

Public Safety Memorial Fund Board Minutes July 25, 2013

The Public Safety Memorial Fund Board held a meeting on Thursday, July 25, 2013 at the Oregon Public Safety Academy in Salem, Oregon. Chair Evans called the meeting to order at 10:00 a.m.

Attendees

Board Members:

Richard Evans, Chair

Colette Peters

Jeff Jones

Richard Brown

Lisa Settell

DPSST Staff:

Eriks Gabliks, Director

Linsay Hale, Standards & Certification Program Manager

Sharon Huck, Rules & Compliance Coordinator



1. Minutes from October 30, 2012 Meeting

Approve meeting minutes from October 30, 2012.

Jeff Jones moved to approve the minutes from the October 30, 2013 Public Safety Memorial Fund Board meeting. Richard Brown seconded the motion. The motion carried unanimously.

2. L'HOMMEDIEU, L. Matthew – M-1 Application for Benefits

Chair Evans made a motion to approve the staff report, Colette Peters seconded the motion. Linsay Hale reviewed the application for the Board.

Action Item 1: Determine if L. Matthew L'HOMMEDIEU meets the statutory definition of a public safety officer covered under the Public Safety Memorial Fund Statute.

Lisa Settell moved that L'HOMMEDIEU does meet the definition of a public safety officer covered under the Public Safety Memorial Fund statute. Richard Brown seconded the motion. The motion carried with a unanimous vote, with one abstention.

Action Item 2: Determine if the disability of L'HOMMEDIEU is a qualifying disability as set forth in statute.

After much discussion, Richard Brown moved that L'HOMMEDIEU's disability did not meet the definition of a qualifying disability as set forth in statute. Colette Peters seconded the motion. The motion carried with a unanimous vote, with one abstention.

3. Next meeting – October 24, 2013

With no further business to discuss, the meeting was adjourned at 10:50 a.m.

Appendix A

Department of Public Safety Standards and Training Memorandum

DATE: July 25, 2013

TO: Public Safety Memorial Fund Board Members

FROM: Linsay Hale
Rules & Compliance Coordinator

SUBJECT: L. Matthew L’Hommedieu – Tualatin Valley Fire & Rescue
APPLICATION FOR PSMF BENEFITS

Background: On May 8, 2010, Captain Lawrence Matthew L’Hommedieu was injured during a training exercise. An M-1 Application for Benefits was filed by Mr. L’Hommedieu on May 12, 2013. A signed records release was subsequently submitted on June 28, 2013 (ATT A.) On May 3, 2013, Tualatin Valley Fire & Rescue filed an M-3 (Notice of Death or Permanent Total Disability) indicating that the actions of Captain L’Hommedieu which led to his disability were not a substantial contributing factor to his injury and that Captain L’Hommedieu was performing regular duties at the time (ATT B.)

Additional supporting documentation was requested from Mr. L’Hommedieu in a letter from Linsay Hale, dated May 13, 2013 (ATT C.) Additional information was provided by Alvey Law Group, on behalf of Mr. L’Hommedieu on June 13, 2013 (ATT D & E.)

Overview: Alvey Law Group submitted a substantial amount of documentation relating to Mr. L’Hommedieu’s medical history and previous applications for disability benefits (ATT D & E.) Mr. L’Hommedieu ultimately received a fully favorable decision from the Social Security Administration Office of Disability Adjudication and Review as a result of 2010 injury as well as several pre-existing conditions, (ATT. D.) The Social Security Administration defines “disability” as “the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or combination of impairments that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months” (ATT. D, pg 9.)

Significant to the decision of the Board is the determination of the Social Security Administration that “[Mr. L’Hommedieu] has the residual functional capacity to perform medium work ...” (ATT D, pg. 11.)

Applicable Law 1: ORS 243.954(5) defines public safety officer as “... (b) Fire service professionals, as defined in ORS 181.610, and includes volunteer firefighters as defined in ORS 652.050 ...”

Applicable Law 2: ORS 243.954(6) defines qualifying death or disability as “... death or permanent total disability suffered by a public safety officer while on or off duty that is the direct or proximate result of: (a) An enforcement action or emergency response or public safety

training for an enforcement action or emergency response that the public safety officer is authorized or obligated to perform by law, rule, regulation or condition of employment or service; or (b) An act committed against the public safety officer because of the public safety officer's position as a public safety officer.”

Applicable Law 3: ORS 243.954(4) defines permanent total disability as having the meaning given the term in 656.206. ORS 656.206(d) defines permanent total disability as “... the loss, including preexisting disability, of use or function of any portion of the body which permanently incapacitates the worker from regularly performing work at a gainful and suitable occupation.”

Applicable Law 4: ORS 243.962(1) provides parameters for determining the amount of benefits for which an applicant is eligible. In making a determination the Board is required to: (a) “consider the facts stated in the initial application; (b) Consider the amount of funds available, as provided in the current biennial board budget, and the anticipated claims against those funds; and (2) In determining the amount of an award to be made to an applicant, the board may consider the number and type of claims anticipated to be filed with the board during the current biennial budget period to pay all approved and anticipated claims. . . .”

ATTACHMENT A – Form M-1 Application for Benefits – L’HOMMEDIEU, submitted May 12, 2013 signed June 28, 2013

ATTACHMENT B – Form M-3 Notice of Death or Permanent Total Disability, TVFR signed May 3, 2013

ATTACHMENT C – Request from L. Hale for Additional Information, Dated May 13, 2013

ATTACHMENT D – Supplemental Information, Received from Alvey Law Group on June 13, 2013 – Notice of Decision, Social Security Administration, Dated April 22, 2013

ATTACHMENT E – Additional Supplemental Information, Received from Alvey Law Group on June 13, 2013 (Alvey Law Group exhibit numeration maintained)

ACTION ITEM 1: Determine if L. Matthew L’HOMMEDIEU meets the statutory definition of a Public Safety Officer covered under the Public Safety Memorial Fund statute.

ACTION ITEM 2: Determine if the disability of L’HOMMEDIEU is a qualifying disability as set forth in statute.

If the determination is made that L’HOMMEDIEU has suffered a qualifying disability:

ACTION ITEM 3: Determine if L. Matthew L’HOMMEDIEU, Paige L’Hommedieu and Jessi L’Hommedieu are eligible beneficiaries for Public Safety Memorial Fund benefits.

ACTION ITEM 4: Determine if the Board will award the lump sum benefit in the amount of \$25,000 to L. Matthew L’HOMMEDIEU.

ACTION ITEM 5: Determine if the Board will award the discretionary benefit of mortgage payments to L. Matthew L’HOMMEDIEU.

ACTION ITEM 6: Determine if the Board will award the discretionary benefit of health and dental insurance reimbursement to L. Matthew L’HOMMEDIEU, Paige L’Hommedieu and Jessi L’Hommedieu.