

STATE EMPLOYEES
RETIREMENT COMMISSION



MEDICAL EXAMINING BOARD
for DISABILITY RETIREMENT



STATE OF CONNECTICUT
RETIREMENT SERVICES DIVISION
OFFICE of the STATE COMPTROLLER

165 Capitol Ave.
Hartford, CT 06106

PHONE: (860) 702-3480 | EMAIL: OSC.RSD@CT.GOV

STATE EMPLOYEES RETIREMENT COMMISSION LEGAL AND PERSONNEL SUBCOMMITTEE MINUTES OF MEETING

DATE: March 9, 2022

PRESENT:

Chairman Peter Adomeit
Trustee Michael Carey
Trustee Robert Coffey
Trustee Michael O'Brien
Trustee Claude Poulin
Commission Counsel Michael Rose (Rose Kallor, LLP)
Commission Counsel Cindy Cieslak (Rose Kallor, LLP)
Commission Tax Counsel Bruce Barth (Robinson & Cole LLP)
John Herrington, Retirement Services Division Director

The Chairman called the meeting to order at 8:33 a.m. Those present were identified by Attorney Cieslak.

At 8:34 a.m., Mr. O'Brien moved, seconded by Mr. Coffey to approve the agenda. All voted in favor.

Executive Session – discussion and possible recommendation

1. Ronald Johnson v. SERC – pending claim/pending litigation.
2. Douglas Latham – Request for Declaratory Ruling – written legal opinion.
3. FOI appeal by Attorney Russell Zimberlin – pending claim/pending litigation.
4. Michael Vogt Appeal to SERC of MEB decision – written legal opinion.

At 8:34 a.m., Mr. O'Brien moved, seconded by Mr. Coffey to suspend the regular meeting and go into executive session for the purposes of discussing Items 1-4. Bruce Barth, Cindy Cieslak, John Herrington, Claude Poulin, and Michael Rose were invited by the Subcommittee to stay for executive session. The Chairman asked if there was any discussion. There being no discussion he

called for a vote. The Subcommittee voted unanimously in favor to enter executive session to discuss Items 1-4.

At 9:09 a.m., Mr. O'Brien moved, seconded by Mr. Coffey, to exit executive session. The Chairman asked if there was any discussion. There being no discussion he called for a vote. All voted in favor.

Public Session

At 9:10 a.m., Mr. Carey moved, seconded by Mr. O'Brien to recommend to the Commission that it accept Mr. Latham's petition for declaratory ruling. All voted in favor.

At 9:11 a.m., Mr. Coffey moved, seconded by Mr. O'Brien to recommend to the Commission that it remand Mr. Vogt's matter to the MEB for further review on reconsideration in order to consider the additional evidence submitted on December 6 and 11, and determine whether in light of all the evidence and full record, a service connected disability is warranted, or if the additional information has already been considered, amend the decision to reflect the information reviewed and provide a rationale explaining why the additional information does not entitle the member to a service-connected disability. Further, the Subcommittee recommends to the Commission that it direct the Division to add an additional sentence to MEB determination letters on reconsideration which explains that although a member's appeal rights have been exhausted with the MEB, the member may have rights to appeal to SERC on procedural matters. All voted in favor.

At 9:15 a.m. Mr. Adomeit asked if there was any old business to discuss. No old business was discussed.

MEETING ADJOURNED: With no further business before the Subcommittee, at 9:15 a.m., Mr. O'Brien moved, seconded by Mr. Coffey, to adjourn. All voted in favor. Meeting adjourned.

Respectfully submitted,

Robert Coffey