

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

IN THE MATTER OF:

REX L. TARRENCE,

Applicant.

:
:
:
:
:
:
:
:
:
:
:
:

DECISION

Iowa Code § 411.6(3) (2001) and
Iowa Code § 411.6(5) (2001)

STATEMENT OF THE CASE

Rex L. Tarrence ("Tarrence") filed his application for an accidental disability pension on or about May 4, 2001. On July 3, 2001, the Medical Board of the University of Iowa Hospitals and Clinics reported its findings to the System regarding Tarrence's disability. An initial decision awarding an ordinary disability pension was made by the System on August 2, 2001. Tarrence filed a timely appeal challenging award of an "ordinary" rather than "accidental" disability pension. The City of Fairfield declined the opportunity to participate. Tarrence, through his attorney, Thomas M. Walter, waived his right to a hearing and requested that his appeal instead be by means of a file review. The System granted this request. The Disability Appeals Committee, comprised of Mary Bilden, Marty Pottebaum and Allen McKinley, conducted a file review on November 29, 2001.

FINDINGS OF FACT

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

1. Tarrence commenced employment with the City of Fairfield as a police officer on or about September 3, 1995.
2. Tarrence was diagnosed with rheumatoid arthritis in 1996. The medical board noted his "history of recurrent exacerbations of rheumatoid arthritis requiring multiple drug regimen after strenuous exertion."
3. Tarrence's treating physician, Anita Goel, M.D., opined in a letter to his attorney, Mr. Walter, that Tarrence is totally and permanently incapacitated from performing his duties as a police officer, and that "continuing in his

current occupation is likely to exacerbate disease and result in deterioration of the control of his rheumatoid arthritis."

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 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.

* * * * *

c. Disease under this section shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison or gases. However, if a person's membership in the system first commenced on or after July 1, 1992, and the heart disease or disease of the lungs or respiratory tract would not exist, but for a medical condition that was known to exist on the date that membership commenced, the presumption established in this paragraph shall not apply.

3. Tarrence is permanently incapacitated from the performance of his duties as a police officer, and is thus entitled to at least the ordinary disability pension that he was initially awarded by the System.
4. The issue is whether his disability is 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," and would thus entitle him to an accidental disability pension.
5. The term "disease" is exclusively defined under the statute to mean "heart disease or any disease of the lungs or respiratory tract."
6. Rheumatoid arthritis clearly does not fit within the statutory definition of "disease." Neither does the condition result from an injury. Instead, it is medically described as an autoimmune disorder of unknown etiology.
7. Since rheumatoid arthritis is neither an injury nor a "disease" under the statute, the fact that it may have been aggravated by Tarrence's performance of his duties as a police officer is immaterial.
8. Tarrence does not meet the statutory requirements for entitlement to an accidental disability pension.

DECISION

The application for an accidental disability pension on behalf of Rex L. Tarrence under chapter 411 is hereby denied; the award of ordinary disability pension is hereby affirmed

Dated this 29th day of November, 2001.

Mary Bilden, Chair
Disability Appeals Committee

Copies to:

Thomas M. Walter
111 West 2nd Street
P.O. Box 716
Ottumwa, Iowa 52501-0716

Thomas C. Baker
Police Chief
City of Fairfield
1200 West Grimes Avenue
Fairfield, Iowa 52556

Dennis Jacobs, Executive Director
Municipal Fire and Police Retirement
System of Iowa
2836 104th Street
Des Moines, IA 50322

Alice E. Helle
Brown, Winick, Graves, Gross,
Baskerville and Schoenebaum, P.L.C.
666 Grand Suite 2000
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 such attorney's address as disclosed by the pleadings of record herein on the 29 day of November, 2001.

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

Signature Sandra Wells