

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

IN THE MATTER OF:

EMILIO PUENTE,

Applicant.

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DECISION

Iowa Code § 411.1(14) (2017)
Iowa Code § 411.6(3) (2017)
Iowa Code § 411.6(5) (2017)

STATEMENT OF THE CASE

Emilio Puente (“Applicant”) filed his application for an accidental disability pension on or about June 14, 2022 (the “First Application”). On June 15, 2022, the System denied Applicant’s First Application because the application indicated Applicant was not a member in good standing. On June 27, 2022, attorney Peter Sand filed a timely appeal on behalf of Applicant challenging the System’s denial of Applicant’s First Application. A hearing was held before the Disability Appeals Committee of the Board (comprised of Marty Pottebaum, Duane Pitcher, and Laura Schaefer) on February 28, 2024, at the offices of the System (the “First Hearing”). Marty Pottebaum served as Chair. Applicant appeared and was represented by attorney Peter Sand. The City of Iowa City appeared and was represented by attorney Jennifer Schwickerath. 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, Rose Puente, Andrew Bratek, and Zakary Kohlmeyer. Applicant and the City of Iowa City filed post-hearing briefs on April 12, 2024.

On May 9, 2024, the Committee issued a decision denying Applicant’s appeal.

On June 5, 2024, Applicant filed a Petition for Writ of Certiorari in Polk County District Court.¹ The court sustained Applicant’s Petition for Writ of Certiorari as to the System’s decision not to grant the good cause waiver. MFPRSI Exs. 18 and 21. The District Court upheld the System’s determination that an officer must be in good standing “upon application to the system,” not as of the date the injury occurred. The Court remanded the matter back to the Board to “consider Puente’s request to waive the member in good standing requirement” consistent with his opinion. MFPRSI Exs. 18 and 21.

¹ Applicant also filed Petitions in Dallas and Scott counties seeking certiorari relief. All matters were consolidated into Polk County Case No. CVCV067861.

The rehearing on the First Application was held before the Disability Appeals Committee of the Board (comprised of Marty Pottebaum, Duane Pitcher, and Laura Schaefer) on May 13, 2026, at the offices of the System (the “Second Hearing”). The rehearing on Applicant’s First Application was consolidated with the hearing on Applicant’s Second Application for benefits.² Marty Pottebaum served as Chair. Applicant appeared and was represented by attorney Peter Sand. Daniel Cassady, Executive Director, appeared on behalf of the System. Jennifer Lindberg was present as counsel to the Committee. Testimony was received from Applicant. Applicant filed a post-hearing brief on June 12, 2026.

The record for the First Application contains as follows, per agreement with the Applicant: MFPRSI Exhibits 1 – 21,³ the transcript for the May 13, 2026 hearing (the “Second Hearing”), and the deposition transcript and related exhibits for Chief Liston’s deposition submitted at the Second Hearing. Testimony offered at the Second Hearing is also part of the record for the Second Application.

FINDINGS OF FACT

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

1. Applicant was born on June 12, 1997. He commenced service as a police officer for the City of Iowa City on April 24, 2019. At the time of his application for accidental disability benefits, Applicant had resigned from his position with the City of Iowa City. Prior to resigning, he held the rank of officer with the City of Iowa City Police Department. MFPRSI Ex. 1.
2. On or around June 14, 2022, Applicant applied for an accidental disability benefit due to an injury sustained during an arrest (the “First Application”). MFPRSI Ex. 1-1.
3. Iowa City Police Chief Dustin Liston certified that Applicant was not a member in good standing at the time his application was submitted. MFPRSI Ex. 1-4.
4. The System denied Applicant’s First Application for an accidental disability benefit on June 15, 2022 because the application indicated Applicant was not a member in good standing at the time his application was filed. MFPRSI Ex. 2. Applicant’s appeal was timely filed with the System on June 27, 2022. MFPRSI Ex. 3. The City did not appeal the decision.
5. The hearing on Applicant’s First Application was held on February 28, 2024. MFPRSI Ex. 10. Applicant and the City filed post-hearing briefs. MFPRSI Ex. 11, MFPRSI Ex. 12. On May 9, 2024, the Committee issued a decision denying Applicant’s appeal. MFPRSI Ex. 13.
6. The Committee determined that a member cannot remain in good standing following the member’s resignation, and that Applicant had not met his burden to demonstrate good cause

² While the First and Second Applications were heard at a consolidated hearing, they are separate applications under the statute and administrative rules and thus the System is issuing two separate decisions.

³ This includes Applicant’s exhibits from the First Hearing, post-hearing briefing, First Hearing transcript, the parties’ briefing in the District Court matter, and resulting District Court orders.

to waive the member-in-good-standing requirement. MFPRSI Ex. 13-5. The Committee denied the Applicant's appeal. *Id.*

7. Applicant filed a Petition for Writ of Certiorari challenging the denial on June 5, 2024.
8. On July 23, 2025, the Polk County District Court issued its Ruling on Emilio Puente's Petition for a Writ of Certiorari (the "Ruling"). The District Court sustained Puente's Petition on the basis that it could not evaluate the System's decision on the waiver of the member-in-good-standing requirement because the "Board did not disclose the good cause criteria it applied to Puente's case or how it applied such criteria to reach its conclusion." MFPRSI Ex. 21. The District Court upheld the System's determination that an officer must be in good standing "upon application to the system," not as of the date the injury occurred. MFPRSI Ex. 18. The District Court ordered a remand to the System for consideration of the First Application consistent with the Ruling. MFPRSI Ex. 21.
9. The rehearing was held on May 13, 2026.⁴ The City did not attend the Second Hearing. Second Hearing Tr. 18:1-2.

Applicant's Injury and Resignation

10. The injury for which Applicant submitted both the First and Second Applications was sustained on November 21, 2021, while he was working as a police officer. First Hearing Tr. 20:15-20. Applicant was called to a club where an individual had been knocked out. First Hearing Tr. 20:23-25, 21:1-2. After Applicant arrived at the club, a fight broke out. First Hearing Tr. 21:9-14. While arresting one individual, Applicant sustained a severe injury to his right leg, causing significant nerve damage. First Hearing Tr. 22:11-16.
11. The City and Applicant agree that Applicant was a member in good standing at the time he sustained this injury.
12. After the November 21 incident, Applicant was notified that he was being investigated for an incident that occurred earlier that month. First Hearing Tr. 32:21-24. The investigation stemmed from an arrest that took place on November 12, 2021. On that date, Applicant was involved in a use of force in the arrest of a suspect referred to for purposes of this appeal as "J.W." First Hearing Tr. 18:7-21. Applicant was interviewed twice in connection with the investigation, in December 2021 and January 2022. First Hearing Tr. 40:15-20. Applicant was also notified that the Iowa City Police Chief intended to suspend, demote, or terminate his employment as a result of the investigation. First Hearing Tr. 40:25, 41:1-4.
13. Applicant resigned in lieu of termination on February 3, 2022. First Hearing Tr. 37:21-23. At the First Hearing, Applicant testified that he did not understand the significance of his decision to resign or the severity of his injury at the time he resigned. First Hearing Tr. 38:13-20. He testified that he asked his union representatives whether he would be able to seek disability benefits if his injury progressed, and was told that benefits would not be granted because he would not be an officer in good standing. First Hearing Tr. 37:10-22. He

⁴ The rehearing was consolidated with the hearing on Applicant's Second Application.

testified similarly at the Second Hearing, adding that he was on medication, was dealing with a lot, and was not “really in the right state.” Second Hearing Tr. 14:6-11.

14. Applicant filed his First Application on June 14, 2022, four months after his resignation on February 3, 2022. First Hearing Tr. 35:1, 37:21-23; MFPRSI Ex. 1-1.

CONCLUSIONS OF LAW

1. At the time Applicant submitted his First Application for benefits, Iowa Code § 411.6(3) stated:

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 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. At the time Applicant submitted his First Application for benefits, 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.

...

d. The requirement that a member be in good standing to apply for and receive a benefit under this subsection *may be waived for good cause as determined by the board*. The burden of establishing good cause is on the member.

(emphasis added).

3. At the time Applicant applied for benefits, a member was defined as a “member of the retirement section as defined by section 411.3.” Iowa Code § 411.1(14). At the time Applicant applied for benefits, Iowa Code section 411.3(2) provided that “should any member cease to be employed as a police officer or fire fighter by a city ... the member shall thereupon cease to be a member of the system.”
4. At the time Applicant applied for benefits, a “member in good standing” was defined as “a member in service who is not subject to removal by the employing city of the member pursuant to section 400.18 or 400.19, or other comparable process, and who is not the subject of an investigation that could lead to such removal.” Iowa Code § 411.1(14).⁵
5. Pursuant to Rule 9.1(4) of the System's Administrative Rules, the employing department certifies whether an applicant is a member in good standing. In the event an applicant is not a member in good standing at the time he or she applies but ultimately prevails in a personnel matter and becomes a member in good standing, the applicant's application will be reopened. *Id.*
6. Based on this statutory scheme, Applicant has the burden to establish good cause to support the waiver of the member-in-good-standing requirement. The Board, in evaluating Applicant's appeal, has discretion to determine whether Applicant's evidence is sufficient to establish good cause to waive the member-in-good-standing requirement.
7. The System has previously waived the member-in-good-standing requirement in a handful of situations. System decisions describing situations in which the member-in-good-standing

⁵ The statutory definition of “member in good standing” changed in 2024. The statutory change is not applicable to the First Application.

requirement was or was not waived were provided to Applicant in advance of the Second Hearing.

8. The question before the Committee on the First Application is thus whether Applicant was a member in good standing at the time of the First Application, and if not, whether Applicant established good cause for the Committee to waive that requirement.

Is Applicant a Member in Good Standing?

9. Applicant makes two primary arguments as to why he should be considered in good standing. The first is that good standing should be adjudicated as of the date of injury, and the second is that employment status on the date of the application is not controlling.

Applicant Arguments on Why the Date of Injury is Controlling

10. At both hearings, in both briefs, and before the District Court, Applicant asserted that the “member in good standing” requirement depends on whether the member was in good standing at the time of the injury. He argues that, because he was in good standing on the date of his injury, he is eligible to be considered “in good standing” for purposes of an accidental disability benefit, even though he was not in good standing when he applied for benefits from the System.
11. Applicant also argues that rejecting his interpretation results in arbitrary determinations of benefit eligibility that are unconnected to the injury. Member Post-Hearing Brief, pg. 17. He suggests a city could open a disciplinary action after a member’s injury to prevent or otherwise affect the member’s ability to receive disability benefits. *Id.*

Applicant’s Arguments on Why Employment Status is Not Controlling

12. Applicant makes three arguments as to why an applicant’s employment status on the date of application is not controlling. First, he argues that using employment status is “not consistent with the rest of 411.” Member Post-Hearing Brief, pg. 19. Second, he argues this allows benefits to be denied or granted on an insufficient basis. *Id.* Third, he argues this is generally inconsistent with “the purpose of 411 and the culture of compensation in Iowa.” *Id.*
13. Applicant argues the Committee’s prior interpretation of “in service” for determining whether a member is in good standing is inconsistent with the interpretation of “in service” as it relates to the partial pension set forth in Iowa Code § 411.6(1)(b). He argues that if a police officer with four or more years of service can later file for a partial pension, and if that officer must be “in service” to do so as defined by the System in relation to a member in good standing, then no person could claim benefits from the System unless employed by a municipality at the time of application. Member Post-Hearing Brief, pg. 19. Applicant posits that, if the System accepts partial pension applications from former members who are no longer “in service,” then employment status is not determinative; rather, past service is determinative. Member Post-Hearing Brief, pg. 20.
14. Applicant further posits that there are other situations in which the System would issue benefits on an application from a member who is not in service. Member Post-Hearing Brief,

pg. 20. Applicant argues that it would be arbitrary not to accept his application if the System has approved other applications where a person's condition did not initially qualify for benefits but later did qualify. Member Post-Hearing Brief, pg. 20. Applicant concludes that disallowing applications from persons who are no longer employed is contrary to the "very purpose of compensation law" that gave rise to chapter 411. Member Post-Hearing Brief, pg. 22.

15. In his post-hearing brief, Applicant also asked the Committee to reconsider the decision that Applicant was not a member in good standing given the July 1, 2024, statutory change to the definition of "member in good standing." Member Post-Hearing Brief, pg. 14.

Committee's Conclusion

16. The Committee is bound by the language of Iowa Code Chapter 411 and cannot find that a member remains in good standing and eligible to apply for a disability benefit following the member's resignation. At the time Applicant applied, he was not a member because he was no longer employed as a police officer by a city.⁶ See Iowa Code § 411.1(14) and 411.3(2).
17. Chapter 411 also requires the relevant status to exist upon application to the System, not on the date of injury. The District Court upheld the Board's interpretation that the officer must be a "member in good standing *upon application* to the system." MFPRSI Ex. 18 (emphasis added). The Court found the statutory language plain and unambiguous and declined to look beyond that language to ascertain legislative intent. *Id.*
18. The Committee specifically addresses Applicant's position on "in service" as articulated in the briefing. Iowa Code section 411.6 defines different types of retirement benefits. Section 411.6(1) sets forth guidelines for a service retirement benefit, which is distinct from a disability retirement benefit which is subject to sections 411.6(3) and 6(5). Section 411.6(1)(b) addresses vested members in service whose "*employment is terminated*, other than by death or disability, prior to the member" reaching twenty-two years of service. (emphasis added). If such a member achieves four or more years of service before termination, the member can receive a partial retirement benefit when the member turns 55. See Iowa Code § 411.6(1)(a), (b). The statute expressly contemplates termination of employment as the triggering event for the calculation and subsequent receipt of benefits. Thus, "in service" is not the triggering event as Applicant argues.
19. The Committee does not find Applicant's other arguments controlling in light of the District Court's Ruling. The Committee thus concludes that as Applicant was not a member at the time of his First Application, he cannot be considered a member in good standing.

⁶ The July 1, 2024, statutory language does not apply to the First Application given the enactment date is after the filing date of the First Application.

Did Applicant Meet His Burden to Establish a Good Cause Waiver of the
Member-in-Good Standing Requirement?

20. Applicant argues the Board should waive the member-in-good-standing requirement for Applicant pursuant to Iowa Code section 411.6(5)(d).

Applicant's Arguments for Good Cause Waiver

21. At the First Hearing, Applicant's main arguments that good cause applies were that he was an officer in good standing on the date of his injury⁷; his injury was debilitating and chronic⁸; no discipline stemmed from the arrest where he was injured⁹; fellow officers testified that he was a conscientious, sincere officer who did quality work¹⁰; and not applying the good cause exception to him will undermine the integrity of the System.¹¹
22. The City, in its brief filed following the First Hearing, took "no position" on whether the Board should waive the member-in-good-standing requirement for good cause in this matter. MFPRSI Ex. 12.
23. Applicant testified that in addition to the reasons previously stated in the First Hearing, good cause to waive the member-in-good-standing requirement exists due to the sudden traumatic nature of the injury he suffered¹²; the uncertainty around his injury and benefits when he met with the chief on February 3, 2022 before submitting his resignation¹³; and his opinion that the code exists to protect officers, especially when they get injured in a life-changing event for which there is no cure.¹⁴
24. In briefing following the Second Hearing, Applicant provided additional argument to support his request for the Board to waive the member-in-good-standing requirement. Applicant argues the Board should consider good cause generally, including whether some measure of relief is appropriate or whether there is a legally sufficient reason to provide such relief. Member Post-Hearing Brief, pgs. 1-3.
25. Applicant discussed the System's prior decisions on this issue in detail. Applicant argues that, in three cases where the good cause exception was granted, city management either supported application of the good cause standard or remained silent. Applicant argues the City's silence in this matter supports application of the exception. Member Post-Hearing Brief, pgs. 3-7.
26. Applicant also notes that only two of the prior decisions address traumatic injuries similar to the injury he suffered, and he argues his physical injury is more "concrete" than the mental traumatic injuries addressed in those decisions. Member Post-Hearing Brief, pg. 7. Applicant

⁷ Second Hearing Tr. 20:11-16.

⁸ Second Hearing Tr. 20:16-17, First Hearing Brief, pg. 8-9.

⁹ Second Hearing Tr. 20:23-25.

¹⁰ First Hearing brief, pg. 11.

¹¹ First Hearing brief, pg. 11.

¹² Second Hearing Tr. 29:1-3.

¹³ Second Hearing Tr. 29:4-10.

¹⁴ Second Hearing Tr. 30:6-19.

also argues it is appropriate to award benefits here because his disabling work injury did not result from misconduct. Member Post-Hearing Brief, pg. 10.

27. Applicant asserts in the briefing that he “could not get answers to his questions at the moment it mattered most,” apparently referring to the condensed timeframe in which he decided to resign. Member Post-Hearing Brief, pg. 11. This assertion is inconsistent with his prior testimony that he asked his union representatives whether he would be able to seek disability if his injury progressed and was told that it would not be granted because he would not be an officer in good standing. First Hearing Tr. 37:10-22.

Committee’s Analysis and Conclusion

28. The System has historically waived the member-in-good-standing requirement in situations where (1) the behavior being investigated or disciplined resulted from the disabling condition; or (2) the member resigned before applying for a disability benefit based on the employing city’s promise that the member would be eligible to apply post-separation. These are not necessarily the only circumstances in which good cause may be found. However, in each case where the System has found good cause, the successful waiver applicant introduced sufficient evidence and argument to support waiving the member-in-good-standing requirement and met the statutory burden.
29. In situations where the System did not find good cause to waive the member-in-good-standing requirement, a waiver would have provided additional compensation and benefits to individuals who, like Applicant, had made positive contributions to their departments. The Committees concluded in those matters that prior positive service, standing alone, does not establish good cause to waive the member-in-good-standing requirement. The System’s fiduciary duties, and federal law applicable to qualified retirement plans, prevent the System from awarding benefits beyond those authorized by statute based solely on what the Committee believes to be fair or equitable. The same principle applies to Applicant’s argument that he should be awarded benefits because his severe injury occurred on the job while he was a member in good standing.
30. The Committee concludes that Applicant has not met his burden to establish that the member-in-good-standing requirement should be waived. The key facts in this record are that as of the date of the First Application, Applicant had not been a member of the System for months, and before he resigned he was advised that doing so may impact his ability to receive benefits.¹⁵ A finding that Applicant was a member in good standing would therefore require the Committee to waive not only the in-good-standing requirement, but also the threshold requirement that he be a member.
31. The Committee previously considered a disability application submitted after the applicant was no longer a member. In that matter, the applicant and his partner fired their weapons at an armed suspect while on duty. The suspect was critically wounded and later died. The shooting was investigated by the Iowa Division of Criminal Investigation, which closed the investigation after determining the shooting was justified. Following the event, the member

¹⁵ See First Hearing Tr. 37:10-22.

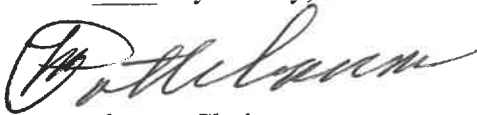
developed anxiety and ultimately applied for disability benefits. Prior to applying for disability benefits, the member signed a Resignation of Employment and Release Agreement with the employing city. The member testified, and the city did not dispute, that the member had signed the Agreement before applying for disability benefits based on the advice of the city that signing the Agreement would not cause him to forfeit his right to proceed with his disability pension application. For that reason, the Committee found there was good cause to waive the member-in-good-standing requirement.

32. This case is different. Applicant was advised that resigning may affect his ability to seek benefits, and he resigned with that knowledge. When he submitted the First Application, he had not been a member for several months. That delay also weighed strongly against granting the waiver. Nothing in the record establishes that Applicant was prevented from filing an application before he resigned, or even in the days immediately after he resigned. Applicant testified that he took steps to rescind his termination nearly immediately, but he did not take comparable steps to seek benefits from the System during that same period. The Committee therefore distinguishes this case from the prior matter in which waiver was granted because, in that matter, the member resigned after being told he *could* still receive benefits, and that incorrect advice prejudiced the member. That is not the situation here. He had knowledge his benefits could be impacted and still decided to resign.
33. The Committee considered the facts that Applicant had not been a member for four months when he submitted the First Application and he knew his benefits could be implicated by resigning together with Applicant's other arguments, including the severity of his injury, whether denial of the waiver would prejudice him, the City's lack of affirmative opposition to waiver, and the fact that he suffered a serious injury while in service and while a member in good standing. Those arguments could be compelling in some circumstances. Here, however, the Committee determines that the purpose of the statute does not support waiving the threshold requirement that an applicant be a member.
34. The Committee agrees that the purpose of Iowa Code chapter 411 is to provide benefits for injured police officers and fire fighters. However, the statute provides those benefits to members, and Applicant was not a member when he filed the First Application. The member-in-good-standing requirement exists to ensure that members who engage in misconduct cannot do so with impunity. The Committee concludes that allowing a person who had not been a member of the System for several months to return and receive benefits when the person was aware the benefits could be implicated by resigning is inconsistent with the statute's purpose and with the System's fiduciary duties to award benefits only as authorized by statute.
35. Accordingly, for the reasons set forth above, the Committee does not find good cause to waive the member-in-good-standing requirement.

DECISION

The appeal for an accidental disability pension on behalf of Emilio Puente under chapter 411 is hereby denied.

Dated this 9 day of July, 2026.



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 9 day of July, 2026.

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

Signature Jill Hagg