

MINUTES
OF THE MEETING OF
THE EXECUTIVE COMMITTEE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

January 12, 2023

A meeting of the Executive Committee of the State Employees' Retirement System of Illinois was held on Thursday, January 12, 2023, at 8:45 a.m. in the System's Springfield office at 2101 S. Veterans Parkway and by videoconference as allowed under Section 7(e) of the Open Meetings Act (5 ILCS 120/7(e)).

Committee Members Present:

Marvin Becker, Chairperson
Timothy Blair, Executive Secretary

Committee Members Present via Videoconference:

Tad Hawk, SERS Trustee

Others Present:

Jeff Houch, Assistant to the Executive Secretary
Samantha Goetz, General Counsel
Eric Glaub, Manager, Claims Division
Karen Brown, Supervisor, Disability Section
Aaron Evans, Attorney, Sorling Northrup
Jessica Blood, Recording Secretary
Debbie Burris, Stenographer
Timothy Flenniken, Claimant
Leigh Anne Sonneborn, Claimant
Crystal Williams, Claimant
Laurissa Gripp, Claimant
Daniel Nelson, Claimant
Bradley Bauer, Claimant's Attorney
Julie Kinnerk-Martin, Claimant

Minutes of the Previous Meeting

The minutes of the Executive Committee's meeting on December 8, 2022, were presented by Chairperson Becker for approval. Copies of the minutes were previously e-mailed to Committee members for review. Trustee Hawk moved to approve the minutes as submitted. The motion was seconded by Executive Secretary Blair and passed unanimously.

Routine Claims Report

The Routine Claims Report for December 2022 was presented. Following a brief discussion, the Routine Claims Report for December 2022 as prepared by staff, was received by the Committee.

Old Business

Garrick Randolph – Staff Direction on Forfeiture of Retirement Benefits Due to Felony Conviction - Deferred

Garrick Randolph was employed by the Department of Corrections as a Senior Parole Agent, who separated from service in December of 2019. Mr. Randolph was charged with multiple felony counts that included aggravated battery (720 ILCS 5/12-3.05, custodial sexual misconduct (720 ILCS 5/11-9.2), and official misconduct (720 ILCS 5/33-3). On December 30, 2021, Mr. Randolph was convicted of the aggravated battery charge, and the other two charges were dismissed.

In March of 2022, Mr. Randolph submitted a retirement application to SERS intending to retire effective April 1, 2022. After becoming aware of Mr. Randolph's felony conviction, staff suspended the processing of his retirement claim pending receipt of an opinion from the Office of the Attorney General on whether Mr. Randolph's felony conviction was connected to his position. The System recently received such opinion, which states that resolution of the matter requires that the Committee make additional factual determinations to enable the Office of the Attorney General to determine whether there was a causal connection between Mr. Randolph's service and his conviction.

After reviewing the facts presented at their August 2022 meeting, the Committee decided to defer a decision pending further investigation and fact finding relative to Mr. Randolph's felony conviction.

Jeff Houch, Assistant to the Executive Secretary, informed the Committee at their November 2022 meeting that SERS had received documentation regarding Mr. Randolph's case from CMS and that documentation has been submitted to the Attorney General's office for further review and clarification of their earlier opinion.

Mr. Houch updated the Committee at their December 2022 meeting that the Attorney General's office is currently working on a new opinion regarding Mr. Randolph's case.

Mr. Houch informed the Committee that the case remains deferred as he continues to work with the Attorney General's office to get an updated opinion on the case.

Timothy Flenniken – Appeal of Nonoccupational Disability Overpayment – Formal Hearing – Springfield – 9:45 a.m.

Timothy Flenniken was approved for a SERS nonoccupational disability benefit that

became effective February 28, 2020. He remained on the benefit until he returned to work on July 28, 2022.

In September 2022, SERS was notified Mr. Flenniken was approved for a retroactive Social Security Administration (SSA) disability benefit effective March 1, 2020. This retroactive benefit created an overpayment of SERS nonoccupational disability benefits for the period of March 1, 2020 through July 27, 2022. The overpayment due is in accordance with Section 14-125 of the Illinois Pension Code.

A letter was sent to Mr. Flenniken on September 30, 2022 to notify him of the overpayment. His application to retire effective October 1, 2022, is still in processing.

Mr. Flenniken was originally receiving SSA survivor benefits from his deceased wife's account after her passing in 2007. When a person is granted SSA disability benefits but has previously received SSA survivor benefits, SSA converts the survivor benefits into disability benefits for the same period and reduces the disability award by the amount already received. As a result, Mr. Flenniken's retroactive award was less than the overpaid nonoccupational benefit owed to SERS.

Mr. Flenniken is appealing the overpayment and has requested a personal appeal.

Eric Glaub, Claims Division Manager, informed the Committee at their December 2022 meeting that Mr. Flenniken had subsequently asked for a formal hearing regarding his case and his appeal would be deferred pending the scheduling of such hearing.

Mr. Flenniken presented his appeal to the Committee. The oral proceedings were recorded by a stenographer, Debbie Burris, and the transcripts shall be provided to Mr. Flenniken and the Executive Committee. After reviewing the information presented in Mr. Flenniken's appeal and lengthy discussion, the Committee decided to defer a decision on the matter pending further conversations regarding the existing SERS policy.

Nicholas McRoberts – Appeal Termination of Nonoccupational Disability Benefit – Recommendation

Nicholas McRoberts works for the Illinois Department of Corrections as a Lieutenant. He last worked on May 21, 2021 and began a medical leave of absence on May 25, 2021.

Mr. McRoberts was approved for a nonoccupational disability benefit effective June 2021 and continued to receive the benefit for about 12 months.

Medical records received from the July 2022 semiannual disability recertification process suggested the disabling conditions had improved. As a result, the Disability Examiner referred the case to the medical consultant, MMRO, for review on August 12, 2022.

A recommendation to disapprove the claim was received from MMRO on August 30,

2022. The report noted 'the alleged disabling diagnoses listed...are not severe enough to warrant any mental or physical incapacitation to perform the duties as a Lieutenant.' Mr. McRoberts was then notified via correspondence dated September 1, 2022 that his nonoccupational disability benefit would cease effective August 31, 2022.

Mr. McRoberts states his doctor has not cleared him to return to work and therefore his benefits should continue. The only new evidence submitted were two CMS-95 forms, which were the same besides the doctor changing the date of his release to return to work.

Mr. McRoberts has requested a personal appeal via teleconference for the termination of his nonoccupational disability claim.

After hearing Mr. McRoberts present his case at their December 2022 meeting, the Committee referred the matter to external counsel for a recommendation.

Attorney Evans presented Recommendation No. 2023-1, to deny Mr. McRoberts appeal. After some discussion, Chairperson Becker moved to adopt Recommendation No. 2023-1. The motion was seconded by Executive Secretary Blair and passed unanimously.

New Business

Leigh Anne Sonneborn - Appeal of Termination of Nonoccupational Disability Benefit - Personal Hearing via Teleconference - 9:45 a.m.

Leigh Anne Sonneborn works for the Department of Insurance as an Insurance Analyst IV. She applied for nonoccupational disability benefits in March 2022 and was approved. During the July 2022 certification process, the medical evidence provided suggests Ms. Sonneborn's impairments improved, so her claim was sent to MMRO for a medical review.

It was noted by Ms. Sonneborn's treating physician that she could mentally and physically perform all of her job duties, as long as she was able to work 100% from home. Ms. Sonneborn's agency will not accept the doctor's restrictions of 100% work from home.

Ms. Sonneborn's claim file was referred to our medical consultants, MMRO for review and determination of the inability to perform her job duties. The MMRO report found that the medical evidence did not support her mental or physical incapacity to perform her job duties.

Ms. Sonneborn has supplied additional documentation from her doctor and is appealing the termination of her disability benefits.

After hearing Ms. Sonneborn present her appeal, the Committee referred the case to external counsel for a recommendation.

Crystal Williams - Appeal of Nonoccupational Disability Benefit Overpayment - Personal Hearing via Teleconference - 10:30 a.m.

Crystal Williams was on SERS' nonoccupational disability benefit February 19, 2020 through September 30, 2021. Her benefit ended because her half time ceased.

Ms. Williams returned to work from October 2021 through May 2022. She again applied for a nonoccupational disability benefit in May 2022, which was approved and paid through September 30, 2022.

Upon another review of her file, it was later discovered that Ms. Williams should not have received any additional nonoccupational disability benefits because her service credits were calculated incorrectly. Her return to work did not actually result in enough days worked to earn the necessary service credits to further extend her disability benefit.

Ms. Williams only worked a total of 25 days in the eight months between October 2021 and May 2022.

Ms. Williams did not earn enough service credit to extend her benefit by even one month, so she was ineligible for all benefits paid to her from May 2022 through September 2022.

Ms. Williams is appealing the overpayment of benefits. If the Executive Committee cannot forgive the overpayment, she is requesting a repayment plan in the least amount possible. She is currently on a medical leave of absence from her position.

After hearing Ms. Williams present her case, the Committee decided to refer her appeal to external counsel for a recommendation.

Laurissa Gripp - Appeal of Nonoccupational Disability Benefit Claim Denial - Personal Hearing via Teleconference - 11:15 a.m.

Laurissa Gripp works for the Department of Healthcare and Family Services as an Office Coordinator. She applied for nonoccupational disability benefits and states her work environment caused her disability.

Ms. Gripp's file was sent to MMRO for determination on her ability to perform her job duties. The MMRO report recommended a denial of benefits. The medical reviewer stated that based on the available records, the member is not considered mentally incapacitated to perform her duties as an Office Coordinator.

Ms. Gripp supplied additional documentation and is appealing the denial of her claim.

After hearing Ms. Gripp present her case, the Committee decided to refer to external counsel for a recommendation.

Daniel Nelson - Appeal of Nonoccupational Disability Benefit Claim Denial - Personal Hearing via Videoconference - 1:00 p.m.

Daniel Nelson works for the Department of Insurance as a Public Service Administrator-8L. He went on a medical leave of absence in August 2017.

Mr. Nelson did not apply for a SERS benefit until February 2022. His case was referred in April 2022 for a review by MMRO to determine his inability to perform his job duties. MMRO determined Mr. Nelson was not mentally incapacitated to perform his duties as a PSA. They noted that during the relevant time, there was no documentation of severe symptoms, impairments, or substantial reduction in social, occupational, or general functioning,

Mr. Nelson's attorney requested an appeal of the denial. He submitted additional medical records from the VA hospital, showing 100% service-connected disability. He also provided more information about Mr. Nelson's job duties.

Mr. Nelson's file was sent back to MMRO in December 2022. MMRO determined that the additional evidence did not support a reversal of their decision that Mr. Nelson was not mentally incapacitated from performing his job duties.

Mr. Nelson is requesting to appeal the denial of nonoccupational disability benefits.

Mr. Houch informed the Committee that he would be recusing himself from hearing Mr. Nelson's appeal due to a prior working relationship with the claimant.

Attorney Bradley Bauer presented the case on behalf of Mr. Nelson. After hearing the appeal, the Committee decided to defer a decision pending further research into the facts provided.

Julie Kinnerk-Martin - Appeal of Temporary Disability Benefit Overpayment - Personal Hearing - Springfield - 1:45 p.m.

Julie Kinnerk-Martin works for the Department of Corrections as a Correctional Law Library Assistant. She has been on a SERS temporary disability benefit since February 19, 2021. In the first quarter of 2022, Ms. Kinnerk-Martin exceeded the quarterly earnings limitation by \$3,972.53. Ms. Kinnerk-Martin is appealing the overpayment, stating she was not drawing any benefit at the time of her earnings, and therefore should not be punished for exceeding the limitation.

On October 9, 2019, Ms. Kinnerk-Martin states she received an injury during the course of her work duties. Workers' Compensation accepted the claim, and she was paid temporary total disability (TTD) and a SERS occupational disability benefit from October 17, 2019, through February 18, 2021.

TTD benefits were terminated February 18, 2021. Ms. Kinnerk-Martin was unable to return to work and had no income from SERS or Workers' Compensation. She took a

part-time job that she could do with her restrictions. She also applied for a SERS temporary disability benefit March 9, 2022.

SERS processed Ms. Kinnerk-Martin's first temporary disability payment on June 22, 2022. Her notice of temporary disability approval letter was mailed July 7, 2022. Her first payment covered February 19, 2021, through May 31, 2022.

Ms. Kinnerk-Martin states she was initially denied and had to appeal to Workers' Compensation for the award of TTD. During the appeal, she found part-time employment that she could do with her restrictions. She states she received notification in March 2022 that her SERS temporary disability was going to be approved. She immediately presented the letter to her employer and drastically decreased her hours. She did not exceed the quarterly earnings limitation in any other quarter in 2022.

Ms. Kinnerk-Martin has not worked any job since October 2022. She is requesting that the overpayment resulting from her exceeding the quarterly earnings limitation be waived, as she was not receiving a benefit at the time she earned these wages.

After discussing the information provided in Ms. Kinnerk-Martin's appeal, the Committee decided to forego collection attempts on the overpayment on the condition that Ms. Kinnerk-Martin signs the earnings agreement not to exceed the limitation in the future.

Annamma Job - Appeal of Nonoccupational Disability Benefit Claim Denial

Annamma Job applied for a SERS nonoccupational disability benefit. She works for the Department of Human Services, Ann Kiley Center as a Residential Services Supervisor. She alleges that her disability began January 26, 2022.

Ms. Job's claim file was referred to SERS' medical consultants, MMRO for review and determination of the inability to perform her job duties. The MMRO report found that Ms. Job did not prove she was disabled from working as a Residential Services Supervisor. The medical reviewer concluded that Ms. Job's symptoms did not substantially affect her functioning in the workplace.

Ms. Job is appealing the denial of her disability claim. She is requesting benefits from SERS from January 26, 2022, through January 25, 2023, with interest. She states her psychiatrist will not write a summary in support of her disability. At this time, she has not provided any additional evidence to support her claim.

After reviewing the facts presented and some discussion, Executive Secretary Blair moved to deny Ms. Job's appeal. The motion was seconded by Chairperson Becker and passed unanimously.

Joanna Toth - Appeal of Nonoccupational Disability Benefit Claim Denial

Joanna Toth applied for a SERS nonoccupational disability benefit. She works for the

Department of Employment Security as an Employment Security Program Representative. She alleges that her disability began August 17, 2022.

Ms. Toth's claim file was referred to our medical consultants, MMRO for review and determination of the inability to perform her job duties. The MMRO report found that Ms. Toth did not prove she was disabled from working as an Employment Security Program Representative. The medical reviewer concluded that Ms. Toth did not have a globally impairing condition that would result in her being incapacitated from her duties.

Ms. Toth is appealing the denial of her disability claim. She states she is unable to perform her job duties and has supplied additional statements from her treating providers.

After discussing the evidence provided in Ms. Toth's case, Executive Secretary Blair moved to deny her appeal. The motion was seconded by Trustee Hawk and passed unanimously.

Julie Williams - Appeal to Retire Effective July 1, 2022

Julie Williams applied to retire effective July 1, 2022, as provided in her account and statements through her application for retirement. It was then discovered by the Accounting Division on June 29, 2022, that Ms. Williams was allowed to purchase too much service credit for a prior leave of absence. Three months of service credit were removed from her file, making her eligible to retire August 1, 2022, under the rule of 85.

Ms. Williams is requesting to retire effective July 1, 2022.

After reviewing the facts presented, Executive Secretary Blair moved to approve Ms. Williams' appeal. The motion was seconded by Chairperson Becker and passed unanimously.

Pamela Smith - Appeal of Nonoccupational Disability Benefit Claim Denial

Pamela Smith works as a Public Service Supervisor for the Secretary of State. She last worked June 10, 2022. An application for a nonoccupational disability benefit was received September 15, 2022, and Ms. Smith began a medical leave of absence October 21, 2022.

Ms. Smith's file was sent to MMRO for a medical determination of her ability to perform her job duties. MMRO found there is no support that the member is considered physically incapacitated to perform her duties as a Public Service Supervisor due to her medical conditions. They noted the medical documentation submitted presented that the member was improving with physical therapy and work accommodations were prescribed.

As a result of the MMRO recommendation, the nonoccupational disability claim was denied. Ms. Smith is appealing the denial of her claim.

After discussing the information provided in Ms. Smith's case, Trustee Hawk moved to deny her appeal. The motion was seconded by Executive Secretary Blair and passed unanimously.

There being no further business to be brought before the Committee, the meeting was adjourned at 2:56 p.m.

The next meeting of the Executive Committee is scheduled for February 9, 2023, in the System's Springfield office.

Marvin Becker, Chairperson

Tad Hawk, SERS Trustee

Timothy Blair, Executive Secretary