

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

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IN THE MATTER OF:

Glenn R. Ferro

Applicant

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DECISION

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

STATEMENT OF THE CASE

The applicant, the City of Cedar Falls, filed an application ordinary disability benefits for the member, Glenn R. Ferro ("Ferro") on or about December 18, 1995. On January 29, 1996, the Medical Board at the University of Iowa Hospitals and Clinics reported its findings to the System regarding Ferro's disability. An initial decision awarding Ferro ordinary disability benefits was made by the System on February 15, 1996. Upon timely appeal by Ferro, a hearing was held before the appeals committee of the board (comprised of Judy Bradshaw, chair; Deborah Neels and Martin Pottebaum) on May 2, 1996 at the offices of the System. Ferro appeared and was represented by attorney Neil Barrick. The City of Cedar Falls was represented by Assistant City Attorney Gary Jones. Dennis Jacobs, Executive Director, appeared on behalf of the System. Alice Helle of Des Moines, Iowa, was present as counsel to the Committee. Ferro testified before the Committee. Both parties waived the filing of post-hearing briefs.

FINDINGS OF FACT

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

1. Ferro commenced employment with the City of Cedar Falls, Iowa as a police officer on or about April 16, 1979. He was a police officer in Dubuque for two years prior to joining the Cedar Falls Police Department.
2. The Medical Board found that Ferro is incapacitated from performing as a police officer as a result of depression, and that the incapacity is likely to be permanent.

3. Ferro testified in detail regarding two stressful incidents he experienced on the job: a 1979 incident in which a mother stabbed her three children, killing one of them and wounding the other two, and the December, 1983 suicide of a friend.

4. Ferro first had a psychiatric evaluation in April of 1984, and has been treated for depression since with medication and counseling. The April 18, 1984 psychiatric report noted that he had been "increasingly depressed over the last one to two years." The report indicated that he had some suicidal ideation, but that he felt that he would not follow through with it because of his family and also, "he has seen other people who have committed suicide." There are no specific references to the above-cited traumatic incidents, but the evaluation refers to conflicts with authorities within the police department.

5. Ferro's most recent psychiatric hospitalization was in October of 1995, when he was treated with electro-convulsive therapy in addition to counseling and medication. He currently tries to avoid contact with people in general and to avoid potentially confrontational situations. As noted by the medical board, he attributes much of his symptoms to his job and reports a number of incidents in which members of the public have been verbally abusive to him as a police officer.

#### 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. Ferro is incapacitated from performing as a police officer by his depression, and the incapacity is likely to be permanent.

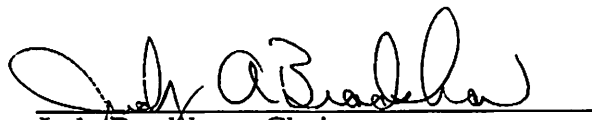
4. Ferro would be entitled to accidental disability benefits under the statute only if it is determined that his depression was proximately caused by the cited on-the-job incidents and that those incidents constitute something more than the day-to-day emotional stress commonly associated with police work.

5. Ferro has failed to prove that his depression was caused by the cited incidents and has further failed to prove that those incidents constitute something more than the day-to-day emotional stress commonly associated with police work.

#### DECISION

The appeal for accidental disability retirement benefits on behalf of Glenn R. Ferro under chapter 411 is hereby denied. He will continue to receive ordinary disability benefits, as awarded by the System on February 15, 1996.

Dated this 28 day of MAY, 1996.

  
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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 25<sup>th</sup> day of June, 1996.

*Andrea Wells*