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BEFORE
THE RETIREMENT BOARD
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF)
MEETING NO. 1090)

STENOGRAPHIC REPORT OF PROCEEDINGS had at
the videoconference meeting of the above-entitled
matter, held at 20 South Clark Street, Suite 300,
in the City of Chicago, County of Cook, State of
Illinois, on September 15, 2021, commencing at the
hour of 8:30 a.m.

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APPEARANCES

BOARD MEMBERS:

DANIEL FORTUNA, President and
Annuitant Trustee

ROBERT TEBBENS, Active Trustee

WILLIAM MURPHY, Secretary and Active Trustee

TIMOTHY McPHILLIPS, Active Trustee

MELISSA CONYEARS-ERVIN, City Treasurer

ANNA VALENCIA, City Clerk

RESHMA SONI, City Comptroller

MARY SHERIDAN, Active Trustee

ATTORNEYS FOR THE BOARD:

BURKE, BURNS AND PINELLI, LTD.

BY: MS. MARY PATRICIA BURNS

MR. VINCENT PINELLI

ALSO PRESENT:

KELLY WELLER, Executive Director

LORI LUND, Deputy Executive Director

LORNA SCOTT, Chief Investment Officer

JACLYN VLAHOS, Comptroller

JOHN CONNESS, Fund Accountant

MARK MYSLINSKI, City Treasurer's Office

MICHAEL I. PETERS, M.D., Board Physician

1 CHAIRMAN FORTUNA: I hereby convene this
2 meeting of the Trustees on September 15, 2021.

3 Please, roll call.

4 MEMBER MURPHY: Trustee Valencia.

5 Trustee Tebbens.

6 Trustee Sheridan.

7 MEMBER SHERIDAN: Present.

8 MEMBER MURPHY: Trustee Soni.

9 Trustee Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Good morning.

11 Present.

12 MEMBER MURPHY: Trustee McPhillips.

13 MEMBER MCPHILLIPS: Here.

14 MEMBER MURPHY: Trustee Fortuna.

15 CHAIRMAN FORTUNA: Here.

16 We have a quorum.

17 Public Act 101-0640 allows this meeting
18 to be conducted by audio and videoconference. The
19 Act requires a roll call vote on each matter acted
20 upon.

21 Further consistent with Public Act
22 101-0640, for the record, I am physically present
23 at the Fund's office as is Fund Secretary and
24 Executive Director.

1 We have posted notice of the meeting in
2 accordance with the Open Meetings Act and the
3 meeting is being recorded. A transcript of this
4 proceeding will be prepared and after approval will
5 be made available on the Fund's website.

6 Also, I note that we have decided to
7 continue to hold the remote meetings this month due
8 to the determination that it would not be prudent
9 to all be physically present in the same space.

10 Let's move to Public Comment. Consistent
11 with Public Act 91-0715 and reasonable constraints
12 determined by the Board of Trustee, at each Regular
13 Meeting the Board or its Committees that is open to
14 the public, members of the public may request a
15 brief time to address the Board on matters within
16 its jurisdiction.

17 Are there any requests for public comment
18 this morning? If so, please, press star six.

19 MR. QUANE: Mr. Chairman, I'd like to
20 address the Board.

21 CHAIRMAN FORTUNA: Please, state your
22 name.

23 MR. QUANE: Patrick Quane.

24 CHAIRMAN FORTUNA: Thank you. Please

1 proceed.

2 MS. BURNS: Mr. Quane, you will have
3 three minutes.

4 MR. QUANE: Yes, very good.

5 I just want to renew my concern,
6 obviously, with another newsletter that came out
7 this week. The only thing that was related to the
8 Pension Fund was the fact that the member
9 identified himself as a Pension Board Trustee.

10 My concern with that, obviously, is if
11 you put out a publication or you identify yourself
12 as a Pension Board Trustee, does that open up the
13 Board for liability?

14 We have already seen a lawsuit come out
15 of information that is put out and I just want to
16 renew my concern with the Board that anything that
17 a Trustee puts out, identifies himself as a
18 Trustee, does that leave us open to liability?

19 We have already spent enough money on
20 this. It is my understanding that our insurance
21 company -- our rates are going up on this because
22 of the litigation that happened.

23 I just want to again renew my concern
24 about that. I thank you, guys, for your time.

1 CHAIRMAN FORTUNA: Thank you.

2 MEMBER MCPHILLIPS: Any comments?

3 MS. BURNS: Any other public comments?

4 CHAIRMAN FORTUNA: Is there another
5 public comment? If there is, please press star
6 six.

7 MS. BURNS: Is Ms. McKay on the phone?
8 We understand from communication with the Executive
9 Director that Ms. McKay wanted to make a public
10 comment.

11 She's not answering.

12 CHAIRMAN FORTUNA: Hearing no more public
13 comments, Secretary Murphy, let's proceed through
14 the Agenda.

15 MEMBER MURPHY: Thank you.

16 First, we are going to turn to the
17 approval of the Administrative Items. The approval
18 of the Minutes of the Regular Audio Meeting of
19 August 18, 2021 open minutes; the Regular Audio
20 Meeting transcript of August 18, 2021; the
21 Investment Committee Audio Meeting and transcript
22 of August 31, 2021 open and closed minutes.

23 I'd like to make a motion to approve the
24 Open Minutes, the audio transcript and the closed

1 session minutes of the August 18, 2021 board
2 meeting and the August 31, 2021 Investment
3 meeting.

4 MEMBER SHERIDAN: Second.

5 CHAIRMAN FORTUNA: Motion by Trustee
6 Murphy. Seconded by Trustee Sheridan.
7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee
12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee McPhillips.

15 MEMBER MCPHILLIPS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.
17 Motion carries.

18 MEMBER MURPHY: Mr. President, moving on
19 to B, I would like to make a motion to approve the
20 Minimum Formula Annuities starting with Member
21 14684 and ending with Member 616123.

22 MEMBER MCPHILLIPS: Second.

23 CHAIRMAN FORTUNA: There is a motion by
24 Trustee Murphy. Seconded by Trustee McPhillips.

1 Trustee Murphy.

2 MEMBER MURPHY: Yes.

3 CHAIRMAN FORTUNA: Trustee Sheridan.

4 MEMBER SHERIDAN: Yes.

5 CHAIRMAN FORTUNA: Trustee

6 Conyears-Ervin.

7 MEMBER CONYEARS-ERVIN: Yes.

8 CHAIRMAN FORTUNA: Trustee McPhillips.

9 MEMBER MCPHILLIPS: Yes.

10 CHAIRMAN FORTUNA: And I am a yes.

11 Motion carries.

12 MEMBER MURPHY: Mr. President, I would
13 like to make a motion to approve the Earned Annuity
14 for Member 17574.

15 MEMBER SHERIDAN: Second.

16 CHAIRMAN FORTUNA: There is a motion by
17 Trustee Murphy. Seconded by Trustee Sheridan.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Sheridan.

21 MEMBER SHERIDAN: Yes.

22 CHAIRMAN FORTUNA: Trustee

23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

5 MEMBER SONI: Good morning. This is
6 Reshma. I just wanted to say that I am in
7 attendance.

8 CHAIRMAN FORTUNA: Good morning.

9 MEMBER MURPHY: Mr. President, moving on
10 to Item C, I would like to make a motion to approve
11 the Widow's and Children's Annuities starting with
12 Member 09058 through Member 10332.

13 MEMBER CONYEARS-ERVIN: Second.

14 CHAIRMAN FORTUNA: There is a motion by
15 Trustee Murphy. Seconded by Trustee Conyears.
16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: Yes.

20 CHAIRMAN FORTUNA: Trustee
21 Conyears-Ervin.

22 MEMBER CONYEARS-ERVIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: And I am a yes.

4 Motion carries.

5 MEMBER MURPHY: Under Item D, Refunds, I

6 would like to make a motion to approve Refunds

7 starting with Member 17620 through Member 19065.

8 MEMBER SONI: Second.

9 CHAIRMAN FORTUNA: Motion by Trustee

10 Murphy. Seconded by Trustee Soni.

11 Trustee Murphy.

12 MEMBER MURPHY: Yes.

13 CHAIRMAN FORTUNA: Trustee Sheridan.

14 MEMBER SHERIDAN: Yes.

15 CHAIRMAN FORTUNA: Trustee

16 Conyears-Ervin.

17 MEMBER CONYEARS-ERVIN: Yes.

18 CHAIRMAN FORTUNA: Trustee Soni.

19 MEMBER SONI: Yes.

20 CHAIRMAN FORTUNA: Trustee McPhillips.

21 MEMBER MCPHILLIPS: Yes.

22 CHAIRMAN FORTUNA: And I am a yes.

23 Motion carries.

24 MEMBER MURPHY: Under Item E, Death

1 Benefits. I move to approve the Death Benefits
2 starting with Member 0905 through Member 15173.

3 MEMBER CONYEARS-ERVIN: Second.

4 CHAIRMAN FORTUNA: There is a motion by
5 Trustee Murphy. Seconded by Trustee
6 Conyears-Ervin.

7 Trustee Murphy.

8 MEMBER MURPHY: Yes.

9 CHAIRMAN FORTUNA: Trustee Sheridan.

10 MEMBER SHERIDAN: Yes.

11 CHAIRMAN FORTUNA: Trustee
12 Conyears-Ervin.

13 MEMBER CONYEARS-ERVIN: Yes.

14 CHAIRMAN FORTUNA: Trustee Soni.

15 MEMBER SONI: Yes.

16 CHAIRMAN FORTUNA: Trustee McPhillips.

17 MEMBER MCPHILLIPS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Moving on to Item F,
21 Partial Payments. I move to approve the Partial
22 Payments beginning with Member 06885 and continuing
23 through Member 10332.

24 MEMBER SONI: Second.

1 CHAIRMAN FORTUNA: Motion by Trustee
2 Murphy. Seconded by Trustee Soni.
3 Trustee Murphy.
4 MEMBER MURPHY: Yes.
5 CHAIRMAN FORTUNA: Trustee Sheridan.
6 MEMBER SHERIDAN: Yes.
7 CHAIRMAN FORTUNA: Trustee
8 Conyears-Ervin.
9 MEMBER CONYEARS-ERVIN: Yes.
10 CHAIRMAN FORTUNA: Trustee Soni.
11 MEMBER SONI: Yes.
12 CHAIRMAN FORTUNA: Trustee McPhillips.
13 MEMBER MCPHILLIPS: Yes.
14 CHAIRMAN FORTUNA: And I am a yes.
15 Motion carries.
16 MEMBER MURPHY: Under G, Benefit
17 Recalculations. There are a number of Benefit
18 Recalculations this month. An addendum setting
19 forth the Benefit Recalculations is attached in the
20 Board materials as Addendum I through Addendum V.
21 Unless there is an objection from a
22 Trustee, I move to approve the Benefit
23 Recalculations for the retro payments as shown on
24 Addendums I through V.

1 MEMBER MCPHILLIPS: Second.

2 CHAIRMAN FORTUNA: There is a motion to
3 approve. Seconded by Trustee McPhillips.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: Yes.

8 CHAIRMAN FORTUNA: Trustee
9 Conyears-Ervin.

10 MEMBER CONYEARS-ERVIN: Yes.

11 CHAIRMAN FORTUNA: Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 MEMBER MCPHILLIPS: Yes.

15 CHAIRMAN FORTUNA: And I am a yes.

16 Motion carries.

17 MEMBER MURPHY: Item H, Requests for
18 Permission. There is one request for Guardianship
19 for Member 09058. Staff has represented that the
20 required doctor's letter and Power of Attorney are
21 on file and in proper order. Based on the staff's
22 recommendation, I make the motion to approve.

23 MEMBER SHERIDAN: Second.

24 CHAIRMAN FORTUNA: Motion to approve by

1 Trustee Murphy. Seconded by Trustee Sheridan.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Sheridan.

5 MEMBER SHERIDAN: Yes.

6 CHAIRMAN FORTUNA: Trustee

7 Conyears-Ervin.

8 MEMBER CONYEARS-ERVIN: Yes.

9 CHAIRMAN FORTUNA: Trustee Soni.

10 MEMBER SONI: Yes.

11 CHAIRMAN FORTUNA: Trustee McPhillips.

12 MEMBER MCPHILLIPS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: There is one request to

16 reside of state for Member 14442. I make the

17 motion to approve.

18 MEMBER CONYEARS-ERVIN: Second.

19 CHAIRMAN FORTUNA: Motion to approve by

20 Trustee Murphy. Seconded by Trustee

21 Conyears-Ervin.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee McPhillips.

8 MEMBER MCPHILLIPS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Under Item I, Removals, I
12 make a motion to approve the Removals starting with
13 Eugene Herman and ending with Alyssa Milton.

14 MEMBER SHERIDAN: Second.

15 CHAIRMAN FORTUNA: There is a motion for
16 Removals by Trustee Murphy. Seconded by Trustee
17 Sheridan.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Sheridan.

21 MEMBER SHERIDAN: Yes.

22 CHAIRMAN FORTUNA: Trustee

23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 MEMBER MCPHILLIPS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Under Item 3, Payments
8 Pursuant to Administrative and Court Orders. I
9 would like to make a motion that the Administrative
10 and Court Orders listed in the docket for Member
11 01123 be approved, based on the staff's
12 representation that the required paperwork is in
13 order.

14 MEMBER SONI: Second.

15 CHAIRMAN FORTUNA: There is a motion by
16 Trustee Murphy. Seconded by Trustee Soni.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Sheridan.

20 MEMBER SHERIDAN: Yes.

21 CHAIRMAN FORTUNA: Trustee
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee McPhillips.

3 MEMBER MCPHILLIPS: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 MEMBER MURPHY: Mr. President, moving on
7 to Item 4 is consideration for disability
8 applications.

9 Vince, are we ready?

10 MR. PINELLI: Yes. Good morning, Mr.
11 Secretary.

12 The first hearing is Mr. Howe. I don't
13 know if he's on the line yet. If he is, could you
14 indicate that, Mr. Howe?

15 MR. HOWE: Good morning.

16 MR. PINELLI: Then we are ready to
17 proceed, Mr. Secretary, if the Board is.

18 This is a hearing on the application for
19 a Duty Disability benefit being made by EMT
20 Engineer Christian Howe.

21 Good morning, Mr. Howe. As you have been
22 told, I am one of the attorneys for the Pension
23 Fund. I will be conducting this hearing.

24 For the record, I'd like to advise you of

1 some preliminary matters before we start evidence.

2 First of all, there are currently six
3 trustees on the line to hear the evidence on your
4 application. If you don't know you should know the
5 Pension Code requires that you get the yes vote of
6 at least five trustees in order to receive this
7 benefit. Do you understand that?

8 MR. HOWE: Yes, sir.

9 MR. PINELLI: I also see from the record
10 you do not have an attorney representing you today
11 for this hearing. Is it your desire to proceed
12 without an attorney?

13 MR. HOWE: Yes, sir.

14 MR. PINELLI: Lastly, it is the
15 applicant's burden of proof to present sufficient
16 evidence to the Board in order for the Board to
17 grant a benefit that the applicant is seeking. Do
18 you understand it is your burden of proof?

19 MR. HOWE: Yes.

20 MR. PINELLI: By way of procedures, I am
21 going to start by asking you some questions under
22 oath. The board members may or may not have
23 questions of you. Then I will call any witnesses,
24 including the Fund's physician consultant, to

1 testify. If there is anything I don't ask those
2 witnesses, please let me know and you will be given
3 that opportunity. Do you understand the
4 procedures?

5 MR. HOWE: Yes, sir.

6 MR. PINELLI: Then we are ready to
7 proceed. Mr. Howe and Dr. Peters, could you both
8 please raise your right hands?

9 (Witnesses sworn.)

10 CHRISTIAN P. HOWE

11 a witness herein, having been first duly sworn, was
12 examined and testified as follows:

13 EXAMINATION

14 BY MR. PINELLI:

15 Q Mr. Howe, just for the record, please
16 state your name and spell your last name.

17 A Christian Howe, H-o-w-e.

18 Q What is your rank with the Fire
19 Department?

20 A EMT Engineer.

21 Q What was your last assignment before you
22 went on layup?

23 A 5th District Relief.

24 Q Now, first of all, directing your

1 attention to the group of exhibits you should have
2 received prior to the hearing on today, that is
3 what has been marked as Board Exhibits 1 through
4 12. Did you receive those documents before today's
5 hearing?

6 A Yes, sir.

7 Q There was some late additions just
8 yesterday added to the Board Exhibits, including
9 some video files. Did you receive those as well?

10 A Yes, sir.

11 Q Did you have a chance to review all of
12 those Board exhibits?

13 A Yes, sir, I did.

14 Q Do you have any objection to their
15 admission into the record in support of your
16 application?

17 A I have one objection.

18 Q What is that, sir?

19 A In Exhibit 2.3, in Dr. Peters' letter to
20 the Board, under Past Orthopedic History, it is
21 noted that I am status post a right shoulder
22 rotator cuff repair in 2020. I never went through
23 that procedure and there is no documentation in any
24 of this file to reflect that.

1 Q Okay. So with respect to that exhibit,
2 with that qualification that you just made to the
3 Board, do you have any objection to its admission
4 otherwise?

5 A The rest of it, no, I do not.

6 MR. PINELLI: Mr. Chairman, subject to
7 that clarification from the applicant, I would move
8 to admit all of the Board Exhibits at this time
9 without objection from the applicant.

10 CHAIRMAN FORTUNA: All admitted without
11 objection.

12 MR. PINELLI: Thank you.

13 (Board Exhibits 1 through 12 were
14 admitted into evidence.)

15 BY MR. PINELLI:

16 Q Mr. Howe, you are applying for this
17 disability benefit based upon an injury that you
18 sustained on July 5th of 2020; is that correct?

19 A That is correct, sir.

20 Q Understanding that the Board does have a
21 copy of your statement, could you please still
22 summarize for the Board where you were and what
23 happened to you to cause you an injury on that day?

24 A I was detailed to Engine Company 46. It

1 was approximately 6:30 in the morning. Dismounting
2 a spare apparatus, when my left foot slipped off
3 the very bottom step and I landed on the ground,
4 rolled my ankle. I felt and heard some pops in my
5 foot. I was unable to bear weight on it. It began
6 to swell and I experienced a good amount of pain.
7 It was reported to on-duty officers and I was
8 transported to Trinity ER where x-rays and a
9 post-mobile were applied. Discharged. I visited
10 Medical. Was referred out to see Dr. Holmes at
11 Midwest Orthopedics at Rush.

12 Following his exam, he ordered a MRI,
13 which as related to me I had a displaced accessory
14 navicular fracture. Placed in a cast for
15 approximately -- it was for approximately six to
16 eight weeks.

17 While I was casted, a storm, a big storm
18 that came through last August, I was bringing my
19 children down to the basement. After the storm hit
20 -- excuse me, I am pretty nervous. And I slipped
21 and fell or tripped. I don't know exactly what
22 happened. I landed. I came off of my crutches.
23 Landed on my left knee. Sustained what I thought
24 was a minor abrasion. I cared for it like I would

1 any other cut.

2 On August 23rd, I woke up with my knee
3 swollen and painful and hot to touch. Took myself
4 to Little Company of Mary Hospital where I was
5 diagnosed with septic bursitis. I was eventually
6 admitted to Little Company of Mary Hospital and
7 transferred to South Suburban Hospital where I
8 remained until September 3rd and was administered
9 some pretty heavy hitter antibiotics. I was
10 discharged with a PICC line for another four weeks
11 after that at home. As a result of the staph
12 infection, the planned surgical repair of my foot
13 had to be postponed until I was given the all clear
14 by infectious diseases.

15 Q Let me just stop you right there, sir. I
16 appreciate that and we're going to get into your
17 treatment. But before we do that, just let me
18 backup to the incident for a moment. Were there
19 any other fire personnel in the area at the time
20 that you fell or twisted your ankle?

21 A Yeah, there were three other members and
22 I don't recall their names. I would have to go --
23 I would have to find the 160 for that.

24 Q Okay. In any event, they witnessed the

1 incident at that time?

2 A Correct.

3 Q Now, you indicated it is your left ankle.
4 Prior to this incident had you had any injuries to
5 your left ankle before this?

6 A Yeah, I had three previous duty injuries.
7 One in June of 2007. Another in October of 2009.
8 Another in November of 2015. All of those were
9 duty.

10 Q Were they also of a nature similar, that
11 is they were sprains or twist or injuries to your
12 ankle that did not require surgical repair?

13 A That is correct.

14 Q So you were able to, after conservative
15 treatment, come back to work following each of
16 those injuries?

17 A Yes, sir.

18 Q Moving forward then to the current time
19 period. So after you had this fall that injured
20 your left knee and you went through treatment for
21 an infection, did you eventually get to the point
22 where you were able to undergo a surgery for your
23 left ankle?

24 A Yes, that occurred in February of 2021.

1 Q And, to your knowledge, what was the
2 surgery to repair?

3 A It was to remove the accessory navicular
4 bone that had not -- or, that had now fused back
5 and was causing discomfort and pain.

6 Q Now following that surgery in February,
7 did you then undergo a period of conservative
8 physical therapy to try to return to work?

9 A Yes, sir.

10 Q Were you able to get to a point to be
11 able to return to work?

12 A No, I was not.

13 Q Why not? What was the issue or issues?

14 A During physical therapy -- excuse me
15 while I refer back to my dates.

16 MEMBER TEBBENS: For the record, this is
17 Trustee Tebbens. I just wanted to let President
18 Fortuna know that I am in attendance and I was in
19 attendance at the beginning of the testimony.

20 CHAIRMAN FORTUNA: Thank you.

21 THE WITNESS: On May 7th, after leaving
22 physical therapy and after performing a few
23 exercises, I left there in significant pain and a
24 different type of pain than I had experienced

1 during the rehab portion of time where I was in
2 physical therapy.

3 BY MR. PINELLI:

4 Q Can you describe for us what was the
5 difference? Was it a different area in your foot
6 or what was it?

7 A It was a different area, correct.

8 Q Okay. Have you since then undergone
9 treatment or are undergoing treatment with your
10 doctor for dealing with that pain?

11 A Yes, I received a MRI on May 20th. I was
12 ordered back into the Cam walker boot. I was
13 allowed to bear weight and followed up in one month
14 and again in a month following with Dr. Holmes.

15 Q Are you required to wear the boot at all
16 times?

17 A I was at that point in time, correct.

18 Q Now what is your status with Dr. Holmes?
19 Has he released you yet or and has he said you're
20 at maximum medical improvement or do you still have
21 appointments to see him regarding your current
22 condition?

23 A I am no longer seeing Dr. Holmes as he is
24 retiring. I was referred out by him to a Dr.

1 Camran Hamid at Loyola University Medical System.

2 I saw him last on August 19th.

3 Q What did Dr. Hamid say with respect to
4 continued treatment for your foot?

5 A Let's do six weeks of physical therapy
6 and see how I am progressing. He noted that I have
7 a bone spur coming off the tip of my tibia that is
8 rubbing on the talus bone in my foot that may or
9 may not be a problem in the future. But we're in a
10 conservative mode of treatment at this time to
11 avoid another operation, which I would love to
12 avoid if I can.

13 Q Have you been attending all the physical
14 therapy sessions that you were scheduled to do?

15 A I missed one two weeks ago because my
16 daughter had an emergency at school and I am making
17 that one up.

18 Q Let's return for a moment to the videos.
19 Did you take a look at those?

20 A Yes, sir.

21 Q Do those videos portray you in them?

22 A Yes, sir.

23 Q And in various of the videos, I am not
24 going to go through each one, but there is three or

1 four of them, show you undergoing or doing certain
2 activities, correct?

3 A Correct.

4 Q And in them you also appear to have the
5 boot on as you were conducting those activities; is
6 that correct?

7 A That is correct.

8 Q With respect to the activities you were
9 undergoing in those videos, were you able to
10 perform them despite the condition of your foot?

11 A I was never doing anything that I was not
12 explicitly told by the doctor at the time that I
13 could do.

14 Q Okay. Sir, did you injure your left
15 ankle or reinjure it at any time after July 5th of
16 2020 doing something other than your physical
17 therapy?

18 A No, sir. I was nonweight bearing for
19 nine months until I began therapy this past March.
20 I was immobilized in either a cast or Cam walker
21 boot at all times.

22 Q Now since you went on layup, have you
23 engaged in any activities by which you earn income?

24 A No.

1 Q Have you engaged in any sporting
2 activities?

3 A I bench coached my son's little league
4 team and that was the extent of it.

5 Q Your next appointment with Dr. Hamid is
6 when?

7 A Let me look on my calendar. I live and
8 die by this thing. October 4th at 10:30 in the
9 morning.

10 Q At that time he is going to evaluate the
11 condition of your foot and what other potential
12 treatments you may need to undergo?

13 A Correct.

14 MR. PINELLI: Thank you. That is all the
15 questions I have at this time, Mr. Chairman.

16 CHAIRMAN FORTUNA: Thank you.

17 Trustees, any questions?

18 MEMBER MCPHILLIPS: No questions.

19 CHAIRMAN FORTUNA: No questions.

20 MR. PINELLI: Then I would call Dr.
21 Peters to testify.

22 (Witness previously sworn.)

23 MICHAEL I. PETERS, M.D.

24 a witness herein, having been first duly sworn, was

1 examined and testified as follows:

2 EXAMINATION

3 BY MR. PINELLI:

4 Q Sir, please state your name.

5 A Michael I. Peters.

6 Q You're a physician; is that correct?

7 A Yes.

8 Q Do you perform a function as a consultant
9 to this fund?

10 A Yes.

11 Q In that capacity, do you review medical
12 records, examine applicants and report to the
13 Board?

14 A Yes.

15 Q Did you follow that procedure with
16 respect to Mr. Howe?

17 A Yes, I did.

18 Q Did you file a written report with the
19 Board that is marked as Board Exhibit Number 2?

20 A Yes.

21 Q Now, Dr. Peters, due to the current
22 pandemic conditions, you were not able to
23 physically examine him; is that correct?

24 A That is correct.

1 Q But you did an interview of him; is that
2 right?

3 A Yes.

4 Q During your interview of him, did you go
5 over his medical history and treatment and current
6 condition?

7 A Yes, I did.

8 Q And was what he told you regarding those
9 issues consistent or inconsistent with what you saw
10 in the medical records?

11 A It was consistent.

12 Q Doctor, could you briefly summarize for
13 the board members the condition of his left ankle
14 from the date of the injury to the current time?

15 A Engineer Howe has a history of lateral
16 ankle sprains on the left side. They are all duty
17 related. The injury that he is describing on July
18 5th of 2020 when he stepped off the engine involves
19 the inside or medial side of the ankle so it is a
20 different injury.

21 His MRI that he had on July 21st of '20
22 showed that he had tears of a complex of ligaments
23 that help stabilize the inside of the ankle. So
24 two of the ligaments, the spring ligament and his

1 deltoid ligament, were torn. He was also
2 subsequently found to have accessory navicular
3 bone, that is the bone where those ligaments
4 attach. An accessory bone is something he was born
5 with.

6 His orthopedic surgeon diagnosed him with
7 a separation fracture of those two bones.

8 Although, I don't see evidence on that on his MRI.
9 I don't think it really matters. Doing surgery to
10 excise that extra bone is certainly a reasonable
11 approach to try to alleviate his pain since he
12 didn't get better with conservative therapy.

13 He mentioned that the reason -- one of
14 the reasons why he was immobilized for so long is
15 that he had another injury where he got a septic
16 bursitis of the same side knee from falling because
17 he was using crutches in wet conditions. That
18 delayed his surgery and made his immobilization
19 period longer. That is important because it sounds
20 like he's recovered from the medial ankle problem
21 but now he has developed two other problems
22 directly related to his period of immobilization
23 and altered gait. A hindfoot stress reaction and
24 an anterior tibular talar impingement syndrome.

1 So those have both been attributed to the
2 initial injury, although they are not the original
3 injury.

4 As he described, Dr. Hamid is trying
5 conservative therapy with a steroid injection and
6 PT and further immobilization.

7 If that's not successful, he may require
8 a debridement surgery for the impingement.

9 Q Doctor, did you have a chance to review
10 the videos that were sent out to us recently?

11 A I did.

12 Q Based upon your observations of his
13 actions in those videos, does that change your
14 opinion at all with respect to whether or not he's
15 currently capable of performing his duties with the
16 Fire Department?

17 A No, it does not.

18 Q You didn't see anything in the videos
19 that caused you to question whether or not that
20 ankle is still injured?

21 A No. He appeared to be wearing the boot.
22 He appeared to have a limping gait. Most of the
23 video he was just walking to a car. One of them he
24 was dragging what looked like a large evergreen

1 tree limb but I don't know that there was anything
2 unusual about that. A physician wouldn't
3 necessarily tell him he couldn't do that. It was
4 probably something he had to do to keep his yard
5 clean. Certainly isn't of the same level of
6 exertion that he would be required to do as a
7 firefighter.

8 No, there was nothing in there that made
9 me think that it was inconsistent with the history
10 he provided.

11 Q Based upon what his current condition is,
12 do you believe he could perform his duties with the
13 Fire Department?

14 A No, not presently.

15 Q One last thing. Assuming that he
16 eventually gets to the point where that what is
17 going on in the ankle heals, do you believe he
18 could successfully return to the full duties with
19 the Fire Department?

20 A Yes. If he has resolution of the two
21 complications that he has developed; the
22 impingement and the hindfoot stress reaction.

23 MR. PINELLI: Thank you, doctor. That is
24 all the questions I have.

1 CHAIRMAN FORTUNA: Trustees, any
2 questions for the doctor?

3 MEMBER MCPHILLIPS: No questions. Thank
4 you, doctor.

5 CHAIRMAN FORTUNA: Thank you.

6 MR. PINELLI: There is no further
7 evidence to present at this time.

8 MEMBER MURPHY: Mr. President, I'd like
9 to make a motion to go into closed session pursuant
10 to Section 2(c)4 of the Open Meetings Act to
11 discuss testimony and evidence.

12 MEMBER SHERIDAN: Second.

13 CHAIRMAN FORTUNA: There is a motion to
14 go into executive session by Trustee Murphy.
15 Seconded by Trustee Sheridan.

16 Trustee Murphy.

17 MEMBER MURPHY: Yes.

18 CHAIRMAN FORTUNA: Trustee Sheridan.

19 MEMBER SHERIDAN: Yes.

20 CHAIRMAN FORTUNA: Trustee
21 Conyears-Ervin.

22 MEMBER CONYEARS-ERVIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER MCPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: Trustee Valencia.

6 MEMBER VALENCIA: Yes.

7 CHAIRMAN FORTUNA: And I am a yes.

8 Motion carries.

9 (Whereupon, the Board went into
10 Executive Session off the record.
11 No action was taken in Executive
12 Session.)

13 MR. PINELLI: So we're out of Executive
14 Session.

15 Mr. Howe, are you on the line, sir?

16 MR. HOWE: Yes, sir.

17 MR. PINELLI: Mr. Howe, the Board
18 exhibits are lacking the 160 report from the Fire
19 Department. Before the Trustees vote on your
20 application, they need to have a copy of that
21 record. Staff is going to work on that right now
22 to see if we can get that.

23 MR. HOWE: I have a copy. Do you mind if
24 I look for it real quick?

1 MR. PINELLI: If you have it, are you
2 able to email it to me or scan it?

3 MR. HOWE: Yes. Give me two seconds to
4 dig into my Ipad because District sent me a
5 courtesy copy of it so standby while I look for
6 that.

7 MR. PINELLI: We have other business to
8 conduct. What I'd like to do is momentarily if you
9 could go ahead and look for it and then we have you
10 email it to us and then we can distribute it to the
11 Trustees and then we can come back to your matter
12 after we have taken care of a couple other issues.
13 Would that work?

14 MR. HOWE: Yes. Send it to Lori?

15 MR. PINELLI: Yes. Do you have her email
16 address?

17 MR. HOWE: Yes.

18 MR. PINELLI: Please send it directly to
19 Lori as soon as you get it and then stay available
20 and we will recall your matter in a little bit.

21 MR. HOWE: Do you want me to stay on the
22 line?

23 MR. PINELLI: You can stay on, just mute
24 yourself, that's fine.

1 Then we would defer this matter, Mr.
2 Secretary, and keep the record open until we
3 resume.

4 (Short recess in the hearing.)

5 MS. BURNS: Vince, would you like to
6 update the Board on the question Trustee Sheridan
7 had made regarding the 160?

8 MR. PINELLI: Yes. So we have a copy of
9 the 160. It was distributed I believe to all the
10 Trustees. I have seen a copy of it as well.

11 I think it documents the report of the
12 injury, simultaneous report of the injury on the
13 day of the injury. It indicates as well that he
14 was transported to Trinity Hospital for treatment
15 of the injury and then it also lists various people
16 who were witnesses to the incident and as well
17 confirms that he reported the incident at the time
18 it occurred.

19 So I believe that documentation would
20 provide you with a basis to answer the questions
21 that were asked with respect to the simultaneous
22 documentation of the incident.

23 MS. BURNS: Given that, Trustee Murphy,
24 are you ready to proceed with a motion?

1 CHAIRMAN FORTUNA: Trustees, are there
2 any further questions?

3 MEMBER MURPHY: Mr. President, I'd like
4 to make a motion to grant the benefits requested by
5 Engineer Howe.

6 MEMBER SHERIDAN: Second.

7 CHAIRMAN FORTUNA: There's a motion to
8 grant by Trustee Murphy. Seconded by Sheridan.
9 Trustee Murphy.

10 MEMBER MURPHY: Yes.

11 CHAIRMAN FORTUNA: Trustee Sheridan.

12 MEMBER SHERIDAN: Yes.

13 CHAIRMAN FORTUNA: Trustee
14 Conyears-Ervin.

15 MEMBER CONYEARS-ERVIN: Yes.

16 CHAIRMAN FORTUNA: Trustee Soni.

17 MEMBER SONI: Yes.

18 CHAIRMAN FORTUNA: Trustee McPhillips.
19 Trustee Tebbens.

20 MEMBER TEBBENS: Yes.

21 CHAIRMAN FORTUNA: I am a yes.

22 Motion carries.

23 MEMBER MURPHY: Mr. President, I would
24 like to make a motion for reexam consistent with

1 the Board's policy.

2 MEMBER SONI: Second.

3 CHAIRMAN FORTUNA: There's a motion for
4 reexam by Trustee Murphy. Seconded by Trustee
5 Soni.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Sheridan.

9 MEMBER SHERIDAN: Yes.

10 CHAIRMAN FORTUNA: Trustee
11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee McPhillips.
16 Trustee Tebbens.

17 MEMBER TEBBENS: Yes.

18 CHAIRMAN FORTUNA: And I am a yes.

19 Motion carries.

20 MEMBER MURPHY: Counsel has previously
21 sent around the Findings of Fact and Conclusions of
22 Law in this matter.

23 Having had a chance to review those, I
24 would like to make a motion to adopt those Findings

1 of Fact and Conclusions of Law.

2 MEMBER SHERIDAN: Second.

3 CHAIRMAN FORTUNA: There is a motion by

4 Trustee Murphy to adopt the Findings of Fact.

5 Seconded by Trustee Sheridan.

6 Trustee Murphy.

7 MEMBER MURPHY: Yes.

8 CHAIRMAN FORTUNA: Trustee Sheridan.

9 MEMBER SHERIDAN: Yes.

10 CHAIRMAN FORTUNA: Trustee

11 Conyears-Ervin.

12 MEMBER CONYEARS-ERVIN: Yes.

13 CHAIRMAN FORTUNA: Trustee Soni.

14 MEMBER SONI: Yes.

15 CHAIRMAN FORTUNA: Trustee Tebbens.

16 MEMBER TEBBENS: Yes.

17 CHAIRMAN FORTUNA: And I am a yes.

18 Motion carries.

19 Based on the Findings of Fact and

20 Conclusions of Law made by the Trustees, the

21 Trustees have voted to grant you the benefit you

22 have requested.

23 You will be notified by mail of the

24 Findings of Fact and the Board's decision.

1 Good luck to you.

2 MS. BURNS: I just want to make sure the
3 record reflects that this document will be
4 submitted as part of the Howe record; is that
5 correct?

6 MR. PINELLI: Yes, I would move for
7 admission of it. And, I assume, Mr. Howe, you have
8 no objection to the 160 being added to the
9 exhibits, right?

10 MR. HOWE: Absolutely not. I am glad I
11 had a copy.

12 MR. PINELLI: So am I. Thank you, sir.

13 MS. BURNS: The record will so reflect.

14 MEMBER MURPHY: I'd like to move to the
15 next application of Mark Mansor, Engine 78.

16 MR. PINELLI: Is Mr. Mansor on the line,
17 along with his attorney Mr. Marconi?

18 MR. MANSOR: I am present.

19 MR. PINELLI: Is Mr. Marconi on the line?

20 MR. MARCONI: Jerry Marconi for the
21 record.

22 CHAIRMAN FORTUNA: Thank you.

23 MR. PINELLI: Thank you.

24 Let the record reflect this is a hearing

1 on the application for a Duty Disability benefit
2 being made by Mark Mansor.

3 Mr. Mansor is present and is on the line.

4 Sir, can you hear me?

5 MR. MANSOR: Yes, sir.

6 MR. PINELLI: He's represented by counsel
7 Jerry Marconi. Counsel, could you identify
8 yourself, please?

9 MR. MARCONI: Jerry Marconi for the
10 record.

11 MR. PINELLI: Thank you.

12 Before we begin evidence, counsel, you
13 should have received a copy of what's been marked
14 as Board's Exhibits 1 through 10 prior to today's
15 date from your client. Did you receive those?

16 MR. MANSOR: I did receive those and I
17 also received some exhibits last night. I think
18 Exhibit 6.

19 MR. PINELLI: Yes, there was an
20 additional exhibit that was added. Do you have any
21 objection to the admission of those exhibits into
22 the record?

23 MR. MARCONI: I do not.

24 MR. PINELLI: All right. Mr. Chairman, I

1 move for admission of Board's Exhibits 1 through 10
2 without objection from the applicant.

3 CHAIRMAN FORTUNA: Admitted without
4 objection.

5 (Board Exhibits 1 through 10 were
6 admitted into evidence.)

7 MR. PINELLI: Thank you.

8 Counsel, before we proceed, do you intend
9 to call Mr. Mansor to testify?

10 MR. MARCONI: Yes, sir, I do.

11 MR. PINELLI: Sir, could you raise your
12 right hand and Dr. Peters could you also raise your
13 right hand?

14 (Witnesses sworn.)

15 MR. PINELLI: Then we are ready to
16 proceed. Counsel do you wish to call any
17 witnesses?

18 MR. MARCONI: Yes, Mark Mansor.

19 MR. PINELLI: Please, proceed.

20 MARK MANSOR

21 a witness herein, having been first duly sworn, was
22 examined and testified as follows:

23 EXAMINATION

24 BY MR. MARCONI:

1 Q Good morning. Could you state your name
2 again for the record?

3 A Firefighter Mark Mansor.

4 Q I am going to get a little bit of
5 background. When did you join the Chicago Fire
6 Department?

7 A March of 2014.

8 Q Are you a Firefighter, Firefighter
9 Paramedic?

10 A Yes, sir. I am a Firefighter EMT.

11 Q When was your last assignment?

12 A Engine 78.

13 Q Just so the record is clear, you're the
14 applicant; is that correct?

15 A Correct.

16 Q It looks like, according to the Exhibits
17 that were admitted into evidence today, that you
18 filed your application on June 14, 2021; is that
19 correct?

20 A Correct.

21 Q Your last day before layup was November
22 1, 2020; is that correct?

23 A Correct.

24 Q When was your last day on the payroll?

1 When did you stop getting paid?

2 A I believe July 13, 2021.

3 Q In the application in your affidavit, you
4 indicate that this incident occurred on January 27,
5 2019; is that correct?

6 A Correct.

7 Q Where were you assigned?

8 A At that time I was assigned to Engine 78.

9 Q Did you receive a call in the early
10 morning hours to go to the 19th District police
11 station in Chicago?

12 A Yes.

13 Q What was the nature of that call?

14 A Combative patient attempting suicide in
15 the 19th District lockup.

16 Q Did you go to the lockup?

17 A Yes.

18 Q What did you see?

19 A I saw a patient very combative. Settled
20 down a little bit. Sat down. Checking the vitals.
21 Out of nowhere he jumps up and backhand fists me to
22 the face.

23 Q Do you wear glasses?

24 A Yes.

1 Q Were you wearing glasses?

2 A Yes.

3 Q What did you feel when you were
4 backhanded? I guess a back fist to the face?

5 A I was in disbelief. We held the patient
6 down so there was no more damages done to me or my
7 crew. At the time I was just full adrenalin.
8 Didn't feel much. About 20 minutes later, my face
9 got extremely red, my eyes got really painful and I
10 had pain in my nose.

11 Q Did you subsequently go to the emergency
12 room at St. Joseph Hospital?

13 A I did, yes.

14 Q And did you receive, to the best of your
15 knowledge, a diagnosis at that point?

16 A Partial, yes. Diagnosed with three
17 abrasions to my cornea, seven micro fractures to my
18 nose at that time.

19 Q Did you follow up and go to the Medical
20 Section after your initial treatment in the
21 emergency room?

22 A Yes.

23 Q And looking at the materials, it looks
24 like there was a note from February 26th indicating

1 you had a deviated septum. When did you learn you
2 had a deviated septum in addition to the fractures?

3 A When I was advised to visit Rush, a
4 doctor I believe Revenaugh, diagnosed me with a
5 deviated septum there.

6 Q I think he's in the records but he
7 specializes in plastic and reconstructive surgery;
8 is that correct?

9 A Yes.

10 Q Did you guys talk about the deviated
11 septum, the diagnosis of the deviated septum, at
12 that time?

13 A Yes.

14 Q And was he recommending any surgery at
15 that time or was it just conservative treatment?

16 A He stated since, you know, it was a fresh
17 incident and I am a younger, healthy guy that they
18 would approach a more conservative approach and it
19 typically could heal on its own.

20 Q After the initial visits, did you work to
21 get back to work?

22 A Absolutely, yes.

23 Q How long were you off do you think?

24 A I could be wrong but two furloughs maxed,

1 30 days maxed, I was off. I came back to work.

2 Q Did your condition from the evening of
3 the incident did that improve, stay the same or get
4 worse?

5 A From January 27, 2019 to today, it's
6 gotten extremely worse.

7 Q How about from when the initial incident
8 occurred to when you started back at work like 30
9 days after the incident?

10 A I was better but then it got worse again
11 not too long after so yeah.

12 Q So can you tell the Board -- I know that
13 you were back at work for quite a while but what
14 were some of the issues that you were experiencing
15 that you had not experienced prior to the January
16 27th incident?

17 A I consider myself a very healthy,
18 athletic guy. Never had any breathing issues
19 before. Since this incident, I am consistently
20 constantly going to urgent care and doctor visits,
21 with bronchitis, upper respiratory infections,
22 sinusitis. Recently diagnosed with eosinophilic
23 asthma. With that being stated, never had any
24 breathing issues and then within one year span I

1 just constantly having difficulty breathing, which
2 I never had in my life before.

3 Q When you were hired by the Department, I
4 am assuming you went through pulmonary functioning
5 testing; is that correct?

6 A Yes.

7 Q And no issues detected; is that correct?

8 A Correct.

9 Q Now in the records, there is a lot of
10 references, and I think it's just because of the
11 records seem to repeat themselves, of childhood
12 asthma. Have you ever been -- to the best of your
13 recollection, have you ever been diagnosed with
14 childhood asthma?

15 A From what I have asked my mother, she
16 doesn't -- she is illiterate. But from what she
17 has told me, I never had asthma. I never had
18 administered any Albuterol. So I don't know where
19 that is coming from.

20 Q When you were very, very young, did you
21 have breathing issues? I am talking I think there
22 was reference in the records to like when you were
23 three.

24 A Yes. I was an extremely heavy baby. I

1 was roughly around 37 pounds at one year old. I
2 had trouble breathing around two, three years old,
3 correct, but I was never diagnosed with anything.

4 Q Were you ever diagnosed in like high
5 school, grade school, college, with any type of
6 breathing issues or asthma?

7 A Never. I was super athletic. Always in
8 great shape. Never had any breathing issues ever.

9 Q As far as your athletics, how far did you
10 progress in college in terms of playing sports?

11 A I played baseball my whole life. I
12 played college ball. I also played semipro ball.

13 I had two dreams. I was either playing
14 pro baseball which I never got or become a Chicago
15 fireman and I achieved that one.

16 Q As you were going through this, while you
17 were working, were you going to different doctors
18 to try to figure out what the problem was?

19 A Yes. The list is extensive. All the
20 doctors trying to figure out what is happening to
21 me. Yes, I have seen a list of doctors.

22 Q I am sure Dr. Peters is on the phone but
23 I know that he has a listing of several doctors in
24 his report of various doctors and various

1 specialties; is that correct?

2 A Yes.

3 Q Now, there is a Dr. Maribe Bangayan, a
4 pulmonologist. Was it difficult for you to get an
5 appointment for your pulmonary issues during this
6 particular time?

7 A Absolutely. To see a pulmonologist in
8 the midst of the pandemic was the most difficult
9 thing that I have ever experienced. Finding a
10 pulmonologist during the pandemic was like finding
11 a needle in a haystack.

12 Q Now I know, and I just want you to kind
13 of tell the Board because it gets a little bit
14 confusing in the records, but it looks like you saw
15 a rheumatologist, you saw an allergist, you saw an
16 ENT doctor, you saw an infectious disease doctor.
17 How were you getting to these doctors? I mean, who
18 was referring you?

19 A Chicago Medical needed a clearance from a
20 pulmonologist. I did my due diligence to find the
21 nearest and quickest available pulmonologist. It
22 ended up being Dr. Bangayan.

23 After -- I am jumping ahead. I ended up
24 getting a bronchoscopy and then that is when I

1 needed to see other doctors to figure out what
2 exactly was happening.

3 Dr. Bangayan suggested I speak to Dr.
4 Sweis and then Sweis is the one that eventually
5 told me to see Dr. Schafer and Dr. Malik and to
6 figure out -- and Dr. Adeyemi to figure out what
7 exactly was going on.

8 Q I think Dr. Malik are the records that we
9 just got last night or this morning; is that
10 correct?

11 A Yes.

12 Q Up until the point when you started
13 seeing Dr. Sweis, could anyone give you a definite
14 diagnosis as to what was going on with you?

15 A There was no definite diagnosis. There
16 was a multitude of different medications that were
17 prescribed to me and nothing worked well, besides
18 Prednisone made me feel seminormal but never even
19 close to 100 percent. But, no, there was no
20 legitimate diagnosis until after they all
21 collaborated recently.

22 Q Now there is references in Dr. Peters'
23 report and also in the medical records of a
24 condition. I think it is an autoimmune, Churg-

1 Strauss or EGPA. Are you familiar with that?

2 A Yes.

3 Q Was that suspected early-on?

4 A Yes, that was the first thing that was
5 stated from one and only one doctor, which also
6 rescinded her statement when after collaboration
7 with the other four doctors.

8 Q What doctor was that?

9 A The pulmonologist Dr. Maribe Bangayan.

10 Q So it appears to me, correct me if I am
11 wrong, from the records, that the Medical Section
12 was requiring you to get this form filled out by a
13 pulmonologist because you wanted to get back to
14 work; is that correct?

15 A Absolutely.

16 Q Eventually it looks like that form was
17 filled out by a Doctor Shah?

18 A Yes.

19 Q Who is Doctor Shah?

20 A Doctor Shah was a pulmonary associate I
21 believe with Resurrection, that cleared me with a
22 multitude of questions, and then I was cleared to
23 go back to work.

24 Q So you did in fact go back maybe in the

1 beginning of October 2020?

2 A Sounds about right, yes.

3 Q Now in the application, it indicates you
4 then had a layup like right around November 1,
5 2020. I think after a fire run. Is that correct?

6 A That is correct, yes.

7 Q What happened there?

8 A We had a false alarm at a highrise fire.
9 The highrise fire consists of a multitude of
10 things. I get to the staircase where I typically
11 start to get to work and I can't breathe. I can't
12 catch my breath. My heart is pounding through my
13 chest. I start to not be able to breathe.

14 Thank god it was a false alarm. I
15 realized I am a liability to my coworkers and to
16 the civilians of Chicago.

17 Q So you went back to the Medical Section
18 and indicated you had this issue on this false
19 alarm and basically there was a real problem there?

20 A Correct. I was just unable to do my
21 duties.

22 Q Okay. So after that, did you continue
23 then with your treatment with various doctors to
24 try to figure out what was wrong with you to try to

1 get you back to work?

2 A Absolutely, yes.

3 Q Tell me about Dr. Sweis. How did you
4 come upon him and then what role did he play up
5 until your last surgery?

6 A So Dr. Bangayan is the one that referred
7 me to Dr. Sweis. I refer to Dr. Sweis as my
8 savior. He is the one that has figured everything
9 out and collaborated with all the doctors to narrow
10 it down to what the exact issue was. So Dr.
11 Bangayan actually referred me to Dr. Sweis.

12 Q It's my understanding, or maybe it is not
13 clear in the records, but there was a surgery
14 scheduled for September 1st, a couple of weeks ago;
15 is that correct?

16 A That is correct.

17 Q Did you follow through and have that
18 surgery?

19 A Yes.

20 Q Was that surgery to correct the deviated
21 septum that you sustained back on January 27th
22 during an incident when you were punched in the
23 face?

24 A Yes.

1 Q Before I go into recovery from that, and
2 I realize Dr. Peters is on the phone, but as a lay
3 person, what was your understanding finally of what
4 was going on that was causing all these problems?

5 A So I think we're missing a section here.
6 When I laid back up, I had a bronchoscopy done and
7 they found that I had a staph infection in my lung
8 as well so I think we skipped that part. I am not
9 sure if that is important to this particular --

10 Q Was that I think in May?

11 A Yes. Correct.

12 Q And they found a fungal infection I
13 think, is that correct, or a staph infection in
14 your right lung?

15 A Correct.

16 Q How does that kind of fit in to all the
17 other symptoms that you were experiencing?

18 A So from my understanding, how Dr. Sweis
19 and Dr. Schafer explained it to me, is my nasal
20 cavity or our nasal cavity in our lungs are all one
21 cohesive piece. And me being unable to filter
22 allergins and whatnot caused eosinophilic asthma to
23 my lungs, which makes it extremely difficult for me
24 to breathe even at just a resting heart rate.

1 Q So let's talk about the surgery, let's
2 talk about your recovery to-date and let's talk
3 about the prognosis. You had the surgery September
4 1st; is that correct?

5 A Yes.

6 Q And now after the surgery, what is your
7 rehab routine in terms of, you know, trying to get
8 back to normal?

9 A As of right now, I am on antibiotics. I
10 am still on Prednisone steroids. I start my
11 steroid flush today, that is for three to four
12 months. And then I have to visit the multitude of
13 doctors to see if the asthma is cleared or not and
14 then take it from there.

15 Q What is a steroid flush?

16 A It is a topical steroid flush for the
17 nasal cavity for the surgery that was done on
18 September 1st, instead of taking Prednisone.

19 Q So instead of taking Prednisone, this is
20 a topical treatment?

21 A Correct.

22 Q Since the surgery, I know it has only
23 been two weeks, have you felt like you made some
24 gains?

1 A Absolutely. I definitely can see I can
2 finally catch my breath a little bit here and there
3 compared to the last eight months or so. It was
4 very difficult to catch my breath. But, yes, I can
5 see some sort of success from the surgery, yes.

6 Q I think your records indicate that during
7 all this your wife gave birth. You have a very
8 young child. Is that correct?

9 A That is correct, yes.

10 Q How old is your child?

11 A 13 months.

12 Q And then during this process, did you
13 test for Lieutenant, I think?

14 A Yes, sir. Yes, I did.

15 Q Let me talk about your desires. What is
16 your -- in your mind, what is your prognosis right
17 now and what are your efforts to try to get back to
18 work as soon as possible?

19 A As of right now, like I said, it's been
20 only two weeks so only time will tell. I had two
21 dreams like I said. It was either playing
22 professional baseball or becoming a firefighter and
23 I became a fireman.

24 I want to get to back to work. I am 36

1 years old. I want to advance in my career. I
2 don't want to retire at 36 as a firefighter. I
3 want to retire as a captain or chief so my ultimate
4 math goal is to get back on the job. But I just
5 physically can't even walk up the stairs without
6 bending over to catch my breath. Only time will
7 tell how successful the surgery was.

8 Q What are your upcoming medical
9 appointments or treatment?

10 A I have another doctor's appointment
11 tomorrow with Dr. Sweis. I am getting the metal
12 stents removed out of my nasal cavity. I also have
13 a doctor's appointment with Dr. Schafer on the 20th
14 to see where I am at to get a baseline on the
15 eosinophilic asthma to see if I have to take a
16 biologic for the rest of my life.

17 Q What is a biologic in your understanding?

18 A From my understanding, it is a medication
19 that I have to give myself every day. It is a
20 shot. Essentially what it does, it attacks the
21 white blood cells without damaging the white blood
22 cells. It destroys the mucus around the white
23 blood cells that are in my lungs that is causing me
24 to feel like I have a chronic pneumonia. It is

1 from my understanding. I could be a little off but
2 this is what I was told. What I comprehended from
3 my doctor.

4 Q Correct me if I am wrong but it is too
5 early to tell right now whether or not you will
6 even require that in the future; is that correct?

7 A That is correct.

8 Q Do you still treat with like an allergist
9 or an autoimmune doctor?

10 A I no longer need the autoimmune doctor
11 since a multitude of blood work samples came back
12 with a normal immune system. So Dr. Malik said I
13 no longer need to see her.

14 Yes, I am in constant contact with Dr.
15 Schafer and in constant contact with Dr. Sweis.

16 Q As you sit there today, you are very
17 optimistic and very hopeful that the surgery
18 corrected the problem and that you eventually,
19 hopefully in the next year, get back to work?

20 A That is the ultimate goal, yes.

21 MR. MARCONI: I don't have anything else.

22 CHAIRMAN FORTUNA: Trustees, any
23 questions?

24 No questions.

1 MR. PINELLI: I have a couple of
2 questions, Mr. Chairman.

3 EXAMINATION

4 BY MR. PINELLI:

5 Q Sir, since you went on layup, have you
6 engaged in any activities by which you earn income?

7 A No.

8 Q Have you engaged in any sporting
9 activities?

10 A No.

11 Q The micro fractures that you said you had
12 that was to your nasal cavity not your septum,
13 right?

14 A That was my nose.

15 Q Right. Did those heal without any
16 surgical intervention?

17 A Yes.

18 Q As far as you know, those are all
19 completely healed; that injury?

20 A For the micro fractures, yes.

21 Q The deviated septum was not addressed
22 until September 1st of just this year, right? A
23 couple of weeks ago, right?

24 A I am not sure what the question is. It

1 was addressed in February of 2019 but they
2 approached a conservative approach for a deviated
3 septum.

4 Q Yes. I'm sorry, I meant it wasn't
5 addressed by surgical intervention until September
6 1st of this year, right?

7 A Correct.

8 Q Did the doctor tell you at all about when
9 he's able to tell if the deviated septum has been
10 addressed by the surgery? In other words, is it
11 going to be a couple of weeks? Is it going to be a
12 couple months, if he told you?

13 A This will be my second doctor's visit
14 with Dr. Sweis tomorrow. I have metal stents in
15 there right now. I am uncertain of your question.
16 I don't know how to answer that, to be honest with
17 you.

18 Q Are the stents permanent or will he take
19 them out?

20 A They are coming out tomorrow I believe.

21 MR. PINELLI: So they will be coming out.
22 All right. Thank you. That is all the questions I
23 have of the witness.

24 CHAIRMAN FORTUNA: Trustees, any

1 questions?

2 Hearing none.

3 MR. PINELLI: Jerry, do you rest at this
4 point subject to the doctor's testimony?

5 MR. MARCONI: Yes, sir.

6 MR. PINELLI: Okay. Then I would call
7 Dr. Peters to testify.

8 (Witness previously sworn.)

9 MICHAEL I. PETERS, M.D.

10 a witness herein, having been first duly sworn, was
11 examined and testified as follows:

12 EXAMINATION

13 BY MR. PINELLI:

14 Q Sir, please state your name?

15 A Michael I. Peters.

16 Q You're a physician; is that correct?

17 A Yes.

18 Q Is a copy of your qualifications attached
19 to the Board Exhibits?

20 A Yes.

21 Q Do you perform a function as a consultant
22 to this Fund?

23 A Yes.

24 Q In that capacity, do you review medical

1 records, examine or interview applicants, and
2 report to the Board?

3 A Yes, I do.

4 Q And with respect to this applicant, did
5 you interview him?

6 A Yes, by telephone.

7 Q Was the information he provided to you
8 consistent with the medical records you reviewed?

9 A It was all generally consistent, except
10 that I did not find evidence in the medical record
11 of the history of micro fractures but I also didn't
12 have access to Dr. Revenaugh's office visit.

13 Q Did you file a written report with the
14 Board that is marked as Board Exhibit Number 2?

15 A Yes.

16 Q Doctor, could you just summarize for us,
17 I know the applicant took us through quite a bit of
18 history there, but could you summarize for us the
19 chronology of treatments he has had since this
20 incident?

21 A Yes. Firefighter Mansor, as he stated,
22 was punched in the face and eye by a combative
23 patient he was evaluating in January of '19.

24 He was seen soon after by an ENT, who

1 diagnosed him with a -- he was diagnosed in the ER
2 at St. Joe's with a clinical diagnosis of nasal
3 fracture but his x-ray was negative. He was seen
4 soon after by ENT. Reportedly diagnosed with a
5 left deviated septum. Again, I don't have access
6 to those records.

7 Then beginning in April, in April of '19,
8 he had a whole series of multiple visits to
9 intermediate care centers for new onset of
10 sinusitis, bronchitis. And then ultimately, about
11 a year later, in March of '20, was his first asthma
12 exacerbation.

13 He had pulmonary function tests in
14 December of '20 which were normal. There was no
15 response to bronchodilator treatment. As he
16 mentioned, he was cleared by Dr. Shah from
17 pulmonology, in December of '20, to go back to
18 work. But even after he went back to work, he was
19 having further intermediate care center visits with
20 shortness of breath and documented wheezing.

21 And then, in November of '20, he had the
22 highrise response. The call where he was short of
23 breath and he had a documented pulse oximetry
24 reading of 88 percent.

1 He went through multiple treatments for
2 asthma, with various bronchodilators and steroid
3 inhalers. Courses of oral steroid, antibiotics,
4 with continued exacerbations, shortness of breath
5 and wheezing.

6 He ultimately had a CT angiogram of the
7 chest, that was in February of '21, that showed a
8 right lower lobe nodule. The list of possibilities
9 for that would have included cancer as well as
10 fungal and bacterial infections.

11 He was diagnosed with a staph pneumonia,
12 which was treated with antibiotics and resolved.

13 In February of '21, he had his first
14 documented eosinophilia, which means that a
15 specific type of white blood cell called eosinophil
16 was elevated. This was noted by his various
17 specialists.

18 And then, in May of this year, May of
19 '21, he underwent a bronchoscopy where they
20 biopsied the lung nodule. It was not cancer but
21 there was a presence of eosinophils and
22 inflammatory cells within the nodule.

23 He continued to have asthma refractory to
24 treatment. He was on multiple courses, long

1 courses, of oral steroid treatment.

2 As he mentioned, he was seen by an ENT,
3 an allergist, a rheumatologist. His ENT surgeon
4 did confirm the diagnosis of a deviated septum.

5 He had a CT of the sinuses in July. It
6 showed he had a diffused swelling and sinusitis of
7 the sinuses.

8 He went through steroids prior to the
9 surgery in September. There was discussion about
10 various possible diagnoses, including what used to
11 be called Churg-Strauss disease now called EGPA.

12 The reason why they discussed that is
13 that there is some things about Firefighter
14 Mansor's history that fit with that diagnosis.
15 Specifically, the mucous sinusitis, the asthma, the
16 refractory to treatment, the eosinophilia. But
17 he's missing some other things that you need for
18 the diagnosis. Specifically, you need vasculitis
19 or an inflammation of small and medium arteries,
20 that was not seen on the bronchoscopy. For that
21 reason and because he doesn't have non-lung
22 involvement it was felt EGA is not the likely
23 diagnosis but rather eosinophilic asthma is the
24 most likely diagnosis.

1 He underwent the sinus surgery and repair
2 of his septum and the opening his sinuses on
3 September 1st with the hope that if this is
4 corrected then the eosinophilic asthma would go
5 away.

6 If it didn't, then he would need a
7 specific medication that Firefighter Mansor
8 described which is we call a biologic. It is a
9 monoclonal antibody directed towards a factor
10 within the body that stimulates the eosinophils.
11 Essentially it shuts off the eosinophils from being
12 activated. As he mentioned, only time will tell if
13 he needs that medication.

14 It is kind of a long story that starts
15 with the nasal injury and ends up with eosinophilic
16 asthma.

17 Q First of all, given his current
18 condition, having had the surgery recently, and the
19 symptoms he was experiencing prior to that, is it
20 your opinion that he would be able to perform his
21 duties with the Fire Department?

22 A I don't think he can perform his duties
23 with the Fire Department. Not because of his
24 surgery but because he has essentially refractory

1 asthma, eosinophilic asthma. It is not better with
2 steroids or any of the usual treatments. He is
3 requiring the use of the rescue inhaler far too
4 frequently for it to be safe for him to perform
5 full fighter duties.

6 Q This asthma we usually see this in
7 occupational claims but is my understanding correct
8 that it is the result of the initial injury,
9 including the deviated septum, that caused these
10 supplemental sinus issues that then generates this
11 specific type of asthma reaction?

12 A I think that is the line of reasoning
13 that is being used probably most by the ENT surgeon
14 and probably is the reason for his application for
15 Duty and I don't think anyone can say for sure that
16 that isn't true.

17 Eosinophilic asthma is a subtype of
18 asthma. Everything about it fits with Firefighter
19 Mansor's presentation. It usually occurs in
20 adults. It is refractory to steroids. It usually
21 is very severe. It is associated with eosinophils
22 in the respiratory tract.

23 Whether it is caused by genetics and/or
24 environmental stimulus isn't clearly understood. I

1 don't know that it is specifically caused by a
2 deviated septum and sinusitis. I can't say that
3 for sure.

4 Q Let me ask you this. Assuming that the
5 deviated septum was corrected by the surgery, so he
6 has a full recovery from that, would you expect
7 that he would be able to return to his full fire
8 fighting duties?

9 A If he has a full recovery from his
10 eosinophilic asthma after having his septum and
11 sinus surgery, then the thought hypothesis that all
12 of this was related to a deviated septum would be
13 proven true.

14 Yes, provided that his asthma was
15 controlled and he wasn't using his Albuterol all
16 the time, yes, he could return.

17 MEMBER VALENCIA: Doctor, I am so sorry
18 to interrupt.

19 President Fortuna, I have to leave real
20 quick for my Budget prep with the Mayor's office
21 but I will try to get back on when I am finished.

22 MR. PINELLI: Thank you.

23 Thank you. That is all the questions
24 that I have of the doctor at this time.

1 CHAIRMAN FORTUNA: Trustees, any
2 questions for Dr. Peters?

3 Hearing none.

4 MR. PINELLI: Counsel, do you have any
5 questions?

6 MR. MARCONI: Vince, I think you covered
7 everything. I don't have any questions.

8 MR. PINELLI: Okay. Do you have any
9 other evidence you wish to present at this time?

10 MR. MARCONI: I do not.

11 MR. PINELLI: Then the record is complete
12 in this matter.

13 MEMBER MURPHY: Mr. President, I'd like
14 to make a motion to grant the benefits requested by
15 Firefighter Mansor.

16 CHAIRMAN FORTUNA: There is a motion to
17 grant. Is there a second?

18 MEMBER TEBBENS: I will second that.

19 CHAIRMAN FORTUNA: Seconded by Trustee
20 Tebbens.

21 Trustee Murphy.

22 MEMBER MURPHY: Yes.

23 CHAIRMAN FORTUNA: Trustee Sheridan.

24 MEMBER SHERIDAN: Yes.

1 CHAIRMAN FORTUNA: Trustee

2 Conyears-Ervin.

3 MEMBER CONYEARS-ERVIN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee McPhillips.

7 Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Mr. President, I'd like

12 to make a motion for reexam consistent with the

13 Board's policies.

14 MEMBER SONI: Second.

15 CHAIRMAN FORTUNA: There's a motion for

16 reexam by Trustee Murphy. Seconded by Trustee

17 Soni.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Sheridan.

21 MEMBER SHERIDAN: Yes.

22 CHAIRMAN FORTUNA: Trustee

23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 MEMBER MURPHY: Counsel has previously
9 sent around proposed Findings of Fact and
10 Conclusions of Law in this matter. Having had a
11 chance to review those, I'd like to make a motion
12 to adopt the Findings of Fact and Conclusions of
13 Law in this matter.

14 MEMBER SHERIDAN: Second.

15 CHAIRMAN FORTUNA: There's a motion to
16 adopt the Findings of Fact by Trustee Murphy.
17 Seconded by Trustee Sheridan.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Sheridan.

21 MEMBER SHERIDAN: Yes.

22 CHAIRMAN FORTUNA: Trustee
23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee McPhillips.

4 Trustee Tebbens.

5 MEMBER TEBBENS: Yes.

6 CHAIRMAN FORTUNA: And I am a yes.

7 Motion carries.

8 Mark, based on the Findings of Fact and
9 Conclusions of Law made by the Trustees, the
10 Trustees have voted to grant you the benefit you
11 have requested.

12 You will be notified by mail of the
13 Findings of Fact and the Board's decision.

14 Hopefully, you will be back to work soon.

15 MR. MANSOR: Thank you.

16 MEMBER MURPHY: We have an Occupational
17 Disease application for Lawrence Rybakowski.

18 CHAIRMAN FORTUNA: Vince.

19 MR. PINELLI: Mr. Rybakowski, are you on
20 the line, sir?

21 MR. RYBAKOWSKI: Yes, sir, I am.

22 MR. PINELLI: Thank you for your
23 patience, sir. We have had extended hearings this
24 morning and I know you have been on since earlier.

1 Let the record reflect this is the
2 hearing on the application for an Occupational
3 Disease Disability benefit being made by Lawrence
4 Rybakowski.

5 I'd like to advise you of some
6 preliminary matters before we start evidence.
7 First of all, I believe there are at least six
8 trustees on the line at this time to hear the
9 evidence on your application. If you don't know
10 you should know, the Pension Code requires you get
11 the yes vote of at least five trustees in order to
12 receive this benefit. Do you understand that?

13 MR. RYBAKOWSKI: Yes.

14 MR. PINELLI: I see you do not have an
15 attorney representing you. Is it your desire to
16 proceed without an attorney today?

17 MR. RYBAKOWSKI: Yes.

18 MR. PINELLI: Lastly, it is the
19 applicant's burden of proof to present sufficient
20 evidence to the Board in order for the Board to
21 grant the benefit that the applicant is seeking.
22 Do you understand it is your burden of proof?

23 MR. RYBAKOWSKI: Yes, sir.

24 MR. PINELLI: By way of procedures, I am

1 going to start by asking you some questions under
2 oath. The board members may or may not have
3 questions of you. I will then call the Fund
4 physician consultant to testify Dr. Peters. If
5 there is anything I don't ask him, please let me
6 know and you will be given that opportunity.

7 MR. RYBAKOWSKI: Okay.

8 MR. PINELLI: Then we are ready to
9 proceed. Could you and Dr. Peters please raise
10 your right hands?

11 (Witnesses sworn.)

12 LAWRENCE RYBAKOWSKI

13 a witness herein, having been first duly sworn, was
14 examined and testified as follows:

15 EXAMINATION

16 BY MR. PINELLI:

17 Q Sir, could you please state your name for
18 the record?

19 A Lawrence Rybakowski.

20 Q What is your rank with the Fire
21 Department?

22 A Firefighter.

23 Q What was your last assignment before you
24 went on layup?

1 A Engine 50.

2 Q Sir, did you receive a copy of what has
3 been marked as Board Exhibits 1 through 10 before
4 today's date?

5 A Yes.

6 Q Do you have any objection to their
7 admission into the record in support of your
8 application?

9 A No.

10 MR. PINELLI: Thank you.

11 Mr. Chairman, I move for admission of
12 Board Exhibits 1 through 10 without objection from
13 the applicant.

14 CHAIRMAN FORTUNA: Exhibits are admitted
15 without objection.

16 (Board Exhibits 1 through 10 were
17 admitted into evidence.)

18 MR. PINELLI: Thank you.

19 BY MR. PINELLI:

20 Q Now, sir, you are applying for an
21 Occupational Disease Disability benefit based upon
22 a condition that you have; COPD. Is that correct?

23 A COPD and chronic bronchitis.

24 Q You have completed more than seven years

1 of service with the Fire Department; is that
2 correct?

3 A Yes, 25 years.

4 Q You joined in 1996; is that right?

5 A Yes, May of '96.

6 Q Could you just give us a brief chronology
7 from May of '96 to the current time at Engine 50 of
8 your assignments?

9 A When I came out of the Academy, I was at
10 Engine 18 for about 11 years from '96 to 2007. And
11 then from that point on I was at Engine 50 to
12 current. I was a couple years I transferred over
13 to Truck 18 and then got put on second shift but I
14 was there my whole career basically.

15 Q Are you currently taking any medications
16 to treat your condition?

17 A Yes. I am taking Qvar, it is an inhaler.
18 I take that twice a day. And I also have Albuterol
19 for a rescue inhaler when needed.

20 Q Okay. Since you went on layup, have you
21 engaged in any activities by which you earn income?

22 A No.

23 Q Have you engaged in any sporting
24 activities?

1 A No.

2 MR. PINELLI: Thank you. That is all the
3 at questions I have of the witness.

4 CHAIRMAN FORTUNA: Trustees, any
5 questions?

6 Okay, hearing none.

7 MR. PINELLI: I call Dr. Peters.

8 (Witness previously sworn.)

9 MICHAEL I. PETERS, M.D.

10 a witness herein, having been first duly sworn, was
11 examined and testified as follows:

12 EXAMINATION

13 BY MR. PINELLI:

14 Q Sir please state your name.

15 A Michael I. Peters.

16 Q You're a physician; is that correct?

17 A Yes, it is.

18 Q A copy of your qualifications as a
19 physician are attached to the Board Exhibits?

20 A Yes.

21 Q Do you perform a function to this Fund?

22 A Yes, I do.

23 Q As a consultant, do you review medical
24 records, interview applicants and report to the

1 Board?

2 A Yes.

3 Q Did you follow that procedure with Mr.
4 Rybakowski?

5 A Yes, I did.

6 Q Did you file a written report that is
7 marked as Board Exhibit Number 2?

8 A Yes.

9 Q Doctor, in your interview of him, did he
10 provide you information that was consistent with
11 the medical records you reviewed?

12 A Yes, it was.

13 Q Could you briefly summarize for us what
14 the records indicated with respect to his current
15 condition?

16 A Yes. Firefighter Rybakowski, on August
17 26th of 2020, had a near fainting spell while
18 pulling ceiling. He was seen at the hospital and
19 had a negative cardiac evaluation but his pulmonary
20 function tests in December of '20 showed moderate
21 obstructive lung disease which would be consistent
22 with an asthma COPD picture.

23 His pulmonologist has advised him that
24 any exposure to high humidity or particles in the

1 air could precipitate an exacerbation. That it
2 wouldn't be safe for him to function as a
3 Firefighter. And he's also requiring
4 bronchodilator and steroid inhalers.

5 Q Doctor, do you concur with his doctor's
6 findings that he should not be performing duties
7 with the Fire Department?

8 A Yes, I do.

9 MR. PINELLI: Thank you. That is all the
10 at questions I have.

11 CHAIRMAN FORTUNA: Trustees, any
12 questions for the doctor?

13 Hearing none, Vince.

14 MR. PINELLI: That completes the record.

15 MEMBER MURPHY: I'd like to make a motion
16 to grant the benefits requested by Firefighter
17 Rybakowski.

18 MEMBER TEBBENS: Second.

19 CHAIRMAN FORTUNA: There is a motion to
20 grant by Trustee Murphy. Seconded by Trustee
21 Tebbens.

22 Trustee Murphy.

23 MEMBER MURPHY: Yes.

24 CHAIRMAN FORTUNA: Trustee Sheridan.

1 MEMBER SHERIDAN: Yes.

2 CHAIRMAN FORTUNA: Trustee

3 Conyears-Ervin.

4 MEMBER CONYEARS-ERVIN: Yes.

5 CHAIRMAN FORTUNA: Trustee Soni.

6 MEMBER SONI: Yes.

7 CHAIRMAN FORTUNA: Trustee Tebbens.

8 MEMBER TEBBENS: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MEMBER MURPHY: Mr. President, I would

12 like a motion for reexam consistent with the

13 Board's policy.

14 MEMBER SONI: Second.

15 CHAIRMAN FORTUNA: There's a motion for

16 reexam by Trustee Murphy. Seconded by Trustee

17 Soni.

18 Trustee Murphy.

19 MEMBER MURPHY: Yes.

20 CHAIRMAN FORTUNA: Trustee Sheridan.

21 MEMBER SHERIDAN: Yes.

22 CHAIRMAN FORTUNA: Trustee

23 Conyears-Ervin.

24 MEMBER CONYEARS-ERVIN: Yes.

1 CHAIRMAN FORTUNA: Trustee Soni.

2 MEMBER SONI: Yes.

3 CHAIRMAN FORTUNA: Trustee Tebbens.

4 MEMBER TEBBENS: Yes.

5 CHAIRMAN FORTUNA: And I am a yes.

6 Motion carries.

7 MEMBER MURPHY: Counsel has previously
8 sent around proposed Findings of Fact and
9 Conclusions of Law in this matter.

10 Having had a chance to review those, I
11 would like to make a motion to adopt those Findings
12 of Fact and Conclusions of Law in this matter.

13 MEMBER SHERIDAN: Second.

14 CHAIRMAN FORTUNA: There's a motion to
15 adopt the Findings of Fact by Trustee Murphy.
16 Seconded by Trustee Sheridan.

17 Trustee Murphy.

18 MEMBER MURPHY: Yes.

19 CHAIRMAN FORTUNA: Trustee Sheridan.

20 MEMBER SHERIDAN: Yes.

21 CHAIRMAN FORTUNA: Trustee
22 Conyears-Ervin.

23 MEMBER CONYEARS-ERVIN: Yes.

24 CHAIRMAN FORTUNA: Trustee Soni.

1 MEMBER SONI: Yes.

2 CHAIRMAN FORTUNA: Trustee Tebbens.

3 MEMBER TEBBENS: Yes.

4 CHAIRMAN FORTUNA: And I am a yes.

5 Motion carries.

6 Based on the Findings of Fact and
7 Conclusions of Law made by the Trustees, the
8 Trustees have voted to grant you the benefit you
9 have requested.

10 You will be notified by mail of the
11 Findings of Fact and the Board's decision.

12 Good luck to you.

13 MR. RYBAKOWSKI: Thank you, sir.

14 MEMBER MURPHY: Mr. President, the next
15 agenda item concerns Shan Igess, whose application
16 for disability benefits was heard last month.

17 At that time the Board voted to deny Mr.
18 Igess' application for Duty Disability benefits.

19 Counsel, has sent around proposed
20 Findings of Fact and Conclusions of Law in this
21 matter reflecting the Board's decision.

22 Having had a chance to review those, I
23 would like to make a motion to adopt the Findings
24 of Fact and Conclusions of Law in this matter.

1 MEMBER SHERIDAN: Second.

2 CHAIRMAN FORTUNA: There is a motion by
3 Trustee Murphy to adopt Findings of Fact. Seconded
4 by Trustee Sheridan.

5 Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Sheridan.

8 MEMBER SHERIDAN: Yes.

9 CHAIRMAN FORTUNA: Trustee
10 Conyears-Ervin.

11 Trustee Soni.

12 MEMBER SONI: Yes.

13 CHAIRMAN FORTUNA: Trustee McPhillips.

14 Trustee Tebbens.

15 MEMBER TEBBENS: Yes.

16 CHAIRMAN FORTUNA: And I am a yes.

17 Motion carries.

18 MEMBER MURPHY: Mr. President, moving on
19 to Approval of Board Physician Reviews of
20 Disability Recipients. I would like to move to
21 approve those physician recommendations for
22 reviews.

23 MEMBER SONI: Second.

24 CHAIRMAN FORTUNA: Motion by Trustee

1 Murphy. Seconded by Trustee Soni.

2 Trustee Murphy.

3 MEMBER MURPHY: Yes.

4 CHAIRMAN FORTUNA: Trustee Sheridan.

5 MEMBER SHERIDAN: Yes.

6 CHAIRMAN FORTUNA: Trustee

7 Conyears-Ervin.

8 Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee McPhillips.

11 Trustee Tebbens.

12 MEMBER TEBBENS: Yes.

13 CHAIRMAN FORTUNA: And I am a yes.

14 Motion carries.

15 MEMBER MURPHY: Mr. President, moving on

16 to B, we have a discussion of the medical

17 evaluation for Member 14829.

18 I believe Kelly was going to make a

19 presentation on this.

20 MR. WELLER: I think this is just a

21 perfunctory request because it requires a

22 Functional Capacity Evaluation which is an

23 additional cost to the Board.

24 MS. BURNS: I think what happened on this

1 matter is one of our doctors is recommending that
2 this individual may need an FCE. The City has
3 declined to provide that FCE so staff wanted to
4 bring it to the Board's attention.

5 MEMBER MURPHY: Based on the doctor's
6 recommendation, I would like to make a motion to
7 approve sending Member 14829 for a medical
8 evaluation to determine whether the disability has
9 ceased.

10 MEMBER SONI: Second.

11 CHAIRMAN FORTUNA: There is a motion by
12 Trustee Murphy. Seconded by Trustee Soni.

13 Trustee Murphy.

14 MEMBER MURPHY: Yes.

15 CHAIRMAN FORTUNA: Trustee Sheridan.

16 MEMBER SHERIDAN: Yes.

17 CHAIRMAN FORTUNA: Trustee

18 Conyears-Ervin.

19 Trustee Soni.

20 MEMBER SONI: Yes.

21 CHAIRMAN FORTUNA: Trustee Tebbens.

22 MEMBER TEBBENS: Yes.

23 CHAIRMAN FORTUNA: I am a yes.

24 Motion carries.

1 MEMBER MURPHY: Mr. President, next we
2 have Investments. I would like to turn this over
3 to Lorna for the Investment Report.

4 MS. SCOTT: We did have an Investment
5 Committee meeting on August 31st. And good news
6 that meeting was recorded so if you weren't able to
7 attend and would like a recording, please let us
8 know.

9 Chris is still pulling up the report.

10 Again, that education session, the
11 Investment Committee meeting was recorded and it
12 would count towards Trustee education hours.

13 So, again, if would you like the
14 recording, please let us know.

15 The other thing I would add is as Callan
16 wraps up its Asset Liability Study the goal is to
17 present the results at the October meeting, if the
18 agenda permits.

19 So, if there isn't room in that October
20 agenda, we may have an Investment Committee meeting
21 at the end of October to review the Asset Liability
22 Study. Again, just for Callan's planning, just to
23 be aware.

24 Here is the Investment Report. Looking

1 at the Investment agenda I have really two things
2 to cover. It is pretty short. We are going to
3 look at performance and then our cash position.

4 Starting with performance, so next slide,
5 this slide shows the state of the market thus far
6 as of August 31st and these are the eight month
7 index returns for the asset classes where the Fund
8 is invested.

9 Thus far 2021 is shaping up to be a
10 really, really good year and these are some really
11 nice returns.

12 Some themes you can see in this slide,
13 commodities are up the most up 23 percent and we
14 have REITS coming in second. U.S. equities on the
15 last slide of the chart are outperforming our
16 non-U.S. equities, which are in the middle of the
17 chart. Within U.S. equities, value stocks have a
18 slight lead over gross stocks and you can see large
19 cap is outperforming small cap.

20 Those are kind of the themes of the
21 market. The other one is fixed income and that is
22 represented by the U.S. aggregate and that is down
23 for the year and that is on inflation fears and
24 rising interest rates.

1 Against that backdrop, looking at Fund
2 performance, that is the next slide, so the Fund
3 rose another 1.9 percent in August. That is
4 bringing the year-to-date return for 2021 up 13.3
5 percent this year. Outperforming the benchmark
6 which is up 12.1 percent.

7 So far this year it is again a very, very
8 solid year. Our long return numbers look good,
9 too, as the fund is up 10.4 over ten years. Again,
10 all good.

11 Let's take a few minutes to talk about
12 the year-to-date outperformance. The next slide is
13 attribution which explains how we were
14 outperforming.

15 Again, we are up above the benchmark by
16 1.3 percent. Most of that outperformance is coming
17 from management selection and execution. That's
18 the value added above the benchmark from active
19 management and style tilts.

20 That outperformance is being offset a
21 little bit by asset allocation and that is having
22 slightly different weights in our target that we
23 are aware of and we managed through that.

24 The next slide provides additional detail

1 on our outperformance for the year.

2 Looking at column three, we can see the
3 Fund is up 13.3. Column four the benchmark is up
4 12.1 and it is looking at that last column where
5 you can really see what is contributing to the
6 outperformance. You can specifically see it is
7 global ex-US. It is strong performance from our
8 active managers there and that is Brandes and LSV
9 specifically. Both are value oriented managers and
10 their outperformance versus the benchmark is really
11 contributing to the outperformance of the Fund for
12 the year. So, that's performance.

13 Next slide looks at our MWDBE allocation.
14 No changes here. As we have discussed, we are
15 under target for our emerging manager allocation
16 but overall we're exceeding our targets on our
17 total MWDBE allocation.

18 This last chart, the next chart, looks at
19 the trend in total fund assets over time. At the
20 far right, you can see a nice upward turn. You can
21 see as of right now we are at the same total assets
22 as we were in May of 2011.

23 The difference now, and that is looking
24 ahead, is that we shouldn't have any more asset

1 reductions due to benefit payments. If anything,
2 we are going to be seeing contributions.
3 Contributions coupled with positive performance
4 should keep that line going up.

5 The next couple of charts have more
6 detail specifics on returns and I am going to leave
7 these for your review.

8 We will turn it over to Jackie and look
9 at the cash.

10 MR. VLAHOS: As of September, we have a
11 balance as of September 10th approximately in Chase
12 of \$28.4 million. We are still anticipating one
13 more salary contribution before the end of month of
14 \$1.8 million bringing us to a total available cash
15 of \$30.2 million or \$30.3 million. We have our
16 benefit checks for the month of September is \$32.1
17 million. That is a little bit higher than normal
18 just because we do have those retro amounts
19 included in there for benefits for this month.

20 With our outstanding checks and our
21 office payables brings us to a total of \$34.3
22 million for expenditures for this month.

23 So after we pay all that, we're going to
24 need a little cash. We will be a little bit short.

1 It is leaving us with a shortage of approximately
2 \$4 million.

3 If you go to the next slide, Chris. So,
4 as for September, we basically got the delay for
5 the tax receipts that are due I believe October 1st
6 is when the people have to pay them before they are
7 considered late.

8 So, as of September, our tax receipts are
9 kind of trickling in not as quick as I like them
10 to. I am hoping by the end of the month we get the
11 \$4 million from tax receipts and then we won't have
12 to do a drawdown.

13 As of right now, we have to go based on
14 information we have. So with that being said, with
15 October, we're looking at a larger amount in tax
16 receipts, if people pay what is owed on time.

17 Leaving us with, as long as everything
18 comes in the way it is supposed to, that we should
19 only have to draw down the \$4.3 million this month
20 and just do a timing. Basically because usually in
21 December and January no tax receipts come in that
22 we might have an anticipated \$3.4 million
23 approximately that we might have to do in January.

24 MEMBER SONI: Jackie, I have one

1 question. This is Reshma.

2 So normally when do you need to do the
3 draw down by? I think it is about five or six days
4 before the end of the month but I wanted to verify.

5 MS. VLAHOS: Yes, it all depends on where
6 we are getting the cash from. Obviously, if we are
7 getting the cash from a manager, we would need like
8 that five to six days like you are speaking about
9 probably to give them time just in case they are
10 not taking from cash, if they have to sell
11 something. But if we do have it Northern Trust,
12 like in a cash account, then we only actually need
13 a few days to do the wire.

14 Lorna can talk more about that as far as
15 I know that she does have a rebalancing template.
16 I don't know what our cash looks like for Northern.

17 Reshma, are you anticipating anything
18 before the end of the month?

19 MEMBER SONI: Looking at the historical
20 data, whenever there is a due date, like here the
21 due date is October 1st, usually the escrow
22 companies, if they are holding escrow for property,
23 start sending in the funds two weeks before.

24 Cook County would start seeing the funds

1 now. Like the payments being made now. And we
2 would normally receive them probably by next week.
3 Maybe around the 22nd or so. I know it is a bit
4 tight on time but what we can do is when we're
5 starting to see those funds coming through,
6 obviously, we send the funds over in a day, but
7 just to give you a heads up if we get any
8 notification so you know what is coming over.

9 MS. VLAHOS: Reshma, you spoke about the
10 escrows for it being October 1st. Were they
11 notified then this year it was October 1st or maybe
12 it was last year were they not notified? Were they
13 still thinking it was the original due date just
14 because even though we had that October 1st due
15 date it seems like the cash still came in in
16 August. A lot of it did. Do you know if maybe
17 like the escrows didn't know last year that there
18 was an extension?

19 MEMBER SONI: Last year? I think last
20 year what it was the date was still August 1st but
21 people had a grace period of two months so a lot of
22 the companies were not exactly sure what that meant
23 and they were sending the funds. This year we
24 received the date being set at October 1st.

1 MR. VLAHOS: Thanks. That makes perfect
2 sense then. Great.

3 MS. SCOTT: Looking at rebalancing, this
4 sheet shows the value as of September 9th. If you
5 scroll to the bottom of the page, you can see we
6 have cash at Northern of \$14.3 million and Jackie
7 needs \$4.3 million. And so the plan is to transfer
8 that \$4.3 million as it is needed. We do not need
9 to sell securities for this. We can be very
10 flexible on whether we transfer this \$4.3 million
11 out or not. We don't have to do that until the
12 last business day of the month. So there is really
13 room to actually not do this transfer or do this
14 transfer. It doesn't really impact us much at all
15 because the cash is available at Northern.

16 Let's take a few minutes to look at our
17 asset allocation versus the targets. The last
18 column shows our variance versus the target.

19 Within equities, looking at the
20 difference within equities, we are above target in
21 public equities and that is offset by being under
22 target in private, with a slight overweight to
23 equities. Then we are under target in real assets
24 and liquid diversifying and that is offset by being

1 above target in cash.

2 Again, these differences are small. We
3 are not expecting big performance differences
4 versus the benchmark due to the asset allocation
5 differences. In general summary, we are broadly in
6 range.

7 Again, no motion is needed as we have the
8 cash available and we're not selling securities.

9 That kind of sums everything up. We
10 covered performance. We looked at cash and asset
11 allocation. With that, I conclude the Investment
12 Report.

13 CHAIRMAN FORTUNA: Any questions?

14 Hearing no questions, thank you, very
15 much.

16 MEMBER MURPHY: Mr. President, I would
17 like to move to Item 7, Administrative Expenses for
18 Board Review. I would like to make a motion to
19 approve the Administrative Expenses as they were
20 presented.

21 MEMBER SHERIDAN: Second.

22 CHAIRMAN FORTUNA: There is a motion by
23 Trustee Murphy. Seconded by Trustee Sheridan.

24 Trustee Murphy.

1 MEMBER MURPHY: Yes.

2 CHAIRMAN FORTUNA: Trustee Sheridan.

3 MEMBER SHERIDAN: Yes.

4 CHAIRMAN FORTUNA: Trustee Soni.

5 MEMBER SONI: Yes.

6 CHAIRMAN FORTUNA: Trustee Tebbens.

7 MEMBER TEBBENS: Yes.

8 CHAIRMAN FORTUNA: And I am a yes.

9 Motion carries.

10 MEMBER MURPHY: Moving on to the
11 Executive Director's Report, Kelly.

12 MR. KELLER: So we are having a great
13 summer. Things are moving along. The legislature
14 has pushed out quite a few pieces of legislation
15 for us to contemplate and we will talk a little bit
16 about that as I move through my report.

17 The first thing I want to do since it is
18 the first agenda item is talk about the training
19 log that we passed back in July.

20 Lorna has provided me with some updates
21 that I think are important to include. This is
22 just essentially a re-vote to update the training
23 log and it includes the Callan College products.
24 One is the 26th through 28th, which is a virtual

1 offering. Also offering some version of that
2 in-person on December 1st and 2nd. Lorna has the
3 specifics on that, if anybody wants to look at it.

4 They are included in our service contract
5 with Callan. The cost of attending those are
6 included in our service contract.

7 The other piece that was provided to me
8 is one I am not familiar with but I looked at the
9 agenda and it looks pretty good so I am comfortable
10 with adding it for you to contemplate. That is
11 sponsored by ValueEdge Advisors the 2021 public
12 fund forum out in San Diego.

13 It is a good agenda. If somebody wants
14 to consider it, take a look at it, and we'll make
15 that happen.

16 With that, Mary Pat, I think all I need
17 here is just a motion to update the training log
18 accordingly.

19 MS. BURNS: Yes, sir.

20 MEMBER MURPHY: I would like to make a
21 motion to approve the revised Trustee education and
22 training opportunities as presented and to approve
23 all related expenditures consistent with Fund
24 policies.

1 MEMBER SHERIDAN: Second.

2 CHAIRMAN FORTUNA: There is a motion by
3 Trustee Murphy. Seconded by Trustee Sheridan.
4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee McPhillips.

11 MEMBER MCPHILLIPS: Yes.

12 CHAIRMAN FORTUNA: And I am a yes.

13 Motion carries.

14 MR. KELLER: Thank you.

15 The second piece of this is just more an
16 update. I have been asked to make sure that we
17 have a training log that is available to certify
18 that the eight hours of training was done for each
19 of the Trustees through 2021.

20 I have also been told that Covid does not
21 change any of that so we do have to get our eight
22 hours in.

23 There are some mandatory ones that I am
24 going to be pushing out. I know the Trustees that

1 sit on multiple boards are probably going to have
2 this documented. You just need to let me know
3 accordingly.

4 I am going to have a tab set up for each
5 of you. As you do this training or I push out
6 training, just send me back the certifications and
7 I will complete the logs.

8 Lorna mentioned that we have had two
9 investment seminars. All of that time that
10 Trustees spent in those two educational sessions I
11 am logging and we're keeping that. As you reach
12 your goal for eight hours by the end of year, we
13 will keep you updated. I probably will have
14 something to you in the next week or so as I work
15 through that template and get it pushed out. If
16 you're going to attend something, let me know.

17 CHAIRMAN FORTUNA: Thank you very much.

18 MEMBER MURPHY: Moving on to Legal
19 Update. Mary Pat, is there anything?

20 MS. BURNS: No, sir, there is nothing to
21 update.

22 MEMBER MURPHY: I'd like make a motion to
23 adjourn.

24 MEMBER SONI: Second.

1 CHAIRMAN FORTUNA: There is a motion to
2 adjourn by Trustee Murphy. Seconded by Trustee
3 Soni.

4 Trustee Murphy.

5 MEMBER MURPHY: Yes.

6 CHAIRMAN FORTUNA: Trustee Sheridan.

7 MEMBER SHERIDAN: Yes.

8 CHAIRMAN FORTUNA: Trustee Soni.

9 MEMBER SONI: Yes.

10 CHAIRMAN FORTUNA: Trustee McPhillips.

11 MEMBER MCPHILLIPS: Yes.

12 CHAIRMAN FORTUNA: Trustee Tebbens.

13 MEMBER TEBBENS: Yes.

14 CHAIRMAN FORTUNA: And I am a yes.

15 Motion carries.

16 Thank you, very much, everyone. See you
17 next month.

18

19 (WHICH WERE ALL THE PROCEEDINGS

20 IN THE ABOVE-ENTITLED MEETING

21 AT THIS DATE AND TIME.)

22

23

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