

Employees' Retirement System Board of Trustees

May 18, 2022 03:30 PM - 05:00 PM



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EMPLOYEES' RETIREMENT SYSTEM

Asset Allocation Breakdown

Plan Level Asset Detail April 29, 2022	Global Equities	Global Fixed Income	Global Real Assets	Global Multi-Asset	Absolute Return	Plan Level Cash & Lev.	ERS Portfolio Totals	Estimated MTD % change Account vs Index
Global Equity							27.6%	-5.24% -7.89% ERS Equity Blend
US Equity							16.4%	-3.93% -8.97% Russell 3000
Large Cap Value Mgr.	\$ 140,387,599	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 140,387,599	-3.70% -5.64% Russell 1000V
Equity Options Mgr. *	\$ 60,063,345	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,063,345	-7.99% -5.64%
US ETF Portfolio	\$ 83,433,043	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 83,433,043	-7.72% -5.64%
Large Cap Growth Mgr.	\$ 49,748,711	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 49,748,711	-20.04% -12.08% Russell 1000G
Private Equity Managers *	\$ 513,696,805	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 513,696,805	- -
International Equity							11.3%	-7.44% -6.25% Int'l Blend
Int'l DM Value Mgr. *	\$ 164,973,576	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,973,576	-5.85% -6.49% MSCI Wld x-US
Int'l DM Growth Mgr.	\$ 115,551,665	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 115,551,665	-9.61% -8.20% MSCI Wld x-US Gr.
Int'l DM ETF Portfolio	\$ 67,243,662	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 67,243,662	-6.27% -4.92% MSCI Wld x-US Val
Int'l DM Small Cap Mgr.	\$ 124,694,334	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 124,694,334	-7.75% -6.88% MSCI Wld x-US Sm.
Int'l EM Mgr. *	\$ 52,665,267	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 52,665,267	-8.56% -5.55% MSCI Emg. Mkts.
Int'l EM ETF Portfolio	\$ 58,308,137	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 58,308,137	-7.43% -5.55%
Global Fixed Income							30.8%	-2.79% -4.96% ERS Fixed Blend
Core Fixed Income							13.0%	-3.50% -5.55% BCAgg x1.45
US Mortgage Mgr.	\$ -	\$ 141,213,199	\$ -	\$ -	\$ -	\$ -	\$ 141,213,199	-1.63% -3.51% BC MBS
Global Bond Mgr.	\$ -	\$ 120,704,712	\$ -	\$ -	\$ -	\$ -	\$ 120,704,712	-7.09% -5.88% FTSEWGBI(\$)
Global Govt I/L Bonds *	\$ -	\$ 601,413,144	\$ -	\$ -	\$ -	\$ (400,942,096)	\$ 200,471,048	-7.80% -8.23% I/L Blend
US Treasury Mgr.	\$ -	\$ 80,159,584	\$ -	\$ -	\$ -	\$ -	\$ 80,159,584	-9.87% -5.12% UST 3-Mo/30-Yr
Int'l EM Debt Mgr. A *	\$ -	\$ 47,719,637	\$ -	\$ -	\$ -	\$ -	\$ 47,719,637	-0.70% -5.81%
Int'l EM Debt Mgr. B *	\$ -	\$ 81,755,349	\$ -	\$ -	\$ -	\$ -	\$ 81,755,349	-4.53% -5.81% EMD Blend
Credit Fixed Income							17.8%	-1.43% -3.56% BC High Yield
US High Yield Mgr.	\$ -	\$ 130,428,952	\$ -	\$ -	\$ -	\$ -	\$ 130,428,952	-3.62% -3.62% ML BB/B Non-Dist.
Opp. Credit Mgr. A *	\$ -	\$ 122,572,980	\$ -	\$ -	\$ -	\$ -	\$ 122,572,980	-6.50% - CS Distressed
Opp. Credit Mgr. B *	\$ -	\$ 37,863,827	\$ -	\$ -	\$ -	\$ -	\$ 37,863,827	-0.32% -
Opp. Credit Mgr. C	\$ -	\$ 64,390,167	\$ -	\$ -	\$ -	\$ -	\$ 64,390,167	-2.68% -3.62%
Opp. Credit Mgr. D	\$ -	\$ 60,981,182	\$ -	\$ -	\$ -	\$ -	\$ 60,981,182	-0.32% -
Private Debt Managers *	\$ -	\$ 503,342,291	\$ -	\$ -	\$ -	\$ -	\$ 503,342,291	- -
Global Real Assets							11.3%	0.81% -1.39% ERS Real Assets
US REIT Mgr.	\$ -	\$ -	\$ 135,603,098	\$ -	\$ -	\$ -	\$ 135,603,098	-3.67% -3.66% FTSE/NAREIT
Int'l Real Est. Mgr.	\$ -	\$ -	\$ 60,279,368	\$ -	\$ -	\$ -	\$ 60,279,368	-6.06% -6.90% EPRA/NAREIT Intl
Global Real Asset Mgr. *	\$ -	\$ -	\$ 101,235,389	\$ -	\$ -	\$ -	\$ 101,235,389	-2.86% -2.73% Custom Blend
Private Real Asset Mgrs. *	\$ -	\$ -	\$ 286,593,483	\$ -	\$ -	\$ -	\$ 286,593,483	- - Real Asset Blend
Global Multi-Asset							10.9%	-3.04% -4.66% ERS Risk Parity
Risk Parity Mgr. A *	\$ -	\$ -	\$ -	\$ 163,271,196	\$ -	\$ (97,962,718)	\$ 65,308,478	-13.27% -11.81% RPI @ 25% Vol
Risk Parity Mgr. B *	\$ -	\$ -	\$ -	\$ 168,948,118	\$ -	\$ (56,316,039)	\$ 112,632,079	-6.49% -7.05% RPI @ 15% Vol
Risk Parity Mgr. C *	\$ -	\$ -	\$ -	\$ 185,162,359	\$ -	\$ (61,720,786)	\$ 123,441,573	-2.80% -7.05%
Risk Parity Mgr. D *	\$ -	\$ -	\$ -	\$ 179,591,721	\$ -	\$ (59,863,907)	\$ 119,727,814	-6.01% -7.05%
Risk Parity Mgr. E	\$ -	\$ -	\$ -	\$ 214,875,812	\$ -	\$ (71,625,271)	\$ 143,250,541	-0.23% -7.05% RPI @ 10% Vol
Absolute Return							16.4%	3.79% 0.11% 3-Mo. LIBOR
Hedge Fund A *	\$ -	\$ -	\$ -	\$ -	\$ 77,143,262	\$ -	\$ 77,143,262	12.99%
Hedge Fund B *	\$ -	\$ -	\$ -	\$ -	\$ 59,221,278	\$ -	\$ 59,221,278	3.02%
Hedge Fund C *	\$ -	\$ -	\$ -	\$ -	\$ 86,162,779	\$ -	\$ 86,162,779	2.12%
Hedge Fund D *	\$ -	\$ -	\$ -	\$ -	\$ 109,763,233	\$ -	\$ 109,763,233	8.63%
Hedge Fund E *	\$ -	\$ -	\$ -	\$ -	\$ 61,062,661	\$ -	\$ 61,062,661	3.61%
Hedge Fund F *	\$ -	\$ -	\$ -	\$ -	\$ 53,987,194	\$ -	\$ 53,987,194	3.05%
Hedge Fund G *	\$ -	\$ -	\$ -	\$ -	\$ 76,624,904	\$ -	\$ 76,624,904	4.62%
Hedge Fund H *	\$ -	\$ -	\$ -	\$ -	\$ 93,780,796	\$ -	\$ 93,780,796	1.47%
Hedge Fund I *	\$ -	\$ -	\$ -	\$ -	\$ 25,346,508	\$ -	\$ 25,346,508	-12.40%
Hedge Fund J *	\$ -	\$ -	\$ -	\$ -	\$ 39,239,597	\$ -	\$ 39,239,597	3.23%
Hedge Fund K *	\$ -	\$ -	\$ -	\$ -	\$ 100,959,024	\$ -	\$ 100,959,024	3.46%
Hedge Fund L *	\$ -	\$ -	\$ -	\$ -	\$ 64,770,223	\$ -	\$ 64,770,223	0.60%
Plan Cash & Futures							3.0%	0.13% 0.11% 3-Mo. LIBOR
Plan Level Cash	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 156,080,304	\$ 156,080,304	0.13%
Int'l FX Currency Hedge	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (247,984,236)	4.70% 3.96%
Gold Futures Overlay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 127,510,390	-2.16% -2.16%
Futures Overlay	\$ 161,031,264	\$ 413,272,621	\$ 245,631,677	\$ -	\$ -	\$ (819,935,562)	\$ -	n/a
Portfolio Exposure Totals	\$ 1,591,797,409	\$ 2,405,817,644	\$ 829,343,015	\$ 911,849,206	\$ 848,061,459	\$ (1,412,286,075)	\$ 5,174,582,658	-2.56% -5.14% <- ERS Policy
Portfolio Exposure %	30.8%	46.5%	16.0%	17.6%	16.4%	-27.3%	100.0%	-2.26% -7.12% <- ERS Plan

MOTIONS

- INVEST \$25 MILLION (0.50% TARGET SIZE) IN THE VANECK NEW FINANCE INCOME FUND, FUNDING TO COME FROM THE SHENKMAN HIGH YIELD PORTFOLIO.
- INVEST \$25 MILLION (0.50% TARGET SIZE) IN THE PARATAXIS DIGITAL YIELD FUND TO BE FUNDED BY REDUCING THE SHENKMAN HIGH YIELD PORTFOLIO.



Minutes for Employees' Retirement System Board of Trustees

4/20/2022 | 3:36 pm – 5:54 pm - Eastern Time (US and Canada)
Virtual

Attendees

Board: Jon Miskell; Dave Swan; Kevin North; Bob Carlson; Chris Pietsch (in – 3:40pm); Ricky Brown; Anthony Griffin; John Yeatman (in – 4:01pm); Terry Kellogg

Absent: Catherine Spage

Staff: Anthony Vu; Andy Spellar; Katherine Molnar; Yuko Ando; Jeff Weiler; Brian Morales; Amy Bain; Jennifer Snyder

Guests: Lauren Albanese; Andrew Giordano; Mike Graninger

Set Agenda

Mr. Carlson called the meeting to order at 3:36 p.m.

INVESTMENT MATTERS

Mr. Miskell moved the following, Mr. North seconded the motion, the motion passed unanimously.

MOTION FOR ELECTRONIC MEETING

1. AUDIBILITY OF MEMBERS' VOICES:

FROM THE CHAIRMAN:

TO CONDUCT THIS MEETING WHOLLY ELECTRONICALLY, THE **FAIRFAX COUNTY EMPLOYEES' RETIREMENT BOARD** NEEDS TO MAKE CERTAIN FINDINGS FOR THE RECORD TO EVIDENCE OUR COMPLIANCE WITH ALL APPLICABLE LAWS. THESE MOTIONS ADDRESS THIS COMPLIANCE.

FIRST, I AM GOING TO CONDUCT A ROLL CALL AND ASK EACH BOARD MEMBER PARTICIPATING IN THIS MEETING TO STATE YOUR NAME AND YOUR LOCATION. I ASK THAT EACH OF YOU PAY CLOSE ATTENTION TO ENSURE THAT YOU CAN HEAR EACH OF YOUR COLLEAGUES.

[CONDUCT ROLL CALL]

AT THIS POINT, I WILL PASS THE VIRTUAL GAVEL TO [THE VICE-CHAIR OR ANOTHER MEMBER], SO THAT I MAY MAKE THE APPROPRIATE MOTIONS.

I MOVE THAT THE **FAIRFAX COUNTY EMPLOYEES' RETIREMENT BOARD** CERTIFY FOR THE RECORD THAT EACH MEMBER'S VOICE MAY BE ADEQUATELY HEARD BY EACH OTHER MEMBER OF THIS BOARD.

2. NEED FOR AN ELECTRONIC MEETING:

SECOND, I MOVE THAT THE EMPLOYEES' RETIREMENT BOARD CERTIFY THAT THE STATE OF EMERGENCY CAUSED BY THE COVID-19 PANDEMIC MAKES IT UNSAFE FOR THIS BOARD AND THE PUBLIC TO PHYSICALLY ATTEND THIS MEETING IN PERSON, AND THE USUAL PROCEDURES CANNOT BE IMPLEMENTED SAFELY OR PRACTICALLY. AS A RESULT, I FURTHER MOVE THAT THE FCRHA CONDUCT THIS MEETING ELECTRONICALLY THROUGH A DEDICATED VIDEO- AND AUDIO-CONFERENCING LINE, AND THAT THE PUBLIC MAY ACCESS THIS MEETING BY CONTACTING THE RETIREMENT SYSTEM OFFICE.

3. NEED TO DISPENSE WITH FOIA'S USUAL PROCEDURES TO ASSURE CONTINUITY IN GOVERNMENT/CONTINUE OPERATIONS

FINALLY, I MOVE THAT THE EMPLOYEES' RETIREMENT BOARD CERTIFY THAT THE MATTERS ON ITS AGENDA TODAY RELATE TO THE COVID-19 EMERGENCY ITSELF, ARE NECESSARY FOR CONTINUITY IN FAIRFAX COUNTY GOVERNMENT, AND/OR ARE STATUTORILY REQUIRED OR NECESSARY TO CONTINUE OPERATIONS AND THE DISCHARGE OF THE EMPLOYEES' RETIREMENT BOARD LAWFUL PURPOSES, DUTIES, AND RESPONSIBILITIES.

Mr. Miskell moved, Mr. Griffin seconded the motion, Mr. Swan voted no, and the motion passed eight to one to:

Enter Closed Session:

MOTION TO GO INTO CLOSED SESSION - VIRGINIA CODE SECTION 2.2-3711(A)(20):

I MOVE THAT THE FAIRFAX COUNTY EMPLOYEES' RETIREMENT BOARD OF TRUSTEES GO INTO CLOSED SESSION, PURSUANT TO VIRGINIA CODE SECTION 2.2-3711{A}(20), FOR DISCUSSION REGARDING THE ACQUISITION, HOLDING OR DISPOSITION OF A SECURITY OR OTHER OWNERSHIP INTEREST IN AN ENTITY. THE SECURITY OR OWNERSHIP INTEREST IS NOT TRADED ON A GOVERNMENTALLY REGULATED SECURITIES EXCHANGE.

THE DISCUSSION: CONCERNS CONFIDENTIAL ANALYSES PREPARED FOR THE BOARD OF TRUSTEES, AND WAS PROVIDED TO THE BOARD OF TRUSTEES UNDER A PROMISE OF CONFIDENTIALITY OF THE FUTURE VALUE OF SUCH OWNERSHIP INTEREST OR THE FUTURE FINANCIAL PERFORMANCE OF THE ENTITY, WOULD HAVE AN ADVERSE EFFECT ON THE VALUE OF THE INVESTMENT TO BE ACQUIRED, HELD, OR DISPOSED OF BY FAIRFAX COUNTY EMPLOYEES' RETIREMENT BOARD OF TRUSTEES SPECIFICALLY RELATES TO

- Manager Presentation by portfolio managers
- Market Value Report
- Manager Recommendation
- Retirement Applications

The Board entered closed session at 3:37 p.m.

Mr. Miskell moved, Mr. Griffin seconded the motion, Mr. Swan abstained, and the motion passed eight to one to:

Exit Closed Session:

IN ACCORDANCE WITH VIRGINIA CODE SECTION 2.2-3712, I MOVE THAT THE FAIRFAX COUNTY EMPLOYEES' RETIREMENT BOARD OF TRUSTEES MEMBERS CERTIFY THAT, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION BY WHICH THE CLOSED SESSION WAS CONVENED WERE HEARD, DISCUSSED, OR CONSIDERED IN CLOSED SESSION.

The Board exited closed session at 5:28 p.m.

ADMINISTRATION/BENEFIT MATTERS

Mr. Griffin moved

TO COMMIT \$50M TO SANDS GLOBAL VENTURE FUND III, FUNDING TO COME FROM DRAWDOWNS IN PRIVATE CREDIT AND OTHER PRIVATE EQUITY FUNDS DISTRIBUTIONS AND PLAN LEVEL CASH AS NEEDED.

TO COMMIT \$60 MILLION TO CRESTLINE OPPORTUNITY FUND V WHICH REPRESENTS 125% OF A 1% TARGET POSITION SIZE, FUNDED FROM DISTRIBUTIONS FROM CRESTLINE OPPORTUNITY FUND IV AND PLAN LEVEL CASH AS NEEDED.

TO COMMIT \$40M TO SECTION CAPITAL FUND V AND \$10M TO SECTION VENTURES FUND II WHICH REPRESENT A 1% TARGET FUND SIZE IN AGGREGATE, FUNDING TO COME FROM FUND VI AND FUND I RESPECTIVELY AND PLAN LEVEL CASH AS NEEDED.

Mr. North seconded the motions. Ms. Kellogg opposed the first motion. The first motion passed eight to one; and the second and third motions passed unanimously.

Retirement Applications

Retirement applications were noted for the record.

Approval of February 2022 and March 2022 Minutes

Mr. Griffin moved:

TO APPROVE THE FEBRUARY 2022 MEETING MINUTES AND TO APPROVE THE MARCH 2022 MEETING MINUTES WITH AMENDMENT NOTED.

Mr. Swan seconded the motion and the motion passed unanimously.

Mr. Miskell moved, Mr. Yeatman seconded the motion and the motion passed unanimously:

THAT THE BOARD GO INTO CLOSED SESSION FOR: (1) DISCUSSION OR CONSIDERATION OF MEDICAL AND MENTAL RECORDS EXCLUDED FROM THIS CHAPTER PURSUANT TO SUBDIVISION 1 OF 2.2-3705.5 PURSUANT TO VIRGINIA CODE SECTION 2.2.3711(A)15 REGARDING DISABILITY BENEFITS

The Board entered closed session at 5:31 p.m.

Mr. Miskell moved, Mr. North seconded the motion, and the motion passed unanimously:

Exit Closed Session:

IN ACCORDANCE WITH VIRGINIA CODE SECTION 2.2-3712, I MOVE THAT THE FAIRFAX COUNTY EMPLOYEES' RETIREMENT BOARD OF TRUSTEES MEMBERS CERTIFY THAT, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION BY WHICH THE CLOSED SESSION WAS CONVENED WERE HEARD, DISCUSSED, OR CONSIDERED IN CLOSED SESSION.

The Board exited closed session at 5:40 p.m.

Mr. Miskell moved:

THAT BASED ON THE RESULTS OF THE REVIEWS CONDUCTED BY THE MEB AND THE RECOMMENDATIONS OF STAFF, TO DENY THE ORDINARY DISABILITY FOR DB.

THAT BASED ON THE RESULTS OF THE REVIEWS CONDUCTED BY THE MEB AND THE RECOMMENDATIONS OF STAFF, TO CONTINUE DISABILITY BENEFITS FOR RH AND ZH.

Mr. North seconded the motion and the motion passed unanimously.

Cost of Living

The retiree cost of living adjustment (COLA) of 4%, effective July 1, 2022, was noted for the record.

Adjourn

Mr. North moved:

TO ADJOURN

Mr. Griffin seconded the motion and the motion passed unanimously.

The meeting adjourned at 5:54 p.m.

Robert C. Carlson, Chairman

Jeffrey K. Weiler, Executive Director

FOOTNOTE: This information has been prepared by Fairfax County and has not been provided or approved by the General Partners, Investment Managers or the Funds.



DRAFT 5/17/22

Disability Review Policy

New Disability Applications

One of the Boards' functions is the review and approval/disapproval of ordinary and service-connected disability applications. It is staff's job to present these applications along with:

- a cover page indicating staff's recommendation and whether or not the applicant is approved for workers compensation.
- notes from the medical examination board (MEB) doctor, along with their recommendation.
- the applicant's application for disability retirement.
- the applicant's doctor's summary of what they have observed.
- medical records from the applicant's doctor documenting the applicant's condition.
- workers compensation (if applicable) status and summary from Risk Management.

Review Process

Step 1:

The process begins with the applicant completing the Member's Report of Disability form. County Code Section 3-2-35 (b) states that:

The member or his or her employer shall submit a written application setting forth at what time the retirement is to become effective; provided, that such effective date shall be after the last day of service but shall not be more than 90 days prior to the date of such application. Prior to submitting such application, the member shall report his or her injury by accident and/or disease(s) and make a claim for workers' compensation benefits to his or her employer in accordance with the policies and procedures established by the County or the School Board and other authority.

Member's Report on Disability of Member

INSTRUCTIONS: Type or print your entries in ink. Complete all items 1 through 18. Be certain to complete items 16 and 17 in detail. Sign the statement in item 18 and return it to the office of the Board of Trustees of the Fairfax County Employees' Retirement System.

1. Present Address [Redacted]	2. Date of Birth 1-9-60	3. Social Security Number [Redacted]
4. Present Address [Redacted]	5. Date when disability began 7/31/19	6. Amount of time lost from work in past 12 months because of disability
7. Position (use classification or payroll title) [Redacted]	8. Division and Department Dept. of Housing	9. Was disability incurred in performance of duties? Yes
10. Name of Family Physician [Redacted]	11. Family Physician's Address [Redacted]	
12. Name of any other physician who treated this disability Concussion CTR/Fairfax Family Practice	13. Address of other physician 3650 Joseph Stewick Dr. #400	
14. Name of hospital or other clinic where disability was treated Fairfax Family Practice	15. Address of hospital or clinic " " Fairfax, VA 22033	
16. Name and describe the disability Concussion/Vertigo		

17. Tell how this disability prevents you from performing the duties of your position.

Performing my duties as an Housing Specialist can be very stressful for me it causes bad Migraines, Vertigo, Confusion, and sometimes Memory Loss. Since I had COVID-19 these symptoms have gotten worse.

18. Member's Statement. This Statement of Disability has been made as part of my application for disability retirement under the provisions of the Fairfax County Employees' Retirement System Ordinance. I hereby authorize my physician or physicians to report on my disability to the Medical Examining Board and the Board of Trustees of the Fairfax County Employees' Retirement System. I agree to appear for examination by the Medical Examining Board at such time and place as required.

10-4-21

Date

Signature of Member

Step 2:

The next step is for the applicant's doctor to complete a Physician's Report on Disability of Member, along with relevant medical records.

Physician's Report on Disability of Member

INSTRUCTIONS: The member of the Fairfax County Retirement System who is identified in Items 1 through 6 of this form has applied for disability retirement under the Ordinance governing the Retirement Systems. In order that the Board of Trustees may make a decision in this case information about his/her disability is needed. The member has filed a statement with the Board of Trustees authorizing his/her physician or physicians to report on his/her disability to the Medical Examining Board and the Board of Trustees of the Fairfax County Employees', Police Officer or Uniformed Retirement System.

The member's physician should complete Items 7-13, and may make additional comments as necessary. Please return this form along with a copy of a recent (within the past year) medical examination related to the reason for disability retirement directly to the Retirement Systems.

1. Last name	First name	Middle Name	2. Date of Birth 1/9/60	3. Social Security Number
4. Present Address Fairfax			5. Date When Disability Began Not 5/1	6. Was disability incurred in performance of duties? PC
7. Diagnosis (primary diagnosis for the disability) and any other illness, disease, infirmity and/or complications resulting from that primary diagnosis which affects disability (please include the appropriate ICD codes and definitions). Post concussion syndrome with chronic dizziness Heard her a poor mental status				
8. Severity and extent of disability unable to perform sustain cognitive tasks therefore her work				
9. Physical limitations (related to physical requirements of the job) as a result of illness or infirmity poor mental stamina				
10. Nature of treatment Medications, vestibular therapy				
11. Results of pathology reports and special studies (if applicable)				
12. Prognosis and additional comments unlikely to significantly improve				
13. Physician's Statement. The individual named in Item 1 has been under my professional care from 12/13/14 to present. In my opinion, he/she <input checked="" type="checkbox"/> is <input type="checkbox"/> is not totally incapacitated to perform the duties of the position stated on the Application for Disability Retirement. He/she <input checked="" type="checkbox"/> is likely <input type="checkbox"/> is not likely to remain incapacitated permanently. Therefore, he/she <input checked="" type="checkbox"/> should <input type="checkbox"/> should not be retired.				
Signature of Physician <i>[Signature]</i>		Telephone Number 703 478 0440		Date 10/17/15
Printed Name of Physician <i>[Signature]</i>		FAX [Redacted]		
Physician's Complete Mailing Address [Redacted]				

Step 3:

If the applicant is requesting service-connected disability, Retirement staff contacts County Risk Management to see if the applicant is receiving workers compensation or not. If they are, Risk Management will send a memo summarizing the applicant's case.



County of Fairfax, Virginia

MEMORANDUM

DATE: November 18, 2021

TO: Jose Arango, Retirement Counselor
Fairfax County Retirement Systems

FROM: Anthony Smith, Claims Manager
Risk Management Division

SUBJECT: Name: [REDACTED]
SSN: [REDACTED]
Agency: [REDACTED]
Date of Injury: 7-31-2019

BACKGROUND:

[REDACTED] is a 61 year old (dob 1-09-1960) Housing Specialist II who suffered a concussion when she struck the crown of her head on an extended desk top while assisting a child retrieve fallen papers. She came under the care originally of [REDACTED] who diagnosed the concussion. She subsequently has undergone two MRI(s). [REDACTED] was referred to Neurologist [REDACTED] for follow up care and has been treating with him for the past two years. An independent medical evaluation performed by [REDACTED] in June 2020 concluded that she was able to perform regular duties on an unrestricted basis. However, [REDACTED] has always opined that she has not been in a position to resume regular duties. Currently, he has her off of all work for the foreseeable future.

COMPENSABILITY:

This claim has been accepted as compensable under the definition of the Virginia Workers' Compensation Act. Benefits have been paid in accordance to compensation law.

DISABILITY:

[REDACTED] did have brief periods of returning to work on a limited basis. Complaints of exacerbation of concussion issues would soon follow. She continues with vestibular physical therapy which addresses her memory, concentration, and sleeping issues. At this point, it is unclear when/if she will be returning to regular duties.

Department of Finance
Risk Management Division
12000 Government Center Parkway, Suite 215
Fairfax, Virginia 22035
703-324-3120, TTY 711
www.fairfaxcounty.gov/finance/RiskMgmt

Step 4:

Next, Retirement staff sends all of the above forms and data to the Medical Examining Board (MEB) doctor. Section 3-2-33 (a) of County Code states :

that the Medical Examining Board, after a medical examination of such member shall certify that such member is, and has been continuously since

the date such retirement is to be effective, mentally or physically incapacitated for further employment by the employer as a result of such injury by accident and/or disease(s), that such incapacity is likely to continue into the indefinite future, and that such member should be retired.

This doctor is contracted with and paid by the Retirement Systems. The MEB doctor will review all of the information provided and will prepare a report with a recommendation to approve or disapprove the application for disability. He will include a summary of the facts as the doctor sees it.

FAIRFAX COUNTY DISABILITY RETIREMENT MEDICAL EVALUATION REPORT

DATE: February 7, 2022

TO: Board of Trustees

FROM: Medical Examining Board
[REDACTED]

Applicant's Name: [REDACTED]

Occupation: [REDACTED]

Diagnosis (Primary): Chronic Dizziness and Cognitive Impairment

Other (Secondary) Medical Conditions: Sleep Apnea, Anxiety, Depression

Retirement Agency Use Only:

Application for

() Ordinary Disability

(X) Service-Connected Disability

Agency: Housing & Comm Development

Applicant's Age: 62

Service: 17.42

Estimated Monthly Annuity: \$3,512.48

Applicant:

(X) is eligible for Workers' Compensation

(X) has applied for Workers' Compensation

(X) is receiving Workers' Compensation

Physical and Psychological Limitations as a Result of Medical Condition:

Summary Medical Reports: A Physician's Report on Medical Disability (PRD), supporting medical and workers' compensation records, and a Risk Management Division (RMD) memorandum were reviewed. [REDACTED] sustained a head injury at work in July 2019. No record(s) of the initial medical evaluation, diagnosis, treatment, or description of the injury were found in the submitted documents. The earliest medical record found was dated approximately two weeks after the incident and stated that [REDACTED] had been diagnosed before this visit with a concussion and was having "continuous symptoms of concussive. Over the following months, she was able to work part-time 4-6 hours per day but continued to have headaches, "low energy", dizziness, confusion, and "mental stamina problems". She felt "wiped out" by the end of the day. Two MRIs of her brain, seven months apart, were considered within normal limits.

In addition to trying several different migraine medications, [REDACTED] was given vestibular treatment in a concussion clinic for several months. However, this therapy was discontinued to "save some mental energy". She was referred to a cognitive therapist to work on the mental stamina decompensation. Her symptoms continued to worsen, and she was taken off work for three weeks in January 2020 to rest and concentrate on her therapies. In February 2020, she returned to work on the 4-6-hour part-time schedule and resumed the vestibular treatment. She had some small degree of improvement initially, but her vertigo and headaches worsened when she began to increase her work hours. Her symptoms seemed to be slightly less when she worked at home and greater when she worked onsite.

By April 2021, [REDACTED] neurologist felt she had probably reached her maximum improvement. In August 2021, he noted that her symptoms had increased and were affecting her ability to drive. He stated that the increases in symptoms seemed to be correlated to having more physical and cognitive demands at work..." He also stated that he believed now that her condition was permanent. A 48-hour electroencephalogram (EEG) in October 2021 was normal.

[REDACTED] states that her duties at work can be very stressful for her, which can lead to migraines, vertigo, confusion, and memory loss. The PRD completed by her neurologist in October 2021 states that she is unable to perform sustained complex tasks, suffers from chronic dizziness and headaches, and has "poor mental stamina". He also states that her condition is unlikely to improve significantly.

The RMD memorandum noted that [REDACTED] had received an Independent Medical Examination (IME) in June 2020 which concluded that she was able to resume regular duties on an unrestricted basis. The IME report was requested by the MEB in December 2021 and reviewed in February 2022.

The IME report provided summary details of the events related to the injury as recounted directly by [REDACTED] No other summary of the details of the incident and injury were found in the documents submitted. The IME documents

Step 5:

Once all of the previous 4 steps are completed, Retirement staff prepares a report for the Board along with a recommendation as to whether the application should be approved or disapproved.

STAFF RECOMMENDATION

Board Meeting Date: 2/16/2022		Applicant Name:	
Retirement Board: <input checked="" type="checkbox"/> Employees' <input type="checkbox"/> Police <input type="checkbox"/> Uniformed		Status: <input checked="" type="checkbox"/> New Application <input type="checkbox"/> Appeal <input type="checkbox"/> Re-evaluation	
Disability Type: <input type="checkbox"/> Ordinary <input checked="" type="checkbox"/> Service Connected		Prior Submission to Board: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Application Received/Submitted to MEB: 11/16/2021		In Compliance with Ordinance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
MEB Opinion: <input type="checkbox"/> Recommend <input checked="" type="checkbox"/> Not Recommended		Risk Management Compensable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FCPS Worker's Compensation: <input type="checkbox"/> Yes <input type="checkbox"/> No
MEB Opinion: Medical Re-evaluation <input type="checkbox"/> Continue <input type="checkbox"/> Discontinue		Future Evaluations Waived: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
County Attorney Opinion (If Applicable): <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		Packet Submitted to Board: 2/8/2022	
Eligibility Service: 17.43	Start Date: 9/4/2004	Recommendation: <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> Defer to a later date _____	
Staff concurs with the Medical Examining Board's Recommendation.			
Print Name: _____			
Authorized Signature: _____		Date: 2.9.22	

Routing	
Retirement Analyst/Specialist Initials: JA	Date: 2/8/2022
Copies Prepared for Board Initials:	Date:
Comments: The MEB has concluded that she is disabled, but does not find sufficient evidence to state the injury is work-related.	

Step 6:

The last step is for staff to present all of the above records to the Board of Trustees for their action. There are 3 references in County Code that define the Board's role in the disability process.

For Service-Connected disability applications, Section 3-2-33 (a) state that:

The Board shall determine whether a member is disabled due to injury by accident and/or disease(s) which arose out of and in the course of a member's service. In making this determination, **the Board shall consult the decisions of the Virginia Workers' Compensation Commission**, the Court of Appeals of Virginia, and the Supreme Court of Virginia which have applied or construed similar language under the Virginia Workers' Compensation Act.

When the Board is considering a Service-Connected Disability application, County Code Section 3-2-35 (b) states that:

The member shall submit copies of the dispositions as made of his or her workers' compensation claim and any subsequent awards or other documents reflecting any modification or termination of such benefits. In making its determination of a member's eligibility for retirement under this Section, **the Board shall give great weight** to the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia on the compensability of his or her disability under the Virginia Workers' Compensation Act

Furthermore, Section 3-2-33 (d) (2) states that a Service-Connected disability may be approved if:

The Board finds:(A) The disability arose in the course of the member's service;(B) The disability was the proximate cause of the member's ceasing to be in service; and(C) There was good cause for the member not to have filed an application while in service or within one year after the date that he or she ceased to be in service. (20-81-3; 24-85-3; 14-87-3; 27-90-3, §1; 2-16-3; 22-18-3.)

Finally, for Service-Connected disability applications, Section 3-2-36 (a) indicates that an approved Service-Connected disability benefit will be offset (reduced) by any workers compensation benefit that the individual is receiving.

Upon service-connected disability retirement under [Section 3-2-35](#), a member shall receive an annual retirement allowance, payable monthly and during his or her lifetime and continued disability, consisting of an amount equal to 66 $\frac{2}{3}$ percent of his or her average final compensation. However, **the allowance shall be reduced by the amount of any compensation paid to the member under the Virginia Workers' Compensation Act** for temporary total or partial incapacity.

Regarding Ordinary (not Service-Connected) disability applications, there is **no offset for workers compensation benefits**..

The Medical Examining Board's (MEB) role in disability applications is stated in Section 3-2-9 of the County Code.:

The Medical Examining Board shall consist of the Director of the Health Department (or his or her designee) and, in the discretion of the Board,

one or two other physicians designated by the Board. The duties of the Medical Examining Board shall be to arrange for and pass upon all medical examinations required under this Article or requested by the Board and to investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement. The members of the Medical Examining Board, who may act individually or collectively, shall report in writing to the Board their conclusions and recommendations upon all matters referred to it. (20-81-3; 27-97-3; 2-16-3.)

Thus, when presented with disability applications, The Board has has 4 courses of action. They can:

1. agree with staff's recommendation and approve or disapprove the application.
2. disagree with staff's recommendation and approve or disapprove the application.
3. request additional information from staff.
4. request that an Independent Medical Examination be conducted to, in particular, get a third party recommendation when the MEB doctor does not agree with the applicant's doctor.