

I. FINDINGS OF FACT

Based upon a preponderance of the evidence in the administrative record, the Pension Board makes the following findings of fact:

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 is married and has no dependent children under the age of eighteen (18). (Tr. 8-9).

3. Applicant received his probationary appointment to the Fire Department on July 14, 1997. (Bd. Ex. 1, p. 1).

4. Prior to the incident of May 19, 2021, Applicant was not under the care of any doctor or medical professional for issues or symptoms related to Post-Traumatic Stress Disorder. (Tr. 9).

5. On or about January 21, 2022, Applicant submitted to the Pension Board an application for a line-of-duty disability pension benefit pursuant to 40 ILCS 5/4-110. Applicant cited a psychological injury incurred from responding to a call of an officer-involved shooting as the reason for the application. (Bd. Ex. 1, p. 1-3).

6. The Pension Board held a hearing on Applicant’s line-of-duty disability application on November 22, 2022. (Tr. 1).

7. Pension Board Exhibits 1 through 10 were admitted into the administrative record without objection. (Tr. 5).

¹ Citations to Board Exhibits will be referenced as “(Bd. Ex. __, p. __)”. Citations to November 22, 2022 Transcript of Hearing will be referenced as “(Tr. __)”.

8. Applicant's Exhibits 1 through 3 were admitted into the administrative record without objection. (Tr. 6).

The May 19, 2021 Injury

9. On the morning of May 19, 2021, Applicant responded as the on-duty lieutenant to an emergency call of an officer-involved shooting. (Tr. 10). (Bd. Ex. 10, p. 1919).

10. Upon his arrival at the scene, Applicant provided assistance to one of the Champaign police officers who was wounded, Officer Oberheim. Specifically, Applicant assessed Officer Oberheim's wounds and secured his ambulance transport. (Tr. 11, 26-27).

11. After the officer was transported to the hospital, Applicant remained the scene and observed the deceased suspect as well as the surrounding damage. Applicant helped clean up the scene then ultimately returned to the fire station. (Tr. 11-12, 27).

12. Later the same morning, Applicant learned Officer Oberheim had succumbed to his wounds at the hospital. (Tr. 12). (Bd. Ex. 10, p. 1919).

13. Following the May 19, 2021 incident, Applicant began experiencing psychological symptoms related to Post-Traumatic Stress Disorder ("PTSD"), including anxiety, anger, and depression. (Tr. 13).

14. Applicant continued to serve in a full, unrestricted capacity despite his psychological until July 5, 2021. (Tr. 15).

Applicant's Medical Care and Treatment

15. On June 1, 2021, Applicant sought treatment with a licensed clinical psychologist, Dr. Thomas Campion, for complaints of panic attacks, dissociation, and withdraw tendencies. Dr. Campion diagnosed Applicant with Post-Traumatic Stress Disorder ("PTSD") recommended

Applicant undergo regular therapy sessions and referred him to a physician for potential medication assistance. (Bd. Ex. 4, p. 1315-1316).

16. Following his initial evaluation of June 1, 2021, Applicant underwent weekly therapeutic sessions with Dr. Thomas Campion at Campion, Barrow & Associates. (Bd. Ex. 4, p. 1301-1302, 1314).

17. In addition, Dr. Campion recommended Applicant remain off duty while undergoing mental health treatment, finding his PTSD made him unable to safely and consistently perform his duties. (Bd. Ex. 4, p. 1301-1302).

18. On July 28, 2021, Applicant was evaluated by his primary care physician, Dr. Holly Erin Dallas, for complaints of anxiety and depression. Dr. Dallas recommended Applicant take prescription medication (e.g., Lexapro; Prozac; Propranolol) to treat his psychological symptoms. (Bd. Ex. 3, p. 1011, 1015).

19. On October 15, 2021, Applicant was evaluated by Yi-Chien Hung LCSW at Campion, Barrow & Associates regarding his psychological symptoms, including lack of motivation, avoidance behavior, and sleep disturbances. (Bd. Ex. 4, p. 1258).

20. Based on his evaluation, Dr. Hung diagnosed Applicant with PTSD and recommended he undergo eye movement desensitization and reprocessing therapy ("EMDR") and cognitive behavioral therapy ("CBT") to treat his related symptoms. (Bd. Ex. 4, p. 1258-1259).

21. Following his PTSD diagnosis, Applicant underwent weekly EMDR therapy with Dr. Campion and Mr. Hung at Campion, Barrow & Associates. (Bd. Ex. 4, p. 1260-1272).

22. While undergoing EMDR therapy, Dr. Campion recommended Applicant continue to remain off-duty until his symptoms improved, enabling him to safely and consistently perform firefighter duties. (Bd. Ex. 4, p. 1277, 1280)

23. As of the date of hearing, Applicant continues to see Dr. Campion for therapy on a monthly basis for his PTSD-related symptoms, including anxiety, memory loss, sleep deprivation, lack of motivation, and fearfulness. In addition, Applicant continues to use medication (*i.e.*, Propranolol) on an as-needed basis to treat his ongoing anxiety. (Tr. 14-16, 28-30). (Bd. Ex. 10, p. 1920).

Applicant's Work and Pay Status

24. Applicant received one (1) year of Public Employee Disability Act ("PEDA") benefits, ending on or about July 9, 2022. (Tr. 19). (App. Ex. 1, p. 2).

25. Applicant is currently receiving temporary total disability ("TTD") benefits. (Tr. 19, 32). (App. Ex. 2, p. 4-7).

26. Applicant's last day of duty was July 5, 2021. (Tr. 15).

27. Applicant was offered a temporary light duty position within the Fire Department, but he declined the position at the recommendation of his treating physician. (Tr. 21, 31-32).

28. Applicant has not been made available or offered a permanent light duty position within the Fire Department. (Tr. 19).

29. Applicant filed a Workers' Compensation claim related to the May 19, 2021 incident that is still pending. (Tr. 19).

Pension Board's Independent Medical Examinations

30. Pursuant to 40 ILCS 5/4-112 of the Illinois Pension Code, the Pension Board selected three (3) physicians to conduct an independent medical examination ("IME") of Applicant. Those physicians were Dr. Scott M. Gordon (Bd. Ex. 8), Dr. Geoffrey S. Shaw (Bd. Ex. 9), and Dr. Stevan M. Weine (Bd. Ex. 10). The Pension Board forwarded Applicant's treating

medical records and related employment records to each of the independent medical examiners prior to examination.

IME of Dr. Scott M. Gordon, M.D.

31. Dr. Gordon is licensed to practice medicine in the State of Illinois and is board certified in psychiatry and neurology. (Bd. Ex. 8, p. 1901).

32. Dr. Gordon examined Applicant on June 1, 2022, and certified him disabled from performing full and unrestricted firefighter duties based on PTSD. (Bd. Ex. 8, p. 1896).

33. Regarding Applicant's disability, Dr. Gordon concluded as follows:

"[Applicant] meets the diagnostic criteria for PTSD. He reports re-experiencing, nightmares, flashbacks, avoidance of situations that remind him of his line of work, strong apathy and amotivation, startle and hypervigilance. He dreams in black and white and frequently dreams of the traumatic events from his work exposures. He feels unable to perform work related duties and is ashamed of this...He has volunteered as a firefighter in his own community at the recommendation of his therapist but has been unable to answer calls for him to respond because of the anxiety and fear he experiences. He is unable to watch the news or speak of events related to violence and shootings. These symptoms began soon after the shooting of a colleague on 5/19/21. He sought mental health treatment on 6/1/21 as a result of these feelings and a concern he was unable to perform necessary work duties. [Applicant] reports a long history of traumatic exposures as a paramedic and firefighter for the last 31 years, however had no symptoms prior to the event on 5/19/21. He has no prior mental health treatment and had no prior mental health concerns." (Bd. Ex. 8, p. 1896-1897).

34. Dr. Gordon concluded Applicant's disability has lasted more than one (1) year and is likely permanent. (Bd. Ex. 8, p. 1897).

35. Dr. Gordon concluded Applicant did not suffer from any pre-existing conditions related to his disability. (Bd. Ex. 8, p. 1897).

36. Regarding disability causation, Dr. Gordon opined as follows:

"Based on my independent medical evaluation, I believe [Applicant's] disability is a cumulative effect of active firefighter duty, however, the events of 5/19/21 – 7/2/21 precipitated the symptoms of acute PTSD that prevents him from being able to perform his duties and that lead to his ongoing disability." (Bd. Ex. 8, p. 1897)

37. Dr. Gordon opined Applicant could perform in a limited, light duty capacity if such a position was made available and offered to him. (Bd. Ex. 8, p. 1898).

38. Dr. Gordon opined there is no additional medical care or treatment that Applicant could undergo that would enable him to recover from his disability and return to full, unrestricted firefighter duties. (Bd. Ex. 8, p. 1898).

IME of Dr. Geoffrey S. Shaw, M.D.

39. Dr. Shaw is licensed to practice medicine in the State of Illinois and is board certified in psychiatry and neurology with added qualifications in geriatric psychiatry. (Bd. Ex. 9, p. 1916).

40. Dr. Shaw examined Applicant on May 25, 2022, and certified him disabled from performing full and unrestricted firefighter duties. (Bd. Ex. 9, p. 1904, 1907).

41. Regarding Applicant's disability, Dr. Shaw concluded as follows:

"[Applicant] is disabled from performing his duties due to PTSD with severe anxiety. His disability is due to the cumulative effects of exposure to traumatic incidents encountered during the course of his firefighter duties." (Bd. Ex. 9, p. 1907).

42. Dr. Shaw concluded Applicant's disability has lasted more than one (1) year and is expected to continue for an indefinite period of time. (Bd. Ex. 9, p. 1908).

43. Dr. Shaw concluded Applicant did not suffer from any pre-existing conditions related to his disability. (Bd. Ex. 9, p. 1908).

44. Regarding disability causation, Dr. Shaw opined as follows:

"[Applicant's] disability is a direct result of his duties. Although the May 19, 2021 incident was the major precipitant his symptoms have become generalized in etiology, including incidents before and after May 19, 2021." (Bd. Ex. 9, p. 1908).

45. Dr. Shaw opined Applicant could not perform in a limited, light duty capacity if such a position was made available and offered to him, finding his symptoms have become more generalized and triggered by the location of his work and contact with former colleagues. (Bd. Ex. 9, p. 1909).

46. Regarding his recommendation for additional medical care or treatment, Dr. Shaw opined as follows:

“[Applicant’s] treatment has largely consisted of interpersonal psychotherapy and EMDR treatments. He has not had an adequate exposure to medications to fully assess their potential benefits. However, even with medications, it is very unlikely that he would be able to return to full and unrestricted duties.” (Bd. Ex. 9, p. 1909).

IME of Dr. Stevan M. Weine, M.D.

47. Dr. Weine is licensed to practice medicine in the State of Illinois and is board certified in psychiatry and neurology. (Bd. Ex. 10, p. 1934).

48. Dr. Weine examined Applicant on June 2, 2022, and certified him not disabled from performing full and unrestricted firefighter duties. (Bd. Ex. 10, p. 1919, 1922)

49. Regarding Applicant’s claimed disability, Dr. Weine concluded as follows:

“[Applicant] currently meets the criteria for Post-Traumatic Stress Disorder with a low intensity level of symptoms. In my opinion, [Applicant] is not currently disabled in the sense that despite this condition, he is still able to function as a full and unrestricted duty firefighter.” (Bd. Ex. 10, p. 1922).

50. Regarding pre-existing conditions related to Applicant’s claimed disability, Dr. Weine concluded, “[Applicant] has a pre-existing condition of obstructive sleep apnea.” (Bd. Ex. 10, p. 1922).

51. Regarding disability causation, Dr. Weine opined as follows:

“[Applicant’s] Post Traumatic Stress Disorder is the direct result of multiple acts of firefighter duty including especially those described in Summer 2021...”

In my opinion [Applicant] is not disabled. In my opinion, his decision to leave firefighting is not explained by an injury resulting in a disability.” (Bd. Ex. 10, p. 1923).

52. Dr. Weine opined Applicant could perform in a limited, light duty capacity if such a position was made available and offered to him. (Bd. Ex. 10, p. 1923).

53. Regarding his recommendation for additional medical care or treatment, Dr. Weine opined as follows:

“[Applicant] has benefited somewhat from treatment for his Post Traumatic Stress Disorder. He has benefited from psychotherapy, but he has been seen only once monthly and has not received a psychiatric evaluation or consistently taken psychiatric medications. If he were to receive both psychiatric medications (such as an SSRI, like Duloxetine) and evidence-based psychotherapy, it is likely that he would be able to manage and further reduce his symptoms. My recommendation is that [Applicant] continue psychotherapy with Dr. Champion, and also be seen by a psychiatrist for assessment and possible medication management. Regarding the probability of success, these treatments should help him to achieve stability and return to work as a firefighter, or pursue other employment.” (Bd. Ex. 10, p. 1923).

Pension Board’s Final Conclusions of Fact

54. The Pension Board voted 5-0 to award Applicant a line-of-duty disability pension benefit pursuant to §4-110 of the Illinois Pension Code, effective November 23, 2022 subject to any applicable workers’ compensation offsets. (Tr. 43-44).

55. The Pension Board finds Applicant is disabled as a result of an “act of duty” in that Applicant’s duties as a firefighter required that he respond to an emergency call of an officer-involved shooting on May 19, 2021.

II. APPLICABLE 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 Permanent disability – 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 OF CLAIM

Legal Standards To Be Used

The burden of proving the entitlement to any kind of disability pension rests with the applicant. *Daily v. Bd. of Trustees of Springfield Police Pension Fund*, 251 Ill. App. 3d 119 (4th Dist. 1993); *Wall v. Police Pension Bd. of Vill. of Schaumburg*, 178 Ill. App. 3d 438 (1st Dist. 1988); *Evert v. Firefighters' Pension Fund of Lake Forest*, 180 Ill. App. 3d 656 (2d Dist. 1989). Due to their personal knowledge of the peculiar physical and emotional demand of the job, the members of the pension board are in the best position to determine pension questions. *Sanders v. Bd. of Trustees of City of Springfield Police Pension Fund*, 112 Ill. App. 3d 1087, 1091 (4th Dist. 1983).

Applicant's Line-of-Duty Disability Claim

The elements a firefighter must prove in order to obtain a line-of-duty disability pension under 40 ILCS 5/4-110 are as follows:

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 for 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 has sustained his burden of proof in establishing he is disabled and that his disability was incurred in or resulted from the performance of an "act of duty."

1. **Applicant is disabled from full and unrestricted firefighter duties.**

Applicant was a Champaign firefighter on May 19, 2021, and at the time he applied for line-of-duty disability pension benefits. Applicant suffered a psychological injury (*i.e.*, PTSD) while performing the requirements of his job as a Champaign firefighter on May 19, 2021. The objective medical evidence shows Applicant has or is currently undergoing multiple treatments for his psychological injury. The opinion of two (2) of the three (3) independent medical examiners concluded Applicant is disabled from full and unrestricted firefighter duties as a result of his psychological injury. Aside from Dr. Weine, there is no objective medical evidence contained in the administrative record that concludes Applicant can return to full and unrestricted firefighter duties. In addition, the Pension Board finds no permanent light duty positions exists within the Fire Department. As such, Applicant's psychological injury renders necessary his suspension or retirement from service in the Fire Department.

2. Applicant is disabled as a result of an “act of duty.”

Applicant incurred his disabling psychological injury from the performance of an “act of duty.” Article 4 of the Illinois Pension Code borrows the definition of the term “act of duty” from Section 6-110 of the Pension Code. *Jensen v. E. Dundee Fire Prot. Dist. Firefighters’ Pension Fund Bd. of Trustees*, 362 Ill. App. 3d 197, 205 (2d Dist. 2005). Section 6-110 of the Pension Code defines an “act of duty” as “[a]ny 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. *Id.*

In Illinois, an act of duty need not be the sole cause of a firefighter’s disability. The Applicant must prove only that the duty-related accident is a causative factor contributing to his disability. See *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). As the claimant, Plaintiff has the burden to establish 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 sufficient evidence in the record supports the conclusion Applicant incurred his disabling psychological injury from the performance of an act of duty. On May 19, 2021, Applicant suffered a psychological injury while carrying out of duties as a Champaign firefighter. Specifically, Applicant’s duties as a firefighter required that he respond to a call for service of an officer-involved shooting on May 19, 2021 and render aid to a Champaign police officer who ultimately succumbed to his wounds. This required act, having for its direct

purpose the saving of the life of another person, resulted in Applicant's disabling injury and ultimate disability. Further, two (2) of the three (3) independent medical examiners opined Applicant's disability is cumulative result of his firefighter duties, in which the May 19, 2021 precipitated his psychological symptoms and currently prevent him performing full, unrestricted duties.

Therefore, based on the evidence in the administrative record, the Pension Board finds Applicant is disabled, rendering necessary his suspension from service in the Fire Department, as a result of an "act of duty." Whether the May 19, 2021 incident directly caused his disability or precipitated his ongoing psychological symptoms, the Pension Board finds Applicant's disabling psychological injury was incurred in or resulted from the performance of an act of duty on May 19, 2021.


IV. CONCLUSIONS

1. The Board of Trustees of the Champaign Firemen's Pension Fund has jurisdiction over this subject matter.
2. Applicant is entitled to a line-of-duty disability pension pursuant to §4-110 of the Illinois Pension Code, effective November 23, 2022, because he sustained a disabling injury in the performance of an act of duty.
3. 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 40 ILCS 5/4-114.2 of the Illinois Pension Code, and the Pension Board will retain jurisdiction over the matter for this purpose only.


IT IS THEREFORE ORDERED:

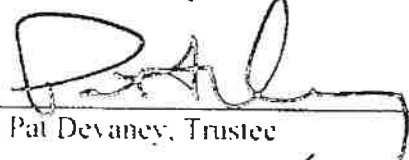
That a certificate of payment be issued to Applicant, Lieutenant Alan Meyer, pursuant to §4-125 of the Illinois Pension Code, stating Applicant's entitlement to a line-of-duty disability pension benefit effective November 23, 2022.

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


Mr. Roger Cruse, President


Mr. Bradley Drel, Trustee


Chief Gary Ludwig, Trustee


Mr. Pat Devaney, Trustee


Mr. Jeremy Hunt, Trustee

DATE: 2/27/2023

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 SERVED UPON THE PARTY AFFECTED THEREBY.

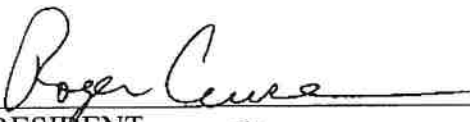

**BEFORE THE BOARD OF TRUSTEES OF THE
CHAMPAIGN FIREFIGHTERS' PENSION FUND**

IN THE MATTER OF THE)
DISABILITY APPLICATION OF:)
)
LIEUTENANT ALAN MEYER,)
)
)
APPLICANT.)

CERTIFICATE OF PAYMENT

Pursuant to §4-125 and §4-110 of the Illinois Pension Code, 40 ILCS 5/4-101 et seq., this certifies Applicant, Lieutenant Alan Meyer, is entitled to payment of a Line-of-Duty Disability Pension Benefit 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 any and all applicable offsets. The effective date of Applicant's line-of-duty disability pension benefit, subject to applicable offsets, is granted retroactive to November 23, 2022. The salary attached to the rank held by Applicant at the date of suspension of duty or retirement is \$108,164.10.

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

By: 
PRESIDENT

SECRETARY

DATE: 2/27/2023

CERTIFICATE OF SERVICE

I, Richard J. Reimer, being first duly sworn under oath, states that he served a copy of the enclosed Decision and Order and Certificate of Payment on the person named below by depositing same this 2nd day of MARCH, 2023, in the U.S. mailbox at 15 Spinning Wheel Road, Hinsdale, Illinois, properly posted for:

(X) PRIORITY MAIL SIGNATURE CONFIRMATION (X) FIRST CLASS MAIL

TO: Lieutenant Alan Meyer
3558 East Pells Street
Paxton, Illinois 60957

(By Priority Mail, Signature Confirmation)

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

(By First Class Mail)



SUBSCRIBED AND SWORN
to before me this 2nd day
of MARCH, 2023.


NOTARY PUBLIC

