

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

IN THE MATTER OF:

DOUGLAS M. WOODS,

Applicant.

DECISION

Iowa Code § 411.6(3) (1999) and
Iowa Code § 411.6(5) (1999)

STATEMENT OF THE CASE

Douglas M. Woods ("Woods") filed his application for an accidental disability pension with the System on or about January 6, 1999. On April 2, 1999, the Medical Board at the University of Iowa Hospitals and Clinics reported its findings to the System regarding Woods' disability. An initial decision awarding Woods an accidental disability pension was made by the System on April 23, 1999. Upon timely appeal by the City of West Des Moines, a hearing was held before the Appeals Committee of the Board (comprised of Marty Pottebaum, Chair, Mary Bilden and Deborah Neels) on November 30, 2000. Woods appeared and was represented by attorney Charles E. Gribble. The City of West Des Moines was represented by attorney Thomas P. Slater. Alice Helle was present as counsel to the Committee. Woods and Robert H. Major, M.D. testified before the Committee. Woods filed a post-hearing brief.

FINDINGS OF FACT

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

1. Woods commenced employment with the West Des Moines Police Department on or about March 4, 1974.
2. On August 12, 1990, Woods suffered a minor injury to his back while lifting a sandbag from the trunk of his squad car. He returned to work a few days later.
3. On April 24, 1992, Woods again injured his back while lifting a patient on a stretcher. He was diagnosed with a muscle strain in the lower back, and returned to work five days later.

4. On September 13, 1992, Woods injured his back on the job again while moving a table in order to allow EMS personnel to get a stretcher to a patient. He was off work for approximately one month following this incident, and testified that his pain has been fairly consistent since that event.
5. Woods was diagnosed with a herniated disk in January of 1993. He was initially treated with a series of epidurals, and had surgery (an L5-S1 laminectomy and discectomy) on May 24, 1993. He returned to work approximately 10 weeks later.
6. Woods again strained his back on August 20, 1995 while carrying a patient on a stretcher up a flight of stairs. He returned to work shortly thereafter.
7. Woods filed his disability application with the System in January of 1999, but continued to work as a police officer until April 10, 1999 when the City received the report of the Medical Board from the retirement System.
8. The Medical Board found that Woods is incapacitated from performing as a police officer as a result of "chronic low back pain and left lower radicular pain." The Medical Board further opined that Woods' incapacity is likely to be permanent.
9. Dr. Patrick Hartley of the System's Medical Board testified by deposition on February 9, 2000 and again on June 7, 2000. Dr. Hartley testified to a reasonable degree of medical certainty that Woods' September, 1992 back injury led to the herniated disk and subsequent surgery.
10. Dr. Robert Major, Woods' family physician, testified that he has treated Woods for lower back pain since 1997, and that he recommended in approximately November of 1998 that Woods file for disability. Dr. Major opined that Woods' September, 1992 injury "started a cascade of events," including the surgery, which caused more degenerative changes and Woods' ultimate disability.
11. The Committee finds that the injury Woods suffered in the line of duty in September, 1992 has rendered him incapacitated for the further performance of duty as a police officer.

CONCLUSIONS OF LAW

1. Iowa Code § 411.6(3) states:

3. 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

4. On September 13, 1992, Woods injured his back on the job again while moving a table in order to allow EMS personnel to get a stretcher to a patient. He was off work for approximately one month following this incident, and testified that his pain has been fairly consistent since that event.
5. Woods was diagnosed with a herniated disk in January of 1993. He was initially treated with a series of epidurals, and had surgery (an L5-S1 laminectomy and discectomy) on May 24, 1993. He returned to work approximately 10 weeks later.
6. Woods again strained his back on August 20, 1995 while carrying a patient on a stretcher up a flight of stairs. He returned to work shortly thereafter.
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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. 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. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically incapacitated for the further performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits.

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

5. Accidental disability benefit.

a. 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. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically incapacitated for the further performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits.

3. It is undisputed that Woods is incapacitated from the performance of duty as a police officer. The issue is whether he is entitled to an ordinary or accidental disability pension.
4. Officer Woods has established that he meets the requirements for an accidental disability pension under Iowa Code § 411.6(5), in that he is incapacitated for the performance of duty as the result of an injury incurred in the actual performance of duty at some definite time and place. This would be the case whether his

incapacity was caused by the September, 1992 incident or by some other on-the-job incident (or combination of incidents).

DECISION

The application for accidental disability retirement benefits on behalf of Douglas M. Woods under chapter 411 is hereby affirmed.

Dated this 11 day of January, 2001.

 , Chair
Disability Appeals Committee

Copies to:

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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 such attorney's address as disclosed by the pleadings of record herein on the 12th day of January, 2001.

By: ☒ U.S. Mail ☐ Facsimile
☐ Hand Delivered ☐ Overnight Courier
☐ Federal Express ☐ Other

Signature 