

MUNICIPAL FIRE AND POLICE RETIREMENT
SYSTEM OF IOWA
2836 104th Street
Des Moines, Iowa 50322

IN THE MATTER OF:

Randy R. Allen

Applicant

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DECISION

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

STATEMENT OF THE CASE

Randy R. Allen ("Allen") filed an application for accidental disability benefits with the System on or about August 24, 1995. On November 16, 1995, the Medical Board at the University of Iowa Hospitals and Clinics reported its findings to the System regarding Allen's disability. An initial decision awarding Allen ordinary disability benefits was made by the System on November 30, 1995. Upon timely appeal by Allen, a hearing was held before the appeals committee of the board (comprised of Dean Johnson, chair; Mary Bilden and Vernon Cook) on April 23, 1996 at the offices of the System. Allen appeared and was represented by attorney William Roemerman. The City of Iowa City was represented by Assistant City Attorney Anne Burnside. Dennis Jacobs, Executive Director, appeared on behalf of the System. Alice Helle of Des Moines, Iowa, was present as counsel to the Committee. Randy Allen testified before the Committee, as did his wife, Tarin Allen and Chief Andrew Rocca of the Iowa City Fire Department. Dr. James Marchman, Ph.D. testified by deposition. Neither party filed a post-hearing brief.

FINDINGS OF FACT

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

1. Allen commenced employment with the City of Iowa City, Iowa as a firefighter on or about November 16, 1972.
2. The Medical Board found that Allen is incapacitated from performing as a firefighter as a result of severe depression, and that the incapacity is likely to be permanent.

3. Allen has a long history of depression which dates back to his teens and also has a history of alcohol and tobacco abuse. He has been under psychiatric evaluation for several years and has been treated with a number of medications. It is undisputed that he is permanently disabled from performing as a firefighter, and the parties so stipulated. The issue is whether accidental or ordinary disability benefits are payable.

4. Allen's depression worsened significantly when his 24 year old son, Chris, committed suicide in December of 1994 by means of carbon monoxide poisoning. Allen returned to work early the following month but was able to work only a short time. Two of the calls he responded to after his return caused him stress: an attempted suicide of a woman named Chris and a call regarding carbon monoxide in a house. His last day on the job was January 23, 1995.

5. Allen testified that he was devastated by his son's suicide, but also testified that problems with the former fire chief caused him great stress and contributed to his depression. Dr. Marchman testified in his deposition that, assuming that there were significant labor/management problems in the department, that they would tend to exacerbate Allen's depression.

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. Allen is incapacitated from performing as a firefighter by his depression, and the incapacity is likely to be permanent.

4. Allen would be entitled to accidental disability benefits under the statute only if it is determined that his depression was proximately caused or aggravated by the performance of duty at a definite time and place and that the relevant incidents constitute something more than the day-to-day emotional stress commonly associated with being a firefighter.

5. Allen has failed to prove that his depression was caused or aggravated by the performance of duty at a definite time and place.

DECISION

The application for accidental disability retirement benefits on behalf of Randy R. Allen under chapter 411 is hereby denied. He will continue to receive ordinary disability benefits, as awarded by the System on November 30, 1995.

Dated this 28th day of May, 1996.



Dean Johnson, 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 25th day of June, 1996.

Sandra Wells