

MUNICIPAL FIRE AND POLICE RETIREMENT
SYSTEM OF IOWA

950 Office Park Road, Suite 321
West Des Moines, Iowa 50265

IN THE MATTER OF:

James R. Boleyn

Applicant

)
)
)
)
)

DECISION

Iowa Code § 411.6(3) (1995) and
Iowa Code § 411.6(5) (1995)

STATEMENT OF THE CASE

The applicant, James R. Boleyn ("Boleyn") filed his application for accidental disability benefits with the System on or about January 23, 1995. On April 26, 1995, the Medical Board at the University of Iowa Hospitals and Clinics reported its findings to the System regarding Boleyn's disability. An initial decision awarding Boleyn ordinary (rather than accidental) disability benefits was made by the System on May 8, 1995. Upon timely appeal by Boleyn, a hearing was held before the appeals committee of the board (comprised of Judy Bradshaw, chair; Debra Neels and Lynn Manhart) on November 29, 1995 at the offices of the System. Boleyn appeared and was represented by attorney Curtis J. Klatt. The City of Waterloo did not appear. Dennis Jacobs, Executive Director, appeared on behalf of the System. Alice Helle of Des Moines, Iowa, was present as counsel to the Committee. Boleyn testified before the Committee, as did his wife, Donna Boleyn and Waterloo fire paramedics Jeff Hedrington and Jeff Ruehs. A post-hearing brief was filed by Boleyn.

FINDINGS OF FACT

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

1. Boleyn commenced employment with the City of Waterloo, Iowa as a firefighter on or about August 2, 1965. He remained with the Fire Department, and became an emergency medical technician (EMT) in about May of 1975 and a paramedic in 1983. He became a Medical Officer in 1990 when that position was created by the Department. He last worked for the Department on or about March 4, 1994.

2. The Medical Board found that Boleyn is incapacitated from performing the functional demands of his position as a result of generalized anxiety, and that the incapacity is likely to be permanent.

3. Boleyn rode in ambulance number 31, the busiest of Waterloo's three ambulances. Number 31 responded to more than 45 % of the calls in the city, and most of its calls were to the "high crime" area of the city. Testimony was received from Boleyn and others about three particularly traumatic calls that Boleyn responded to as a paramedic and which allegedly caused or contributed to his anxiety disorder. One involved the murder of an acquaintance of Boleyn's. The second involved the suicide of a personal friend. In the third incident, a patient who was on drugs pointed a gun at Boleyn at point blank range. He was disarmed and no one was injured.

4. Testimony was also received regarding stressful nature of the Medical Officer position and of Boleyn's unsuccessful efforts as Medical Officer to mediate between city officials and firefighters who seemed to be at cross-purposes. Donna Boleyn testified that after he became Medical Officer, Boleyn was consumed by work and had no time for anything else. Boleyn continued to ride in ambulance 31 after becoming Medical Officer.

5. Boleyn began experiencing blackouts in December of 1993, and experienced approximately 12 such episodes between December of 1993 and April of 1994. The episodes were reportedly triggered by stressful situations such as ambulance calls on duty. The medical evidence indicates that the episodes were symptoms of Boleyn's anxiety disorder.

CONCLUSIONS OF LAW

1. Iowa Code Section 411.6(3) states:

Ordinary disability retirement benefit. Upon application to the system, of a member in service or of the chief of the police or fire departments, respectively, any member shall be retired by the system, not less than thirty and not more than ninety days next following the date of filing the application, on an ordinary disability retirement allowance, if the medical board after a medical examination of the member certifies that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired.

2. Iowa Code Section 411.6(5) states (in relevant part) as follows:

a. Accidental disability benefit. Upon application to the system, of a member in service or of the chief of the police or fire departments, respectively, any member who has become totally and permanently incapacitated for duty as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place, or while acting pursuant to order, outside of the city by which the member is regularly employed, shall be retired by the system, if the medical board certifies that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. However, if a person's membership in the system first commenced on or after July 1, 1992, the member shall not be eligible for benefits with respect to a disability which would not exist, but for a medical condition that was known to exist on the date that membership commenced.

3. Boleyn would be entitled to accidental disability benefits under the statute only if it is determined that his anxiety disorder was proximately caused by the cited on-the-job incidents, and that those incidents constitute something more than the day-to-day emotional stress commonly associated with fire/paramedic work.

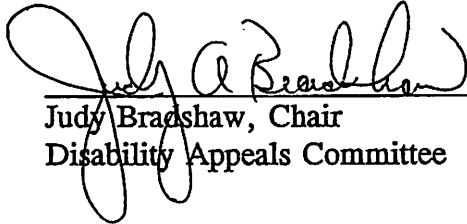
4. Even if it is established that his anxiety disorder was caused or aggravated by the general stresses related to his position as Medical Officer, this could not be the basis for an accidental disability benefit, since the definite time and place requirement of the statute would not be met.

5. Boleyn has failed to prove that his anxiety disorder was caused by the specific traumatic incidents cited. Further, even if his anxiety disorder was caused by the cited incidents, Boleyn has failed to prove that those incidents constitute something more than the day-to-day emotional stress commonly associated with fire/paramedic work.

DECISION

The application for accidental disability retirement benefits on behalf of James A. Boleyn under chapter 411 is hereby denied. He will continue to receive ordinary disability benefits, as awarded by the System on May 8, 1995. The vote on this decision was 2 - 1, with Lynn Manhart voting for accidental disability benefits.

Dated this 12 day of JANUARY, 1996. ^{JS}


Judy Bradshaw, Chair
Disability Appeals Committee

Copies to:

Curtis Klatt
Dunakey & Klatt, P.C.
531 Commercial Street, Suite 700
P.O. Box 2363
Waterloo, Iowa 50704

Frank Magsamen, Chief
Waterloo Fire Rescue
City Hall
715 Mulberry Street
Waterloo, Iowa 50703

Dennis Jacobs
Municipal Fire and Police Retirement
System of Iowa
950 Office Park Road, Suite 321
West Des Moines, IA 50265

Alice E. Helle
Brown, Winick, Graves, Donnelly,
Baskerville and Schoenebaum
Suite 1100, Two Ruan Center
601 Locust
Des Moines, IA 50309

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 12th day of JANUARY, 1996.