

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

IN THE MATTER OF:

DAVID A. HELFRICH,

Applicant.

DECISION

Iowa Code § 411.6(3) (2003) and
Iowa Code § 411.6(5) (2003)

STATEMENT OF THE CASE

David A. Helfrich ("Helfrich") filed his application for an accidental disability pension for a heart condition on or about May 24, 2004. On July 7, 2004, the Medical Board of the University of Iowa Hospitals and Clinics reported its findings to the System regarding Helfrich's disability. An initial decision denying a disability pension was made by the System on August 31, 2004. Helfrich filed a timely appeal challenging the denial of a disability pension. A hearing was held before the Disability Appeals Committee of the Board (comprised of Jody Smith, June Anne Gaeta, and Mary Bilden, chair) on February 9, 2005 at the offices of the System. Helfrich appeared, and was represented by attorney Earl A. Payson. Helfrich's employer, the City of Davenport did not appear. Dennis Jacobs, Executive Director, appeared on behalf of the System. Alice Helle was present as counsel to the Committee. Testimony was received from Helfrich and from Chief Mark Frese of the Davenport Fire Department. Post-hearing briefs were waived.

FINDINGS OF FACT

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

1. Helfrich commenced employment with the City of Davenport as a firefighter on or about July 1, 1971. He retired on or about September 10, 2004 at the age of 56, and is currently receiving a service retirement pension pursuant to Iowa Code § 411.6(1). In the event he is awarded an accidental disability pension under § 411.6(5), it will be paid in lieu of the service retirement pension. Helfrich held the rank of assistant chief at the time of his retirement.
2. On or about September 10, 1992, Helfrich, while in the medical monitoring section of a hazmat training exercise, was discovered to have an irregular heart beat. He was asymptomatic at the time. He was placed on a monitor by his physician and was found to have paroxysmal atrial flutter/fibrillation and arrhythmias. He was then

hospitalized and treated with oral medication. With the exception of a short period of time when he trialed off the medication and the palpitations recurred, he has remained on the medication since his diagnosis in 1992.

3. By letter dated July 7, 2004 to the System, Doctors Olshansky and Gerr of the System's Medical Board noted that Helfrich "has a history of atrial flutter, atrial fibrillation and premature atrial contractions of more than ten years duration." The letter further stated: "He has been treated effectively with standard oral medication. Furthermore he has been relatively asymptomatic and has not experienced any symptoms that have limited his ability to perform the full duties of his job. In the opinion of the medical board, Mr. Helfrich is able to perform the full duties of a firefighter and may continue to work." The Medical Board then certified its opinion that Helfrich is not physically incapacitated from the performance of the functional demands of his position.
4. By letter dated August 20, 2004 to the System, Doctor Gerr, in response to an inquiry from the System, stated that "the medical board does not consider Mr. Helfrich to be limited or hindered in his capacity to perform the duties required of him at a fire scene or emergency." He further noted that their opinion regarding Helfrich's ability to return to work had not changed since his July 7, 2004 letter.
5. Helfrich testified that he has to take the prescribed medication in order to keep his heart rate under control. He has given up distance running because the medication limits his heart rate and doesn't allow the rate to get high enough with strenuous activity. He does not believe that he is capable of doing all of the duties of his position due to changes in the fire department that were effective in May, 2004. Staff reductions at that time resulted in assistant chiefs (including Helfrich) being required to do more firefighting duties in addition to their administrative duties.
6. Chief Frese also testified regarding the organizational changes in the Davenport Fire Department. He stated that, due to budget cuts, there was a 30% reduction in staff and the overtime budget was severely cut. This resulted in exempt employees, including the assistant chiefs, being required to cover for others and pick up the slack. Chief Frese testified that Helfrich informed him when the changes were announced that he would retire because he did not think he was able to perform the full duties that would be required of him, due to his heart condition. The chief testified that he was not previously aware of Helfrich's heart condition.
7. In a letter dated January 17, 2005 to Attorney Payson, Dr. Alldredge, Helfrich's treating cardiologist, summarized his heart-related medical history and noted that his most recent stress test "indicates that he is capable of being fairly active, achieving stage IV on a Bruce Protocol." Dr. Alldredge noted, however, that this is "far less than the typical activity level involved with fighting a fire or with rescues on the fire scene." He expressed concern that this level of physical activity would increase the risk of Helfrich developing acute episodes of atrial fibrillation or atrial flutter. He further expressed concern about Helfrich's ability to perform that level of activity in light of his current medical therapy, due to their beta-blocker effect.

CONCLUSIONS OF LAW

1. 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.

2. The heart/lung presumption of Iowa Code § 411.6(5)(c) is a presumption of job-relatedness, not a presumption of disability.
 3. The opinion of the Medical Board supports a finding that Helfrich is not totally and permanently incapacitated for duty as a firefighter.

DECISION

The application for an accidental disability pension on behalf of David A. Helfrich under chapter 411 is hereby denied. He will continue to receive a service retirement pension.

Dated this 9th day of February, 2005.

Mary Bilden
Mary Bilden, 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 such attorney's address as disclosed by the pleadings of record herein on the 16 day of February, 2005.

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

Signature Julie Huggs