

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

---

IN THE MATTER OF:

KERRY SCHNEIDER,

Applicant.

:  
:  
:  
:  
:  
:  
:

DECISION

---

Iowa Code § 411.6(3) (2024) and  
Iowa Code § 411.6(5) (2024)

STATEMENT OF THE CASE

Kerry Schneider (“Applicant”) filed his application for an accidental disability pension on or about December 27, 2024. On March 18, 2025, the Medical Board of the University of Iowa Hospitals and Clinics reported to the System its findings regarding Applicant’s claimed disability. The System made an initial decision denying a disability pension on April 4, 2025. On May 1, 2025, Applicant 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 Duane Pitcher, Frank Guihan, and Laura Schaefer) on April 8, 2026, at the offices of the System. Duane Pitcher served as Chair.

Applicant appeared and was represented by attorney Michael Carroll. The City of Des Moines (the “City”) appeared and was represented by attorney Shellie Mackel. Daniel Cassady, Director, appeared on behalf of the System. Jennifer Lindberg was present as counsel to the Committee. Testimony was received from the Applicant. The parties stipulated to the admission of MFPRSI Exhibits 1 – 7 and Member Exhibits A and B. The parties waived the filing of post-hearing briefs.

FINDINGS OF FACT

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

*The Application, Medical Records, and Applicant’s Exhibits*

1. Applicant was born on August 19, 1963. Applicant commenced service as a firefighter for the City of Des Moines on January 22, 1990. As of the date Applicant filed his application for disability benefits, Applicant held the position of District Fire Chief with the City of Des Moines Fire Department. **Ex. 1.**

2. On March 18, 2025, the Medical Board opined that Applicant, as a consequence of chronic low back pain, is not fully able to perform all the duties of a district fire chief. The Medical Board further stated that “given the limited nature of treatment modalities pursued thus far for the back,” it is not able to state to a reasonable degree of medical certainty that Mr. Schneider’s chronic low back pain is permanently disabling. The Medical Board also opined that Mr. Schneider is not currently disabled as a result of his left ankle pain/injury, or as a result of atrial fibrillation or hypertension. **Ex. 5.**
3. The System issued a decision denying a disability benefit due to heart disease, left ankle injury, and low back injury on April 4, 2025. Accidental benefits for heart disease and a left ankle injury were denied on the basis they did not limit Applicant’s ability to perform the full duties of a firefighter. The System denied the accidental disability for low back injury on the basis that the incapacity was not expected to last for at least twelve months. **Ex. 6.** Applicant’s appeal was timely filed with the System on May 1, 2025. **Ex. 7.**
4. Applicant first reported back pain in 1991, when he was injured playing basketball at the fire station. **Ex. 1-4; Ex. 3-1.** He cites to another injury in 1991 when he was moving desks while on the job and he felt pain in his lower back. **Ex. 1-4, Ex. 3-4.** The records show a number of injury reports for falls and reports of back pain until 2007. **Ex. 3-1, 3-3, 3-4, 3-6, 3-9, 3-11, 3-15, 3-20.** There are no records of injury or treatment for back pain from 2008 – 2021. In late 2022, Applicant slipped on an icy sidewalk while walking to a fire scene. **Ex. 3-26.**
5. In late 2024, Applicant sought treatment from Dr. Ignatius Brady for his low back pain and left ankle pain. Dr. Brady’s notes reflect Applicant reported a history of low back pain, which led to hospitalizations at an unknown date. **Ex. 4E-12 – 4E-13.** An MRI performed in January of 2025 found mild multilevel degenerative changes of the lumbar spine. **Ex. 5-10.**
6. Applicant provided a March 2026 letter from Dr. Brady. **Member Ex. A.** This letter describes Applicant’s visits from December 2024 to December 2025 for low back pain. **Id.** Dr. Brady continues to treat Applicant for his lower back pain.
7. In the letter, Dr. Brady opined that the changes shown in the January 2025 MRI are irreversible, create a barrier to activity, and will continue to progress slowly over time. **Member Ex. A.** This is the same MRI reviewed by the Medical Board. Dr. Brady opined the treatment modalities referenced by the Medical Board, including epidural steroid injections, facet joint injections, or medial branch blocks / radiofrequency ablation, would provide Applicant temporary pain relief only. **Id.** Those modalities do not reverse degenerative disc disease, restore disc height, or repair annular tears. **Id.** He further noted that he works with the Des Moines Fire Department routinely to provide firefighters pathways to return to full duties, however, he would not clear Mr. Schneider to work without restrictions, and did not do so before his retirement. **Id.**

8. In 2021, Applicant saw Dr. Malea Jensen for an irregular heart rate, which he experienced following receipt of a COVID booster. **Ex. 4E – 8.** He was diagnosed with atrial flutter, and was started on daily medication. **Ex. 4F – 1.** The atrial fibrillation resolved with medication. **Ex. 4F – 2.**
9. He experienced a recurrence of the atrial flutter and irregular heartrate in early 2024. **Ex. 4C-20 – 4C-30; Ex. 4D-145 - 4D-147.** The records note this was caused by a panic attack he suffered after separating from his wife. **Ex. 4F – 5.** The atrial fibrillation did not resolve with medication, and he underwent a cardioversion and subsequent ablation to get back in normal rhythm. **Ex. 4C-41 – 4C-46; 4C-54 -4C-63.**
10. On August 21, 2024, Applicant went to UPH-DM Occupational Medicine for evaluation of a “411 Heart Claim.” **Ex. 4E – 8.** He denied experiencing chest pain or palpitations at the visit. **Id.** The provider noted his symptoms resolved after ablation on July 10, 2024. **Ex. 4E – 9.** Applicant indicated he felt safe to perform his regular duty job as District Chief. **Ex. 4E – 9.** The provider noted his recommended work status to be Regular Duty. **Ex. 4E – 9.**
11. Applicant submitted a “Holter Report” dated August 2025. **Member Ex. B.** The report demonstrates periods of atrial fibrillation, but contains no further diagnostic information. **Id.**
12. Applicant’s disability application states he injured his left ankle on February 21, 2015, after twisting it getting off the rig. **Ex. 1-4.** There are no medical records related to this injury in the record. His application states he reinjured the ankle on January 2, 2024. **Ex. 1-4.** He received treatment from Dr. Jon Yankey at Des Moines Occupational Medicine following the 2024 incident. He expressed pain following the injury, but he was able to stand and walk without difficulty. **Ex. 4E-1 – 4E-2.** He was diagnosed with an ankle sprain. **Id.** A subsequent MRI in 2025 showed some peripheral degenerative change but no evidence of injury or abnormal alignment. **Ex. 5-9.**

#### *Applicant’s Testimony*

13. Applicant testified about each of the conditions listed above. He testified his back has not been 100% normal since the 1991 incident. He currently experiences continuous pain in his lower left back, which impacts his ability to sleep. His pain levels increased over the past twelve months. He testified he is not currently able to do the work required for a District Fire Chief, nor could he at the time of his retirement due to his back pain. He continues to receive treatment for this condition.
14. Applicant testified that in August 2025, following his examination at the Medical Board, he experienced another atrial fibrillation incident requiring ablation. He was put on Eliquis and remains on the medicine today. He testified that no doctor has advised that his atrial fibrillation will resolve. He continues to receive treatment for this condition.

15. Applicant testified that he continues to experience pain in his left ankle, specifically random painful sensations.
16. The City did not present any evidence and noted that it does not contest the Application.

### 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. 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, of an ordinary disability beneficiary, or of the chief of the police or fire departments, respectively, any member in good standing or ordinary disability beneficiary 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 or

arising out of and in the course of employment, or while acting, pursuant to order, outside of the city by which the member is regularly employed, shall be retired by the system, or may have a retirement for an ordinary disability converted to a retirement for an accidental disability, *if the medical board certifies that the member or ordinary disability beneficiary 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 or should have a retirement for an ordinary disability converted to a retirement for an accidental disability.* However, if a person's membership in the system first commenced on or after July 1, 1992, the member or ordinary disability beneficiary 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.

(emphasis added).

3. 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.

4. 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.
5. The questions before the Committee are (1) whether Applicant's low back injury and resulting inability to perform the essential functions of his job is "permanent" and (2) whether Applicant's heart condition and left ankle injury limit his ability to perform the full duties of a fire fighter and are thus "disabling."

### *Back Injury*

6. The System denied Applicant's disability for a low back injury on the basis that the Medical Board opined that "given the limited nature of treatment modalities pursued thus far for the back," it was not able to state to a reasonable degree of medical certainty that Mr. Schneider's chronic low back pain is permanently disabling.
7. Rule 9.2(3) of the System's Administrative rules states:
  - 9.2(3) Duration Requirements.**
  - a. A "permanent" disability is a disability, as defined in the statute, 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.
  - b. A "temporary" disability is a disability, as defined in the statute, which is not expected to be permanent, as defined in a, above.
8. Whether the continuous period "has lasted" or "can be expected to last" is measured from when an injury or disease becomes a disability, not when it occurs or begins. An injury or disease becomes a disability when the member "become[s] totally and permanently incapacitated for duty as the natural and proximate result of [the] injury or disease . . . ." See Iowa Code § 411.6(5).
9. The Committee weighed the evidence and testimony presented by Applicant and concluded Applicant met the evidentiary burden to establish that the disabling condition is permanent in that it can be expected to last for a continuous period of not less than twelve months from the date of Application.
10. The Committee specifically considered the opinions expressed by the Medical Board, Applicant's testimony that he has not seen improvement in his conditions, and the opinion provided by Dr. Brady regarding the palliative nature of potential treatment modalities and his opinion that the MRI demonstrated irreversible findings that will continue to worsen over time.

### *Heart Condition*

11. The Medical Board opined that Applicant's heart condition did not limit his ability to perform the full duties of a firefighter and was thus not disabling.
12. The Committee finds that Applicant did not meet his burden to establish his heart condition is disabling. The Committee considered the opinions expressed by the Medical Board, Applicant's testimony, and the record evidence. The Committee specifically considered the fact that no physician, treating or otherwise, opined that Applicant's heart condition was disabling.

*Left Ankle Injury*

13. The Medical Board opined that Applicant's left ankle injury did not limit his ability to perform the full duties of a firefighter.
14. The Committee weighed the evidence and testimony presented by Applicant and concluded Applicant did not meet the evidentiary burden to establish that the left ankle injury is disabling.

DECISION

The appeal for a disability pension on behalf of Kerry Schneider under Chapter 411 is hereby granted in part. The appeal is denied as to the left ankle and heart, and thus the Decision is upheld as to those conditions. The Decision as to the low back injury is reversed and an accidental disability pension is awarded for the low back injury.

Dated this 9 day of April, 2026.



Duane Pitcher, Chair  
Disability Appeals Committee

COPIES TO:

Mike Carroll  
Carney & Appleby  
303 Locust Street  
Des Moines, Iowa 50309  
Counsel for Member

Shellie Mackel  
1200 Locust Street  
Des Moines, Iowa 50309  
Counsel for City of Des Moines

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

Jennifer Lindberg  
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 9<sup>th</sup> day of April, 2026.

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

Signature Ryan Bantell