

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

IN THE MATTER OF:

CHRISTOPHER HEBBEL,

Applicant.

:
:
:
:
:
:
:

DECISION

Iowa Code § 411.6(3) (2017) and
Iowa Code § 411.6(5) (2017)

STATEMENT OF THE CASE

Christopher Hebbel (“Applicant”) filed his application for an accidental disability pension on or about April 10, 2024. On July 9, 2024, 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 awarding an ordinary disability pension on August 1, 2024. An amended disability determination was issued on January 7, 2025, also awarding an ordinary disability pension due to Post-Traumatic Stress Disorder (PTSD) and Major Depressive Disorder (MDD). On August 26, 2024, Applicant filed a timely appeal challenging the award of an ordinary, rather than accidental, disability pension. An appearance was filed by Charles Gribble on behalf of Applicant on November 18, 2024. A hearing was held before the Disability Appeals Committee of the Board (comprised of Marty Pottebaum, Duane Pitcher, and Laura Schaefer) on May 6, 2025 at the offices of the System. Marty Pottebaum served as Chair. Corey Goodenow observed the hearing on behalf of the System. Applicant appeared and was represented by attorney Charles Gribble. The City of Davenport (the “City”) appeared and was represented by attorney Amanda Richards. Daniel Cassady, Director, appeared on behalf of the System. Cynthia Boyle Lande was present as counsel to the Committee. Testimony was received from Applicant, Jane Wagner, Chad Bender, Zack Micklewright, Eric Dickinson, Matt Broders, Lieutenant Dennis Colclasure, Captain Gregory Behning, and Allison Zurcher. The parties waived the filing of post-hearing briefs.

FINDINGS OF FACT

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

1. Applicant was born on December 18, 1987. Applicant commenced service as a police officer for the City of Davenport on August 9, 2010. As of the date Applicant filed his application for disability benefits, Applicant held the rank of sergeant with the

Davenport Police Department. Applicant's last working day on the job was March 5, 2024. **Ex. 5-9.**

2. On July 9, 2024, the System's Medical Board opined that Applicant, as a consequence of PTSD and MDD, is unable to perform all of the duties of a sergeant, and this incapacity is likely to be permanent based on the impression that it will be of at least one year's duration. **Ex. 5-6 to 5-7.**
3. The System issued a decision awarding an ordinary disability pension due to PTSD and MDD on August 1, 2024. **Ex. 6.** Applicant's appeal was timely filed with the System on August 26, 2024. **Ex. 7.** The City did not appeal the decision. The only issue on appeal is whether Applicant is entitled to an accidental as opposed to ordinary disability pension.
4. An amended decision was issued by the System on January 7, 2026. **Ex. 6A.** The amended decision awarded an ordinary disability benefit pension due to PTSD and MDD. The amended decision corrected the statutory standard applied to reach that decision. The original decision incorrectly referenced the legal standard for an accidental disability benefit under Iowa Code § 411.6 as of the date the decision was issued, which was different than the legal standard for an accidental disability benefit under Iowa Code § 411.6 as of the date Applicant submitted his application for disability benefits. The amended decision correctly referenced the legal standard for an accidental disability benefit under Iowa Code § 411.6 as of the date Applicant submitted his application for disability benefits. Applicant elected to proceed with the appeal of the amended disability decision.
5. Applicant first began experiencing mental health issues, like depression and panic attacks, in 2012 when he cared for his ill father. **Ex. 4A-13.** His symptoms subsided after his father's death but started again in 2017 or 2018. **Exs. 4A-13 to 4A-21; 4A-62 to 4A-70; 4B-6 to 4B-9; 5-8 to 5-11.** He again reported stress and similar symptoms due to circumstances surrounding the COVID-19 pandemic and social unrest/hostility towards police beginning in 2021. **Exs. 4A-13 to 4A-21; 4A-62 to 4A-70.**
6. Applicant started seeing Dr. Gillispie voluntarily in May 2021 and at that time, discussed work related stress, anxiety, and depression. **Exs. 4A-13 to 4A-14.**
7. Applicant reported to providers that he had various stressors with the City of Davenport Police Department. These included low staffing and having to work extra shifts in the department, not getting assignments he wanted, office politics, an overly critical supervisor, being taken to task for taking too many PTO days, and low motivation to go to work. **Exs. 4A-1 to 4A-22; 4A-25 to 4A-37; 4A-46 to 4A-49; 4A-58 to 4A-70; 4A-164 to 4A-180; 4A-185 to 4A-190; 4B-1 to 4B-5; 4B-20 to 4B-24.**
8. The incident at issue in this appeal involves a call that took place on September 28, 2023. Early in the morning, Applicant was called to a residence to respond to the

death of a four-month-old infant. Applicant handled the call with other officers and was in charge of the scene until investigations arrived. While searching the home where the infant had died, officers found significant drug paraphernalia and a teenage female who was unrelated to the father of the infant and had been sleeping in the home. **Ex. 3.** Applicant testified that he had been told that the teenager's mother had been known to prostitute the teenager for cash or drugs. Applicant testified, and Dr. Gillespie opined, that this particular call was "the straw that broke the camel's back." **Ex. 11-9, 14:11-18.** Body cam footage revealed that the father and young female who were at the home when officers arrived did not display visible emotion or concern regarding the infant's death. **Ex. 13-9.**

9. Applicant testified that the incident had a significant impact on him, unlike any other call he handled during his career. Applicant further testified that he believes the reason the incident had such a great impact on him is a combination of the strange situation involving the teenage female at the home and his belief that the death of the infant could have been prevented.
10. After the call, Applicant visited his supervisor. The supervisor's Incident Report states that Applicant was very emotional and told his supervisor that he needed to go home because the incident was affecting him. Applicant also reported to his supervisor that he had been involved with another infant incident "within the last month or so" prior to the incident at issue. **Exs. 3-1 to 3-2.** Applicant testified that he returned to work shortly after the incident and did not require significant time off from work.
11. During an October 9, 2023 session with Dr. Gillespie, Applicant reported he was experiencing some increased anxiety about the possibility of another deceased baby call. Dr. Gillespie's notes from this session also state that Applicant was "in an improved psychological emotional state" and was able to return to work "without incident." **Exs. 4A-132 to 4A-135.**
12. When visiting Dr. Gillespie again on October 25, 2023, Applicant reported increased stress and anxiety due to having to deal with a recent motor vehicle accident where driver was killed. Dr. Gillespie reported that Applicant was "perfect in dealing with the increased stress he has been experiencing." **Exs. 4A-136 to A4-140.**
13. On October 31, 2023, Applicant told Dr. Gillespie, "I'm not troubled by the baby incident at this time." Dr. Gillespie's clinic notes indicate Applicant's acute stress reaction was resolving and did not appear to be becoming a post-traumatic stress reaction at that point. **Exs. 4A-141 to A4-144.**
14. Dr. Gillespie did not at any time take Applicant off of work due to his mental health diagnosis or symptoms, although he did ask Applicant several times if some time off would help. **Exs. 4A-185 to 4A-186.**
15. Separate from the incident and other work-related issues, Applicant's records note significant marital issues. Throughout the course of his treatment with Dr. Gillespie

and Mimi LaCouture, these issues present as a major source of stress. **Exs. 4A-88 to 4A-103; 4A-108 to A-111; 4A-132 to 4A-135; 4A-141 to A-157; 4A-181 to A-190.**

16. The parties presented a variety of evidence regarding the rarity or frequency of deaths in Iowa and within the city of Davenport specifically. When asked during a deposition, Dr. Gillespie testified that an infant death is a “statistically rare event” and supported that conclusion with statistics regarding the number of births and deaths reported by the CDC. **Ex. 11-9.** The City presented evidence demonstrating that there were approximately 26 infant deaths responded to by the City of Davenport Police Department between January 23, 2014 and December 3, 2023. **Ex. 13-8.** Applicant testified that he had responded to 4 different infant death calls, including the incident at issue in this case. Two of these calls took place in 2021, and two of the calls (including the call at issue in this case) took place in 2023. Davenport Police Captain Greg Behning testified that every police officer in the city of Davenport likely has gone or will go to a deceased infant call, and perhaps multiple. Davenport Police Lieutenant Dennis Colclasure testified that he personally has been to multiple calls involving deceased infants. Applicant called multiple witnesses who had served in public safety roles for other departments who testified that they had not personally been called to an infant death or that, in their experience, infant death calls were relatively rare.
17. Applicant testified that he was promoted from the role of officer to corporal in 2017. As a result of that promotion, Applicant took on supervisor duties in some circumstances. Applicant was later promoted to the role of sergeant, and he held that role at the time of the incident. Applicant, Captain Greg Behning, and Lieutenant Dennis Colclasure all testified that one of the job duties of a sergeant with the Davenport Police Department is responding to calls for deceased persons. They also testified that Applicant had been trained on how to respond to and handle such calls. **Ex. 13-5-16.**
18. Applicant testified that he had, at one point, considered filing for disability benefits under the long-term disability insurance offered by the City. The City questioned Applicant on the details of that application. Applicant’s attorney objected to the introduction of evidence relating to Applicant’s long-term disability benefit application on the grounds that (1) the details of the application were not relevant to this appeal; and (2) the City’s questions related to a document that was not properly in the record. The Committee overruled Applicant’s objection on the basis of relevance. The Committee determined that the details of Applicant’s long-term disability application were relevant to Applicant’s application for disability benefits with the System. With respect to Applicant’s second objection, the Committee directed the City to end questioning regarding the specific contents of a document that was not in the record and had not been shared with all parties in advance of the hearing.
19. Applicant, Captain Greg Behning, and Lieutenant Dennis Colclasure testified that standard protocols had been followed by the Davenport Police Department and supervisors relating to the incident.

20. Applicant testified that he had no prior relationship with the deceased infant or other parties involved in the call.

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 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. 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 good standing or of the chief of the police or fire departments, respectively, any member in good standing 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 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.

3. Thus, if the member meets the requirements for ordinary disability retirement benefits, the member must show that his incapacity 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* to qualify for an accidental disability benefit. See, *Branson v. MFPRSI*, 591 N.W.2d 193, 197 (Iowa 1999) (emphasis added).

4. Iowa Code §411.6(5)(c) provides:

(1) Disease under this subsection 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. (2) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty. (3) However, if a person's membership in the system first commenced on or after July 1, 1992, and the heart disease, disease of the lungs or respiratory tract, cancer, or infectious disease 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 "c" shall not apply.

5. Based on the evidence presented, including testimony from Applicant and the opinion of Dr. Gillespie, the Committee concluded that Applicant's disabling PTSD and MDD arose out of or were aggravated by the call for a deceased infant on September 28, 2023. The Committee noted that the record demonstrates other factors likely contributed to Applicant's condition, including other calls as a police officer, marital conflicts, the COVID-19 pandemic and social unrest/hostility towards police, and general workplace stress. However, taking into account all of the evidence in this case, the Committee concluded that Applicant's condition would likely not have become disabling but for the deceased infant call.
6. In previous cases, the Iowa Supreme Court has ruled that an accidental disability pension is payable under Iowa Code 411 for a mental injury only if the injury was caused by workplace stress of greater magnitude than the day-to-day stresses

experienced by other police officers. *City of Cedar Rapids v. MFPRSI*, 572 N.W.2d 919, 922 (Iowa 1998) (“Cornish”); *Moon v. MFPRSI*, 548 N.W.2d 565, 568 (Iowa 1996). The Court has referred to this test as “legal causation.” *Id.* *Cornish* and *Moon* followed the same reasoning as previously issued decisions in the workers’ compensation context. See *Dunlavey v. Economy Fire & Casualty Company*, 526 N.W.2d 845 (Iowa 1995).

7. The Iowa Supreme Court again revisited the legal causation standard in the workers’ compensation case of *Tripp v. Scott Emergency Communication Center*, 977 N.W.2d 459 (Iowa 2022). While the Court’s decision and a lengthy dissent touched on the application of the legal causation test in the context of Chapter 411, that issue was not before the Court in *Tripp*, and the *Moon* and *Cornish* decisions have not been overruled. *Tripp* may have “call[ed] into question the continuing viability of the *Cornish-Moon* legal causation test going forward, at least for now, that legal standard remains the governing law in a chapter 411 disability case in Iowa.” See *Carter v. Mun. Fire & Police Ret. Sys. of Iowa*, No. 23-1504, 2024 WL 4761826, at *4 (Iowa Ct. App. Nov. 13, 2024).
8. Accordingly, Applicant in this case has the burden of establishing that his disabling mental injury was caused by workplace stress greater than the day-to-day stress experienced by other police officers.
9. In 2024, the legislature amended Iowa Code §411.6(5) to clarify the standard under which an accidental disability benefit is payable for mental injury:

To establish that a mental incapacity occurred as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty or arising out of and in the course of the employment, or while acting, pursuant to order, outside of the city by which the member is regularly employed, the member must demonstrate that the mental incapacity *is traceable to a readily identifiable work event constituting a manifest happening of a sudden traumatic nature from an unexpected cause or unusual strain in the workplace. Whether an incident is traumatic, unexpected, or unusual is determined by comparing the incident, and not the effect on the member, to the experiences of other police officers or fire fighters in Iowa.* A member must be able to trace their mental injury to a specific event or events in the workplace to be eligible for accidental disability benefits.

Iowa Code §411.6(5)(d)(emphasis added).

10. While the revised statute’s effective date preceded the System’s decision on Applicant’s application, the statute was not made retroactive and thus was not in effect at the time Applicant submitted his application for disability benefits to the System.

11. Applicant's PTSD and MDD do not fall within the definition of a "disease" under Iowa Code § 411.6(5)(c). Accordingly, for Applicant to be entitled to an accidental disability benefit, Applicant's PTSD and MDD must constitute an injury and must be caused by workplace stress of greater magnitude than the day-to-day stresses experienced by other police officers. *City of Cedar Rapids*, 572 N.W.2d at 922; *Moon*, 548 N.W.2d at 568.
12. The System has determined it will take the following factors into consideration in determining whether an incident involves workplace stress of greater magnitude than day-to-day stresses of other police officers or firefighters: (1) whether the incident(s) is something for which the member received training; (2) whether, with respect to the incident(s), the member's department or supervisor followed or deviated from standard protocols in the profession; (3) the member's degree of familiarity with a victim prior to the incident; (4) the culpability or innocence of the victim(s); and (5) whether the incident occurred in close proximity to other stressful incidents. This list is not exclusive, and the Committee may consider other relevant factors as well. Additionally, the Committee may weigh certain factors more heavily than others depending on the specific facts of an appeal.
13. No evidence was presented showing Applicant was not a member in good standing at the time he submitted his application for an accidental disability retirement. The Medical Board opined that Applicant was totally and permanently disabled as a result of his PTSD and MDD. Accordingly, the only question before the Committee is whether Applicant's PTSD and MDD constitute an injury or disease for which accidental disability benefits are available under Iowa Code Chapter 411.
14. The Committee considered each of these factors as applied to the evidence presented in this Appeal. The Committee concluded, by a vote of 2-1, that the incident at issue in this case constituted a workplace stress of greater magnitude than the day-to-day stresses of other police officers. The Committee reached this conclusion primarily due to the victim's young age, or innocence, under the factors previously developed by the System, and the fact that Applicant had been involved in 3 similar calls in the recent past, including one call earlier in 2023. The Committee also considered other unusual circumstances relating to the call, including the presence of significant drug paraphernalia, the reaction of individuals at the home following the death, and the presence of a young female alone in the home with the father of the deceased infant during early morning hours.
15. The Committee had evidence before it that Applicant had been trained on situations similar to the incident. The Committee also noted that there was no evidence in the record that the City of Davenport Police Department or other officers on the call had deviated from standard protocols. Lastly, the record contains no evidence that Applicant had any prior relationship with the deceased infant, the deceased infant's father, or the young female present at the home of the infant when Applicant arrived.

16. Based on the totality of the evidence in this appeal, the Committee concluded, by a vote of 2-1, that Applicant has met the legal requirements for an accidental disability benefit under Iowa Code Chapter 411.

DECISION

The appeal for an accidental disability pension on behalf of Christopher Hebbel under Chapter 411 is hereby granted. Applicant qualifies for an accidental disability retirement due to PTSD and MDD.

Dated this 8 day of May, 2025.


Marty Pottebaum, Chair
Disability Appeals Committee

COPIES TO:

Charlie Gribble
317 6th Avenue
Suite 1100
Des Moines, IA 50309
Counsel for Member

Amanda M. Richards
Betty Neuman McMahon, PLC
1900 East 54th Street
Davenport, IA 52807
Counsel for City of Davenport

Daniel Cassady, Director
Municipal Fire and Police Retirement
System of Iowa
7155 Lake Drive, Suite 201
West Des Moines, IA 50266

Cynthia Boyle Lande
Brown, Winick, Graves, Gross, and
Baskerville, P.L.C.
666 Grand Suite 2000
Des Moines, IA 50309
Counsel for Committee

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 9th day of May, 2025.

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

Signature Kathy Fraise