

MUNICIPAL FIRE AND POLICE RETIREMENT
SYSTEM OF IOWA
7155 Lake Drive, Suite 201
West Des Moines, IA 50266

IN THE MATTER OF:

LAURA MAY,

Applicant.

DECISION

Iowa Code § 411.6(3) (2017)

STATEMENT OF THE CASE

Laura May ("Applicant") filed her application for an ordinary disability pension on or about January 19, 2023. On June 7, 2023, the Medical Board of the University of Iowa Hospitals and Clinics reported to the System its findings regarding Applicant's disability. The System made an initial decision denying Applicant's application for an ordinary disability pension on July 5, 2023. On July 28, 2023, Applicant timely filed an appeal challenging the denial of her application for an ordinary disability pension. A hearing was held before the Disability Appeals Committee of the Board (comprised of Marty Pottebaum, Laura Schaefer, and Duane Pitcher) on October 4, 2023 at the offices of the System. Mary Pottebaum served as Chair. Applicant appeared. The City of Cedar Rapids did not appear. Daniel Cassady, Executive Director, appeared on behalf of the System. Cynthia Boyle Lande was present as counsel to the Committee. Testimony was received from Applicant. Applicant waived her right to file a post-hearing brief.

FINDINGS OF FACT

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

1. Applicant was born on June 11, 1970. She commenced service as a police officer for the City of Cedar Rapids on July 11, 1994.
2. Applicant's last working day on the job was May 5, 2023. At that time, she held the rank of Sergeant with the Cedar Rapids Police Department.
3. On June 7, 2023, the System's Medical Board opined that Applicant was unable to perform the full duties of a police sergeant as a consequence of her diabetes. The Medical Board also opined that changes to diet, exercise, and medication management may result in an improvement in her condition such that she could

resume the full duties of her position. As a result, the Medical Board concluded that the disability was not permanent and recommended re-evaluation in 6-12 months.

4. The System issued a decision denying Applicant's application for an ordinary disability pension on July 5, 2023. Applicant's appeal was timely filed with the System on July 28, 2023. The City did not appeal the decision. The only issue on appeal is whether Applicant's disability is permanent.
5. Applicant began experiencing symptoms of anxiety and heart palpitations in 2020, which she attributes to stressful situations as a police officer at that time. Ex. 5-8; 5-15. While seeking medical attention for those symptoms, tests were completed, and Applicant was diagnosed with Type 2 diabetes in February of 2021. Ex. 5-8; 5-15. With modifications to diet and exercise, Applicant's diabetes improved through April of 2022. Ex. 5-8; 5-15. At the appeal hearing, Applicant testified that she believes the improvement in test results during this time resulted from other illnesses that substantially impacted her appetite and ability to eat during this period. After that, Applicant's diabetes worsened. Ex. 5-8; 5-15. Subsequently, Applicant applied for an ordinary disability pension on January 19, 2023. Ex. 5-8; 5-15. Applicant's primary care provider initiated the medication metformin in March of 2023. Ex. 5-8; 5-15. Applicant's last day working as a police sergeant was May 5, 2023. Ex. 1-5.
6. Applicant reports that her diabetes impacts her ability to perform the normal functions of her job. She reports that increased blood sugars cause her vision to become blurry, and she reports that low blood sugars cause nausea and dizziness. Ex. 5-9; 5-15. She also reports that following her diabetes diagnosis she becomes ill more often and takes longer to recover from illnesses. Ex. 5-9; 5-15.
7. At the hearing, Applicant testified that her diabetes had existed since 2021. She testified that, following her diagnosis, she noticed she was getting sick more often and more severely than her family members. She testified that drops in her blood sugar made her dizzy, nauseous, and irritable. She testified that spikes in her blood sugar caused blurry vision and itchy toes. She described how the police profession prevented her from eating right, sleeping right, and doing other things that positively impact her health. Applicant expressed her concern about her ability to handle a call appropriately if her blood sugar levels are too high or too low. Applicant did not present any medical evidence demonstrating that her inability to perform the normal functions of her job is permanent or likely to continue for a period of 12 months into the future.
8. The City did not appear and offered no evidence.

CONCLUSIONS OF LAW

1. Iowa Code § 411.6(3) states:

3. *Ordinary disability retirement benefit.* Upon application to the system, of a member in good standing or of the chief of the police or fire departments, respectively, any member in good standing 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 medical condition shall be deemed to have been known to exist on the date that membership commenced if the medical condition is reflected in any record or document completed or obtained in accordance with the system's medical protocols pursuant to section 400.8, or in any other record or document obtained pursuant to an application for disability benefits from the system, if such record or document existed prior to the date 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. The member-in-good-standing requirement of this subsection may be waived for good cause as determined by the board. The burden of establishing good cause is on the member.

2. Under § 9.2(3) of the Administrative Rules of the Municipal Fire and Police Retirement System of Iowa:

A "permanent" disability is a disability, as defined in [Iowa Code Chapter 411], which is expected to result in death or which has lasted, or can be expected to last, for a continuous period of not less than twelve months.

A disability which is not permanent is temporary and does not make a member eligible for a disability pension benefit.

3. While Applicant was diagnosed with diabetes, which the Medical Board concluded disabled her from the performance of the ordinary job functions of a police officer, the Medical Board concluded that her condition was not permanent because it may improve within the next 6-12 months such that she is able to resume the full duties of her position. As a result, Applicant's disability does not meet the definition of a "permanent" disability under 9.2(3) of the Administrative Rules of the Municipal Fire and Police Retirement System of Iowa.

DECISION

The appeal for an ordinary disability pension on behalf of Laura May under chapter 411 is hereby denied, and the System's initial determination is upheld.

Dated this 5th day of October, 2023.


Marty Pottebaum, 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 6th day of October, 2023.

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

Signature Kathy Haise