

IN THE MATTER OF THE)
DISABILITY APPLICATION OF:)
)
LT. WILLIAM PAINTER)
)
APPLICANT.)

This matter comes before the Board of Trustees of the Champaign Firefighters' Pension Fund ("Pension Board") upon the disability application of Lt. William Painter ("Applicant"). The Pension Board, per the statutory authority set forth in 40 ILCS 5/4-101 *et seq.*, of the Illinois Pension Code, renders the following decision concerning Applicant's claim for line-of-duty disability pension benefits. A hearing was held before the Pension Board on March 28, 2025. Applicant was duly notified, present, and represented by Attorney Stephen P. Kelly.

I. FINDINGS OF FACT

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Preliminary Matters

1. Applicant is a regular member of the Champaign Fire Department ("Fire Department") holding the rank of Lieutenant. (Bd. Ex. 1, p. 1).¹
2. Applicant was hired on September 8, 1998 as a probationary firefighter. He was promoted to Lieutenant on May 19, 2015. (Bd. Ex. 1, p. 1).
3. As of the hearing, Applicant is 54 years old, married, and has no children under the age of 18. (Tr. 8).
4. Around August 21, 2024, Applicant applied for a line-of-duty disability pension regarding (1) "[l]eft his open repair of abductor tendon and bursectomy" and (2) "[r]ight hip open repair of abductor tendon and bursectomy." (Bd. Ex. 1, p. 2).
5. Board Exhibits one (1) through nine (9) were admitted into the administrative record. Claimant's Exhibit one (1) was admitted. (Tr. 5-6).

September 27, 2023 Incident

6. On September 27, 2023, Applicant participated in live fire training at the Fire Services Institute. (Tr. 10). Live training involves operating in a facility with an active fire. (Tr. 13).
7. Applicant was halfway between floors moving hose line when he bent down to pick up a piece of hose. He attempted to lift the hose and felt a "pop and release" in his left hip. Applicant moved to the top of the steps and went down on his knees. (Tr. 10-11).
8. Despite some pain and discomfort, Applicant finished the evolution and extinguished the fire. Applicant descended the stairs afterwards but had trouble controlling his descent because his left hip was not functioning properly. (Tr. 11).

¹ Board Exhibits are referred to as (Bd. Ex. _____, p. ____); Claimant's Exhibit is referred to as (Cl. Ex. 1, p. _____); and the Transcript is referred to as (Tr. ____).

9. Applicant reported his injury to the captain at the training facility and returned to the station. (Tr. 11, 13).

10. Shortly after returning to the station, Applicant was dispatched to an active carbon monoxide ("CO") alarm in the area. The CO alarm was in the basement. Applicant attempted to descent down the stairs but could not control his descent. (Tr. 13).

11. Applicant climbed two (2) or three (3) steps and returned to the surface. At one point, Applicant testified he tried to pivot and fell, but the homeowner caught him. (Tr. 13).

12. Applicant testified he had no control over his left hip positioning and transitioning his weight. He further testified he lost the ability to pivot and move. (Tr. 13-14).

Medical Condition & Treatment

13. Applicant testified he was not under the care of a physician for any medical condition related to his left or right hip prior to the September 27, 2023 incident. (Tr. 11).

14. On September 27, 2023, Applicant was examined by Ms. Virginia Brown, APRN, who placed the following restrictions on Applicant:

No lifting, pushing, pulling over 10 pounds. Avoid climbing ladders, stairs, Avoid kneeling, squatting. Walk for short distances only.

Ms. Brown referred Applicant to Dr. Philbert Chen for reevaluation. (Bd. Ex. 2, p. 666-67).

15. On October 2, 2023, Dr. Chen diagnosed Applicant with a strain of the left hip and noted Applicant cannot climb ladders or stairs. (Bd. Ex. 2, p. 661).

16. On November 2, 2023, Dr. Robert A. Bane ordered Applicant to undergo additional physical therapy and referred Applicant for an MRI. (Bd. Ex. 2, p. 640; Tr. 18).

17. Applicant underwent an MRI, and Dr. Bane proscribed additional physical therapy. Dr. Bane wanted Applicant to improve as much as possible via conservative means prior to recommending surgery. (Tr. 18-19).

18. Applicant testified he became dependent on his right hip after the September 27, 2023 incident. It eventually started to hurt like the left hip. (Tr. 20).

19. On January 11, 2024, Dr. Bane recommended Applicant undergo surgery to correct his left hip but ordered additional physical therapy prior to the surgery. (Tr. 21-22).

20. On February 12, 2024, Applicant underwent surgery for his left hip. Applicant described the surgery as "four anchors were screwed into my femur. Then tendons were attached to those anchors until they could heal and grow back to the bone." (Tr. 22).

21. Applicant used a walker after the surgery, testifying "[his] right hip was so badly damaged that [he] couldn't bear [his] weight on [his] right hip at that point." (Tr. 23-24).

22. Dr. Bane reviewed Applicant initial MRI, which captured Applicant's right hip, and opined the tears on the right side are similar to the left side. (Tr. 24).

23. Dr. Bane ordered additional physical therapy. (Tr. 24-25). Nonetheless, Applicant testified he felt like he was in a "catch-22" because it was difficult to complete the physical therapy regarding his left hip without aggravating his right hip. (Tr. 26).

24. On August 26, 2024, Applicant underwent surgery for his right hip. The procedure was similar to the one performed on his left hip. (Tr. 27).

25. Applicant eventually transitioned from physical therapy to work hardening. (Tr. 28).

Independent Medical Examinations

26. Per 40 ILCS 5/4-112 of the Illinois Pension Code, Applicant must be examined by (3) physicians at the Pension Fund's expense. The Pension Board retained INSPE to select three (3) physicians to conduct independent medical examinations ("IME") of Applicant. (Bd. Ex. 6). Those physicians were Dr. David M. Anderson, M.D. (Bd. Ex. 7), Dr. Rasa R. Tijunelis, M.D. (Bd. Ex. 8), and Dr. Miguel A. Ramirez, M.D. (Bd. Ex. 9). The Pension Board provided INSPE with

Applicant's treating medical records and related employment records who forwarded them to each of the Independent Medical Examiners prior to examination.

Dr. David M. Anderson

27. Dr. Anderson is board-certified in orthopedic surgery with a subspecialty in orthopedic sports medicine. (Bd. Ex. 7, p. 2916).

28. Dr. Anderson diagnosed Applicant as follows:

Right hip. The current diagnosis is right hip pain, status post right hip surgery. [Applicant] is currently disabled from performing full and unrestricted firefighter duties. He is relatively early out from the surgical procedure (3 ½ months) and will require further physical therapy and work conditioning before determining whether these restrictions will be permanent.

Left hip. The diagnosis is left hip pain, status post left hip surgery. After reviewing the records and performing the IME, it is my opinion that [Applicant] is disabled from performing full and unrestricted firefighter duties. He continues to experience left hip pain and has functional limitations that preclude him from returning to full and unrestricted firefighter duties. (Bd. Ex. 7, p. 2910).

29. Dr. Anderson opined the likely duration of Applicant's disability is as follows:

Right hip. [Applicant] does not recall a specific injury to the right hip however he recalls developing right hip pain within 1-2 months following the left hip injury. He attributes his right hip condition to compensating for the left hip injury. [Applicant] was kept off work due to the left hip injury and subsequent surgery, therefore I cannot provide a specific date of disability for the right hip and will use the date of the right hip surgery for the beginning of disability. I cannot opine the duration of disability for the right hip until he completed physical therapy and work conditioning. Full recovery from the procedure may take up to 9-12 months.

Left hip. The likely duration of disability related to the left hip is permanent. [Applicant] has completed a long course of physical therapy and work conditioning and continues to experience ongoing symptoms and functional limitations that prevent him from performing full and unrestricted firefighter duties. (Bd. Ex. 7, p. 2910-11).

30. Dr. Anderson opined "[he] did not find evidence that [Applicant] experienced significant bilateral hip pain or having treatment for his bilateral hips, prior to the September 27, 2023 incident. (Bd. Ex. 7, p. 2911).

31. Dr. Anderson opined “[Applicant’s] explanation of how the disability occurred is consistent with my findings and what is documents in the records.” (Bd. Ex. 7, p. 2911).

32. Dr. Anderson opined “[i]t is more likely than not that the right hip symptoms developed because of an altered gait/compensation for the left hip following the incident.” Further, he opined “[Applicant’s] alleged left hip disability is a direct result of the September 27, 2023, incident[.]” (Bd. Ex. 7, p. 2911-12).

33. Dr. Anderson opined “[Applicant] continues to recover from right hip surgery and will require additional physical therapy and work conditioning before determining whether he will be able to return to full and unrestricted firefighter duties.” Regarding the left hip, he further opined “[i]t is my opinion that there is no additional reasonable medical care or treatment that would allow [Applicant] to recover the disability and enable him to return to full and unrestricted duties.” (Bd. Ex. 7, p. 2912).

Dr. Rasa R. Tijunelis

34. Dr. Rasa R. Tijunelis is board-certified in internal medicine. (Bd. Ex. 8, p. 2932).

35. Dr. Tijunelis opined “[Applicant] is currently unable to safely perform many of the physical tasks required of a firefighter” (Bd. Ex. 8, p. 2927).

36. Dr. Tijunelis noted “[t]his disability has lasted more than 12 months.” She opined “[t]he likelihood and timing of resolution of disability is not clear as he is currently symptomatic and in therapy.” (Bd. Ex. 8, p. 2927).

37. Dr. Tijunelis opined “[t]here is no evidence of any pre-existing conditions related to this disability claim.” (Bd. Ex. 8, p. 2927).

38. Dr. Tijunelis opined “[Applicant’s] current condition is related to the described injury, treatment and recovery for the work injury he sustained on 9/27/2024.” (Bd. Ex. 8, p. 2927).

39. Dr. Tijunelis "[Applicant's] left hip injury is a direct result of the work incident." She noted "[p]ain in the right hip started a few weeks later, after he had been relying on the right leg to get into vehicles and in other ways compensate for the acutely injured left hip." (Bd. Ex. 8, p. 2927).

40. Dr. Tijunelis noted Applicant continues to undergo physical therapy post-operation. She opined "[t]he likelihood and timing of resolution of disability is not clear as he is currently symptomatic, and the etiology has not been determined." (Bd. Ex. 8, p. 2928).

Dr. Miguel A. Ramirez

41. Dr. Miguel A. Ramirez is board-certified in orthopedic surgery. (Bd. Ex. 9, p. 2948).

42. Dr. Ramirez diagnosed Applicant with "a chronic hip tear, that despite repair, renders him unable to perform his full duties," and a "bilateral IT band gluteus tear status post repair." (Bd. Ex. 9, p. 2941).

43. Dr. Ramirez opined "[Applicant] has not reach [sic] maximum medical improvement which is typically 1 year from his surgery." He opined "it is no possible to assess at this point if this will be a permanent disability for the [Applicant]." (Bd. Ex. 9, p. 2941-42).

44. Dr. Ramirez opined "[t]he explanation that the [Applicant] gave as to his injury does correlate with the physical finding seen on exam today as well as those seen in his medical record." (Bd. Ex. 9, p. 2942).

45. Dr. Ramirez opined "that more likely than not, the injuries which the [Applicant] is disabled from occurred has [sic] a result of his September 27, 2023 incident." (Bd. Ex. 9, p. 2942-43).

46. Dr. Ramirez opined, "[a]t this point, I do not believe that any other further medical treatment would be necessary for the [Applicant]." (Bd. Ex. 9, p. 2943).

Work Status & Pay

47. Since September 27, 2023, Applicant has not worked full, unrestricted duty nor was he offered a permanent light duty position. (Tr. 31).

48. Applicant received Public Employee Disability Act (PEDA) benefits from September 27, 2023 to September 27, 2024. (Tr. 31).

49. Applicant filed a worker's compensation application that is pending. He received total temporary disability (TTD). Specifically, he testified he received TTD for 32 hours of the pay period that we got paid for today. I have 32 hours of TTD on that and then whatever this week." This is the only TTD payment Applicant received as of the hearing. (Tr. 31-32).

Pension Board's Decision

50. The Pension Board voted 5-0 to award Applicant a duty disability pension. (Tr. 37-38).

II. RELEVANT STATUTORY PROVISIONS

The following provisions of the Illinois Pension Code have application:

40 ILCS 5/4-105b Permanent disability.

"Permanent disability": any physical or mental disability that (1) can be expected to result in death, (2) has lasted for a continuous period of not less than 12 months, or (3) can be expected to last for a continuous period of not less than 12 months.

40 ILCS 5/4-110 Disability pension – Line of Duty.

If a firefighter, as the result of sickness, accident or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty, is found, pursuant to Section 4-112, to be physically or mentally permanently disabled for service in the fire department, so as to render necessary his or her being placed on disability pension, the firefighter shall be entitled to a disability pension equal to the greater of (1) 65% of the monthly salary attached to the rank held by him or her in the fire department at the date he or she is removed from the municipality's fire department payroll or (2) the retirement pension that the firefighter would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension). A firefighter shall be considered "on duty" while on any assignment approved by the chief of the fire department, even though away from the municipality he or she serves as a

firefighter, if the assignment is related to the fire protection service of the municipality.

40 ILCS 5/6-110 Act of Duty.

"Act of duty": Any act imposed on an active fireman by the ordinances of a city, or by the rules or regulations of its fire department, or any act performed by an active fireman while on duty, having for its direct purpose the saving of the life or property of another person.

III. ANALYSIS

The burden of proving entitlement to any kind of disability pension rests with the Applicant. *Evert v. Firefighters' Pension Fund of Lake Forest*, 180 Ill. App. 3d 656 (2nd Dist. 1989). When deciding pension claims, it is particularly within the province of the pension fund board of trustees to resolve any conflicts presented by the evidence and to determine the credibility of witnesses. *Mizon v. Bd. of Trustees of the Des Plaines Firemen's Pension Fund*, 54 Ill. 2d 260 (1973). Due to their personal knowledge, the pension board members are in the best position to determine pension questions. *Sanders v. Springfield Police Pension Bd.*, 112 Ill. App. 3d 1087 (4th Dist. 1983).

Applicant's Line-of-Duty Disability Claim

The elements a firefighter must prove to obtain a line-of-duty disability pension are:

1. He or she is a firefighter;
2. An accident, injury or sickness was incurred;
3. The accident, injury or sickness was incurred in or resulted from the performance of an act of duty; and
4. The firefighter is permanently disabled from service in the Fire District. *See Gloss v. Bd. of Trustees, Firemen's Pension Fund of Chicago Heights*, 132 Ill. App. 3d 736, 739 (1st Dist. 1971). The Pension Board finds Applicant satisfied his burden of proof and established each of the necessary elements to obtain a line-of-duty disability pension.

1. Applicant is disabled from full, unrestricted duty.

Applicant was a Lieutenant for the Fire Department on September 27, 2023, and at the time he applied for line-of-duty disability pension benefits. Applicant suffered an injury while performing the requirements of his job as a Lieutenant for the Fire Department. The objective medical evidence shows the September 27, 2023 incident resulted in injuries to Applicant's left hip, and the unanimous opinion of all three (3) independent medical examiners found Applicant is disabled from performing full, unrestricted firefighter duties as a result. Further, there is no objective medical evidence that concludes Applicant can return to full, unrestricted firefighter duties. No permanent light-duty position exists within the Fire Department. As such, the Pension Board finds Applicant is disabled.

2. Applicant is disabled as the result of an "act of duty."

Applicant incurred his disabling injury from the performance of an act of duty. The term "act of duty" for purposes of Article 4 of the Illinois Pension Code should be construed in accordance with the definition contained in Article 6 of the Pension Code. *Jensen v. E. Dundee Fire Prot. Dist. Firefighters' Pension Fund Bd. of Trustees*, 362 Ill. App. 3d 197, 203 (2d Dist. 2005). Section 6-110 of the Pension Code defines an act of day as "[1] [a]ny act imposed on an active fireman by the ordinances of a city, or [2] by the rules or regulations of its fire department, or [3] any act performed by an active fireman while on duty, having for its direct purpose the saving of the life or property of another person. 40 ILCS 5/6-110. Importantly, "[t]o qualify for a duty disability pension, firefighters need only show that one of these definitions is met." *Vill. of Roselle v. Bd. of Trs.*, 2021 IL App (2d) 200360, ¶35.

The claimant must prove the duty-related accident is a causative factor contributing to his disability. *Luchesi v. Ret. Bd. of Firemen's Annuity & Benefit Fund of Chicago*, 333 Ill. App. 3d

543, 550 (1st Dist. 2002). A sufficient nexus must exist between the disability and the performance of the act of duty for line-of-duty disability benefits to be appropriate. *Barber v. Bd. of Trustees of Vill. of S. Barrington Police Pension Fund*, 256 Ill. App. 3d 814, 818 (1st Dist. 1993). The claimant has the burden of establishing a causal connection between the act of duty and his disability. *Carrillo v. Park Ridge Firefighters' Pension Fund*, 2014 IL App (1st) 130656, ¶27. The Pension Board finds Applicant incurred his disabling injury from the performance of an "act of duty."

On September 27, 2023, Applicant participated in live fire training at the Fire Services Institute. During the training, he bent down to pick up a piece of hose and felt a "pop and release" in his left hip. Nonetheless, Applicant completed the training and reported his injury. That same day, Applicant responded to a dispatch call concerning an activated CO alarm but, when climbing downstairs, had trouble controlling his descent because of the left hip injury.

The Pension Board finds Applicant sustained his injury while performing duties imposed by the rules or regulations of the Fire Department. Further, the unanimous opinion of all three (3) independent medical examiners found Applicant's disabling injury was caused, in whole or in part, as a result of carrying out his duties on September 27, 2023. Therefore, based upon a preponderance of the evidence, the Pension Board finds Applicant is disabled to render necessary his suspension from service in the Fire Department. Because the September 27, 2023 incident caused Applicant's disability, the Pension Board finds Applicant's disabling condition resulted from an "act of duty."

IV. CONCLUSIONS

I. The Board of Trustees of the Champaign Firefighters' Pension Fund has jurisdiction over this subject matter.

2. Applicant is entitled to a line-of-duty disability pension pursuant to §5/4-110 of the Illinois Pension Code, effective MARCH 29, 2025, because he sustained a disabling injury in the performance of an act of duty.

3. Pursuant to 40 ILCS 5/4-110, Applicant is entitled to receive a disability pension benefit of 65% of his salary attached to rank, said salary determined to be \$ 117,009.65 _____ per year.

4. Applicant shall notify the Pension Board in the event of settlement or receipt of an award from any Workers' Compensation case in order for the Pension Board to determine whether there should be an offset pursuant to §5/4-114.2 of the Illinois Pension Code, and the Pension Board will retain jurisdiction over this matter for this purpose only.

IT IS THEREFORE ORDERED:

That a certificate of payment shall be issued to Applicant, Lieutenant William Painter, per 40 ILCS 5/4-125 of the Illinois Pension Code, stating Applicant's entitlement to a line-of-duty disability benefit, effective MARCH 29, 2025

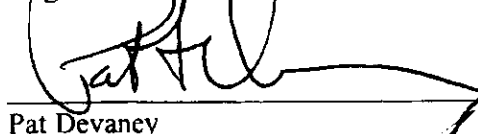
**BOARD OF TRUSTEES OF THE
CHAMPAIGN FIREFIGHTERS' PENSION FUND**



Darrel Calson



Roger Cruse



Pat Devaney



Jeremy Hunt



Andy Pruitt

THIS IS A FINAL AND APPEALABLE DECISION. THIS DECISION CAN BE REVIEWED IN THE CIRCUIT COURT BY FILING A COMPLAINT FOR ADMINISTRATIVE REVIEW WITHIN 35 DAYS FROM THE DATE THAT A COPY OF THIS DECISION WAS PLACED IN THE MAIL TO THE PARTY AFFECTED THEREBY.

IN THE MATTER OF THE)
DISABILITY APPLICATION OF:)
)
LT. WILLIAM PAINTER)
)
APPLICANT.)

Per Sections 4-125 and 4-110 of the Illinois Pension Code, this certifies Applicant, Lt. William Painter, is entitled to payment of a Line-of-Duty Disability Pension equal to 65% of the salary attached to the rank held by him at the time of his removal from the municipality's payroll, less all applicable offsets. The pension shall include any applicable additional benefit amount for dependents pursuant to Section 4-110 of the Pension Code. The effective date of Applicant's Line-of-Duty Disability Pension, subject to applicable offsets, is granted effective MARCH 29, 2025 _____. The salary attached to the rank held by Applicant at the date of suspension of duty or retirement is \$ 117,009.65.

SECRETARY

CERTIFICATE OF SERVICE

I, Richard J. Reimer, being first duly sworn on oath states that he served copies of the attached Decision and Order, and Certificate of Payment, on the persons named below by depositing same this 20th day of August, 2025 in the U.S. mailbox at 15 Spinning Wheel Road, Hinsdale, Illinois, 60521:

(X) PRIORITY MAIL SIGNATURE CONFIRMATION

(X) FIRST CLASS MAIL

TO: Lieutenant William Painter
618 West 4th Street
Homer, Illinois 61849

(By Priority Mail Signature Confirmation and First Class Mail)

Stephen P. Kelly, Esq.
Attorney at Law
2710 North Knoxville Avenue
Peoria, Illinois 61604

(By First Class Mail)



Richard J. Reimer, Esq.

cc: Mr. Roger Cruse, President
Champaign Firefighters' Pension Fund

Mr. Mike Ashby
Champaign Firefighters' Pension Fund

SUBSCRIBED and SWORN
to before me this 20th day
of August 2025.


NOTARY PUBLIC

