

**TOWN OF WALLINGFORD
PERSONNEL AND PENSION APPEALS BOARD
REGULAR MEETING
SEPTEMBER 1, 2009**

A Regular Meeting of the Wallingford Personnel and Pension Appeals Board was held on Tuesday, September 1, 2009 at the Wallingford Town Hall Room 315. Chairman Loren Lettick called the meeting to order at 6:33 p.m. Present were Chairman Lettick, Board Members Matthew Furman, Jr., Richard Vanski, Fred Ulbrich, Jr., Steve Davis, and Sandra Smith. Also present were Personnel Director Terence Sullivan, Attorney Dennis Ciccarillo and Recording Secretary Sonja Vining.

ITEM 3 – APPROVAL OF MINUTES – JUNE 2, 2009 MEETING

Chairman Lettick made several corrections to Page 1. Mr. Furman made a motion to approve the Minutes of the June 2, 2009 meeting as corrected. Mr. Vanski seconded and the Minutes were approved as submitted by a vote of 6-0.

ITEM 4 – OLD BUSINESS

a. Consideration and Possible Action on a Disability Pension Appeal by Michael Devin

In attendance were:

Michael Devin, Attorney John Walsh, Personnel Director Terence Sullivan, and Attorney Dennis Ciccarillo.

Chairman Lettick repeated the motion as it was made at the end of the June 2, 2009 meeting.

Attorney Ciccarillo distributed “Town Exhibit #1”, a copy of a letter dated August 31, 2009 to Loren Lettick from Terence Sullivan regarding Michael Devin pension appeal. He indicated that Mr. Sullivan ultimately determined last week to go ahead and try to move this along and acquire an MRI. The results of Mr. Sullivan’s attempt were detailed in the letter of August 31, 2009 (Town Exhibit #1).

Attorney Walsh reviewed the time line and some history of the case. It was his position that the Town had not done the three things that it was requested to do in the motion made by the Board at the June meeting. He indicated that the first time he heard that the Town was not going to take the steps requested by the Board was not until August 13, 2009. In the opinion of Attorney Walsh the Letter of August 31, 2009 was a last second effort to show that the Town tried to do something. He stated that Mr. Devin has done everything that he has been asked to do.

Referring to “Joint Exhibit #9” Attorney Ciccarillo stated the Town’s position on not acquiring or paying for a functional capacity assessment.

Each Board Member explained what he/she expected to hear and see at the opening of the meeting. It was the general consensus that the Members expected to have presented to them a report from a doctor or doctors on an MRI that was given to Mr. Devin. Chairman Lettick stated that it is up to the Board to decide if it would make a decision at this meeting or postpone until an MRI is given and reviewed by the IME's along with all of the other medical records.

Each Member stated his/her position. Chairman Lettick stated that what the Board wants is the cooperation of the Town and Mr. Devin to obtain an MRI, to obtain copies of all medical records and to present the records, including the MRI, to Dr. Torrey and Dr. Goodrich. Once that has been done a report needs to be received from each doctor supplementing his earlier report. The reports should pay particular attention to Mr. Devin's ability to perform his duties as a police officer and answer the question whether he has reached maximum medical improvement. Attorney Ciccarillo indicated that the Town would pay for all of the items mentioned by Chairman Lettick.

Attorney Walsh indicated that Mr. Devin would contact his general practitioner Wednesday to see if he would prescribe an MRI. If Mr. Devin is unable to get that prescription Attorney Walsh will contact Attorney Ciccarillo and write a letter to the Board notifying them as soon as possible.

ITEM 5 - NEW BUSINESS:

None

ITEM 6 – ADJOURNMENT

Mr. Furman made a motion to adjourn. Mr. Davis seconded and the motion passed unanimously. The meeting adjourned at 7:40 p.m.

Submitted by,

Sonja Vining
Recording Secretary
Personnel & Pension Appeals Board
September 1, 2009

