on account of disability.

Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the system may, and upon the member's application shall, require any disability beneficiary who has not yet attained the age of fifty-five to undergo a medical examination at a place designated by the medical board.

* * * * *

- b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than the disability

beneficiary's average final compensation, the disability beneficiary's retirement allowance shall cease, the disability beneficiary shall again become a member and shall contribute thereafter at the same rate paid prior to disability, and former service on the basis of which the disability beneficiary's service was computed at the time of retirement shall be restored to full force and effect and upon subsequent retirement the disability beneficiary shall be credited with all serviced as a member and also with the period of disability retirement.

2. The medical evidence does not support the continuation of Lundt's disability.

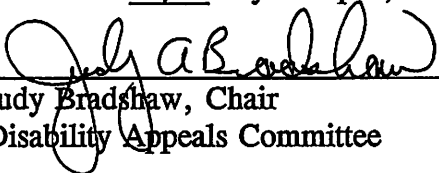
3. It is the conclusion of the Committee that Lundt is no longer incapacitated from performing as a police officer.

4. Disability benefits shall therefore cease, and he is to be restored to active service.

DECISION

Lundt's ordinary disability retirement benefit is hereby terminated.

Dated this 7 day of April, 1995.



Judy Bradshaw, Chair
Disability Appeals Committee

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause by enclosing the same in an envelope addressed to each such attorney at his respective address as disclosed by the pleadings of record herein, with postage fully paid, and by depositing said envelope in a United States Post Office depository in Des Moines, Iowa, on the ____ day of _____, 1995.