

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

October 12, 2023

A meeting of the Executive Committee of the State Employees' Retirement System of Illinois was held on Thursday, October 12, 2023, at 8:45 a.m. in the System's Springfield office at 2101 S. Veterans Parkway.

Committee Members Present:

David Morris, Vice-Chairperson  
Timothy Blair, Executive Secretary

Committee Members Present via Videoconference:

Marvin Becker, Chairperson

Others Present:

Jeff Houch, Associate Executive Secretary  
Samantha Goetz, General Counsel  
Eric Glaub, Manager, Claims Division  
PJ Budd, Assistant Supervisor, Disability Section  
Aaron Evans, Attorney, Sorling Northrup  
Jessica Blood, Recording Secretary  
Shucooly Beecham, Claimant (via Teleconference)

Minutes of the Previous Meeting

The minutes of the Executive Committee's meeting on September 14, 2023, were presented by Chairperson Becker for approval. Copies of the minutes were previously emailed to Committee members for review. Executive Secretary Blair moved to approve the minutes as submitted. The motion was seconded by Vice-Chairperson Morris and passed unanimously.

Routine Claims Report

The Routine Claims Report for September 2023 was presented. Following a brief discussion, the Routine Claims Report for September 2023 as prepared by staff was received by the Committee.

## Old Business

### Sandy Brown – Appeal of Temporary Disability Benefit Claim Denial – Recommendation

Sandy Brown works as a Police Sergeant/Investigator. She last worked on April 26, 2021. According to the notice of injury, she was a passenger in a vehicle involved in a traffic accident. Ms. Brown received occupational disability benefits until February 28, 2022. Workers' Compensation subsequently found Ms. Brown to be medically capable of returning to work without restrictions.

Ms. Brown applied for SERS' temporary benefit when her TTD benefits were terminated. Her file was sent to SERS' medical consultants for review, and they found her impairments did not render her incapacitated from performing her job duties. Ms. Brown called SERS to appeal her claim. She was given directions on how to file an appeal to the Executive Committee. This appeal was not received within 30 days of her denial.

Ms. Brown subsequently sent in an appeal letter along with some additional medical evidence. She indicated that she had good cause for not submitting her appeal sooner and requested that her application for temporary disability benefits be approved.

After hearing Ms. Brown present her case at their August 2023 meeting, the Committee decided to defer a decision pending review of her additional medical documentation by MMRO.

Eric Glaub, Claims Division Manager, presented the most recent MMRO report, which recommended denial of Ms. Brown's claim to the Committee at their September 2023 meeting. After reviewing the new information provided and some discussion, the Committee decided to refer to external counsel for a recommendation.

Attorney Evans presented Recommendation No. 2023-18, to deny Ms. Brown's appeal. After review and some discussion, Vice-Chairperson Morris moved to adopt Recommendation No. 2023-18. The motion was seconded by Executive Secretary Blair and passed unanimously.

### Elia Sall – Appeal of Temporary Disability Benefit Conversion Overpayment – Recommendation

Ms. Sall works for the Department of Public Health and was on a SERS temporary benefit for two periods. First, from October 26, 2018, through January 20, 2020, and a second time from March 29, 2021, through June 26, 2022. She returned to work June 27, 2022. She recently received a Workers' Compensation (WC) settlement and SERS retroactively converted her Temporary benefit to an Occupational benefit, which created an overpayment.

Ms. Sall is appealing the overpayment of benefits. She did receive TTD benefits and an

Occupational benefit from SERS. She is indicating that the State's hired IME physician decided she didn't need surgery and that her TTD and SERS benefits were stopped. That is when she applied for a SERS temporary benefit.

Ms. Sall states she continues to be in severe pain from her WC injury and that it does not seem right that the State is expecting repayment, when it was the State's negligence that put her in this predicament. She is appealing the entire overpayment, as she feels it is cruel and unfair.

After discussing the facts of the case at their September 2023 meeting, the Committee decided to refer to external counsel for a recommendation.

Attorney Evans presented Recommendation No. 2023-19, to deny Ms. Sall's appeal. After a brief discussion, Executive Secretary Blair moved to adopt Recommendation No. 2023-19. The motion was seconded by Vice-Chairperson Morris and passed unanimously.

#### Vera Jackson – Appeal of Nonoccupational Disability Benefit Overpayment – Deferred

Ms. Jackson was on SERS' nonoccupational disability benefit beginning in July 2021. In May 2023, SERS learned from the IDES report that Ms. Jackson had exceeded the quarterly earnings limitation of \$3,660 in the first quarter of 2023. According to the IDES report, Ms. Jackson worked for another employer and earned \$4,250.10 in the first quarter. This is \$590.10 over the earnings limitation.

On May 10<sup>th</sup>, 2023, the Disability Section sent Ms. Jackson a letter informing her of the overpayment and a copy of the Earnings Limitation Agreement she was to sign and return within 30 days. This letter indicated she would soon be receiving a billing letter with instructions on how to remit her payment. On May 17<sup>th</sup>, Benefit Support sent Ms. Jackson her billing letter.

Ms. Jackson failed to pay her overpayment and did not sign and return her Earnings Limit Agreement. Therefore, her benefit was terminated effective March 31, 2023. In addition to the \$590.10 overpayment, Ms. Jackson was now responsible for paying back all disability benefits paid after March 31, 2023.

On July 17<sup>th</sup>, the Disability Section sent Ms. Jackson a letter stating that her failure to repay the amount that her wages exceeded the quarterly limitation along with not completing and returning a signed agreement resulted in the termination of her benefit March 31<sup>st</sup> which increased her total arrearage to \$5,414.30.

On July 18<sup>th</sup>, her billing letter and copies of her original letters were mistakenly sent to another member. This member sent Ms. Jackson the misdelivered correspondence.

Ms. Jackson is appealing her arrearage. She states she never received the May letters, or she would have paid the original debt of \$590.10. Ms. Jackson has not returned to work for the state. She is not requesting that her benefits be reinstated.

After discussing the case, the Committee decided to defer a decision pending continued research into Ms. Jackson's second quarter 2023 earnings.

Randall Gold, Attorney – Appeal of Nonoccupational Disability Benefit Claim Denial – Mbr: Edna Metcalf – Deferred

Edna Metcalf applied for nonoccupational disability benefits, but the medical evidence submitted with the application was insufficient to substantiate a disability. Ms. Metcalf's examiner attempted to call to inform her that SERS needed more information to process her claim but was unsuccessful in reaching Ms. Metcalf.

The examiner then sent Ms. Metcalf a letter and a copy of the required assessment form. She requested that Ms. Metcalf have her treating physician complete the assessment and submit additional records. The form was never received, nor were additional records.

The claim was referred to the SERS' Medical Consultant, MMRO, who determined that the medical evidence did not support that Ms. Metcalf was incapacitated from performing her job duties.

Ms. Metcalf's attorney is filing an appeal of the denial of benefits. He submitted additional medical records along with a note from her doctor. They are requesting that her disability be approved and for benefits to be issued retroactively.

After hearing Ms. Metcalf's attorney present her case at their September 2023 meeting, the Committee decided to defer a decision pending a review of her additional medical documentation by MMRO.

Eric Glaub directed the Committee's attention to the additional report from MMRO, which recommends denying Ms. Metcalf's appeal. After reviewing the report and discussing the information provided, the Committee decided to refer the case to external counsel for a recommendation.

Staff Direction for Nonoccupational Disability Benefit Claim

Staff presented a scenario regarding a member who has been on a SERS nonoccupational disability benefit since March 2020.

During the current certification process, the member's file was sent to MMRO for review to see if the member's condition had improved.

On August 24, 2023, SERS was notified by Midwest Disability that the member had been approved for Social Security disability benefits by an Appellate Law Judge, who found her to be disabled since February 2020. This decision was rendered on August 7<sup>th</sup>, 2023. On August 28, 2023, SERS received the report from MMRO, which found that the medical evidence submitted did not find the member to be disabled from performing

her job duties.

SERS staff would like direction from the Executive Committee on how to handle conflicts between a denial from the SERS Medical Consultant, MMRO, and a Social Security disability finding that the member is disabled from performing any job in the national economy.

After discussing the facts presented at their September 2023 meeting, the Committee directed staff to process the member's SSA offset created by the retroactive SSA disability award, and deferred a decision to resolve the conflict so staff can contact Midwest Disability to see if additional evidence was provided to the SSA that SERS does not have.

After reviewing additional documentation provided by the SSA, the Committee directed staff to take no action on the MMRO denial and continue to administer the member's benefit according to the SSA's Office of Hearing Operations decision.

Shucooly Beecham –Reappeal of Termination of Temporary Disability Benefit – Personal Hearing via Teleconference – 9:00 a.m.

Shucooly Beecham has been on SERS' Temporary benefit since July 2020. SERS received information that she had exceeded the quarterly earnings limitation during the 3rd and 4th quarters of 2022, working for Chicago Public Schools.

She was originally notified that she exceeded the limit in the 3rd quarter. She called SERS, concerned about signing the agreement because she felt she had exceeded it in the 4th quarter as well. When all the information was received, she had exceeded the limit in both quarters by a total of \$5,153.60. She was sent another letter along with a revised Earnings Agreement. The Earnings Agreement was to be signed and returned within 30 days. She was also sent a collection letter by Benefit Support.

Ms. Beecham failed to pay her overpayment and did not return her Earnings Agreement. Because she did not comply, her benefit was terminated effective December 31, 2022. This created an additional overpayment of disability benefits paid after her termination date.

Ms. Beecham appealed the decision to terminate her benefits and asked that her overpayment be reversed back to the original \$5,153.60 and she be given a repayment plan on this amount at the Executive Committee's June 2023 meeting. Her appeal was denied.

Ms. Beecham was granted a reappeal of her case after providing evidence that she has problems with receiving her mail and that she was never intentionally negligent in responding to SERS. She would ultimately like her benefits reinstated and a payment plan set up for her original overpayment.

After hearing Ms. Beecham present her appeal, the Committee decided to defer a

decision pending further research into her first and second quarter 2023 earnings and receipt of her signed earnings agreement.

There being no further business to be brought before the Committee, the meeting was adjourned at 10:15 a.m.

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

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Marvin Becker, Chairperson

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David Morris, Vice-Chairperson

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Timothy Blair, Executive Secretary