



GOVERNMENT OF GUAM
RETIREMENT FUND
 STABILITY • SECURITY • REWARDS

Felix P. Camacho
 Governor

Michael W. Cruz, M.D.
 Lieutenant Governor

Paula M. Blas
 Director

BOARD OF TRUSTEES
Reconvened Regular Meeting
 Monday, March 29, 2010, 1:00 p.m.
 Retirement Fund Conference Room

Trustees:

Joe T. San Agustin
 Chairman

Wilfred P. Leon Guerrero, Ed.D.
 Vice-Chairman
 Investment Committee, Chairman

Antolina S. Leon Guerrero
 Secretary

Gerard A. Cruz
 Treasurer
 Audit & Operations Committee,
 Chairman

George A. Santos
 Members' & Benefits Committee,
 Chairman

Katherine T.E. Taitano
 Trustee

Wilfred G. Aflague
 Trustee

MINUTES

DEFINED BENEFITS

I. ATTENDANCE, QUORUM, AND CALL TO ORDER

After determining a quorum was present, the Retirement Fund Board of Trustees Regular Meeting for the Defined Benefits Plan reconvened at 1:15 p.m. Monday, March 29, 2010, in the Retirement Fund Conference Room. Chairman Joe T. San Agustin officiated.

Board of Trustees Present:

Joe T. San Agustin, Chairman
 Antolina S. Leon Guerrero, Secretary
 Wilfred G. Aflague, Trustee
 George A. Santos, Trustee
 Katherine T.E. Taitano, Trustee

Board of Trustees Absent:

Wilfred P. Leon Guerrero, Vice-Chairman
 Gerard A. Cruz, Treasurer (*Off-Island*)

Staff Present:

Paula Blas, Director
 Jackie Blas, Recording Secretary
 Dr. John C. Steele, Retirement Fund Medical Consultant
 Kenneth Dunstan, Benefits Program Administrator
 Lena Sanchez, Benefit Specialist II
 Jackie Sablan, Benefit Specialist II

Public Present:

Dr. Patricia L.G. Taimanglo, Psychologist
 Barbara Cushing
 James Cushing
 Nikkie DeJesus

Chairman San Agustin informed everyone present at today's meeting that the disability applicants are referred to by their case numbers. The names of the applicants are not provided or known by the Board of Trustees. Chairman San Agustin stated that if an applicant would like to address the Board, he/she would have to waive his/her rights to the privacy of their medical records and he/she must state his/her name for the record.

II. Members and Benefits Committee

DISABILITY CASE NO. 09-022

Secretary Antolina Leon Guerrero stated that the applicant is a 54 year old Inventory Supervisor and Manager of the Department of Administration's General Services Agency. The applicant applied for disability retirement on November 23, 2009. The applicant's symptoms are that the applicant is unable to walk, cannot talk, and cannot write since a stroke in June 2009. The applicant was unable to do anything for him/herself. The applicant's application for disability was made by the applicant's primary physician, Dr. Michel Robinson, on December 16, 2009. On June 18, 2009, the applicant had experienced a large hypertensive hemorrhage into the brain and the region of the left basal ganglia. The applicant also suffered hypertension. Dr. Robinson assessed the applicant's disability as 60%. The applicant was also examined by Dr. Fred Schroeder and Dr. Patrick Santos. Dr. Schroeder assessed the applicant's disability by AMA guidelines as 90%. Dr. Santos assessed the applicant's disability by AMA guidelines as 100%.

Dr. John Steele, Retirement Fund's Medical Consultant, stated that the applicant has a severe disability and has shown very little recovery. Dr. Steele stated that if there is any improvement it should have shown by now. The applicant shows no improvement. Dr. Steele stated that he recommends full disability pension for applicant No. 09-022.

Chairman San Agustin asked whether anyone in the room would like to be recognized. Chairman San Agustin noted that no one came forward.

Secretary Antolina Leon Guerrero, seconded by Trustee George Santos, moved to approve full disability pension for Disability Case No. 09-022. With a unanimous affirmative vote, the motion passed.

DISABILITY CASE NO. 09-003

Secretary Leon Guerrero presented a summary of the medical consultant's findings regarding the application for medical disability, Case No. 09-003. The applicant with severe Meniere's disease for several years has recently had a surgical procedure with an endo lymphatic shunt of the right ear which has improved the applicant's symptom of vertigo. Further surgical and ablative procedures are possible for the future management of this condition, a cause of disability to the applicant in the past and one which continues though it is improved, and may improve further. More recently, the applicant has developed symptoms of major depression, anxiety and panic attacks which relate to the applicant's Meniere's disease. The applicant is currently receiving counseling and medications by Dr. Patricia Taimanglo, Psychologist, and also a psychiatrist of the Department of Mental Health and Substance Abuse (Mental Health).

Chairman San Agustin stated that the Board would like to grant an interview with the applicant. Dr. Taimanglo stated that the applicant's symptoms are extreme at this time. Dr. Taimanglo stated that her first consultation with the applicant was several years ago. The applicant has extreme anxiety. The sunlight from the window would trigger the applicant's Meniere's disease. The applicant has major depression. Dr. Taimanglo stated that she is concerned about the applicant's progress. Dr. Taimanglo stated that the applicant's ailment is generalized not only to the workplace. The applicant is so distressed. Secretary Leon Guerrero asked whether the applicant has severe symptoms even with medication. Dr. Taimanglo replied, "Yes, even with medication."

Nikkie DeJesus, the applicant's fiancé, stated that the applicant's mother took the applicant off-island to Los Angeles for a delicate procedure which is close to the brain. Ms. DeJesus stated that the doctor told them that there is nothing they can do on the Meniere's disease. Trustee Wilfred Aflague asked what was the surgical procedure. Mrs. Barbara Cushing, the applicant's mother, stated that it was enorplastma. Mrs. Cushing stated that the applicant continued with medication for panic and depression. James Cushing, the applicant, stated that the off-island physician told him to continue with his medication. Trustee Aflague asked whether the applicant could drive. Mrs. Cushing stated that the applicant can't drive. Secretary Leon Guerrero asked what the applicant's routine is. Mrs. Cushing stated that the applicant was her right hand at the family zoo. The applicant was a genius on the computer. Now the applicant can not do those things. Mrs. Cushing stated that the applicant is unable to even do simple things.

Dr. Steele stated that the applicant had Meniere's disease symptoms for five (5) years. There are other treatments for Meniere's disease. Dr. Steele asked whether the applicant's Meniere's disease has improved. Ms. DeJesus replied, "No." Dr. Steele stated that Meniere's disease could be treated further. Ms. DeJesus stated that there may be treatments to cure Meniere's disease. Dr. Steele stated that there may be profound retardation by depression. Dr. Steele stated that the applicant is being seen by the Department of Mental Health and Substance Abuse (Mental Health) and a psychiatrist. Dr. Steele stated that depressions always improve.

Trustee Katherine Taitano stated that the applicant has anxiety and depression. Trustee Taitano asked Dr. Taimanglo how is the applicant's Meniere's disease. Dr. Taimanglo stated that she is not a medical doctor but stated that through her observation, the applicant's Meniere's disease has not improved. There are medications for the applicant's anxiety. Dr. Taimanglo stated that she agrees with Dr. Steele on the ECT treatment. Dr. Taimanglo stated that the applicant has severe depression, noting that the applicant attempted suicide. Dr. Taimanglo stated that if the applicant could get his life back he would. The applicant's functional skills are impaired, life skills are impaired. Trustee Aflague asked how long has the applicant been seen at Mental Health. The applicant stated that it was since 2008. Trustee Aflague stated that the applicant's Meniere's disease was prior to that time.

Chairman San Agustin read out loud the definition of Total and Permanent Disability: "One which results from some impairment of body or mind which can be expected to result in death, or can be expected to last for a continuous period of not less than twelve (12) months. The impairment shall be one that substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation that he/she would be competent to perform were it not for that impairment and if founded upon condition which render it reasonably certain that it will continue indefinitely."

Chairman San Agustin stated that on Page 17 of the Report of Medical Evaluation Form, both Dr. Fred Schroeder and Dr. Patrick Santos answered “yes” on question No. 4 (“If yes to any of the above, please answer whether it is reasonably certain that such impairment will continue indefinitely?”). Chairman San Agustin stated that the applicant can’t go to work. Chairman San Agustin stated that the law provides for a reexamination twice within seven (7) years.

Secretary Antolina Leon Guerrero, seconded by Trustee George Santos, moved to approve full disability pension for Disability Case No. 09-003. With a unanimous affirmative vote, the motion passed.

DISABILITY CASE NO. 09-013

Secretary Leon Guerrero presented a summary of the medical consultant’s findings regarding the application for medical disability, Case No. 09-013. The applicant is a military retiree who is now 57 years of age and who has been employed by the University of Guam Plant Maintenance Division since 1993 as an electrician. The applicant suffers symptoms of degenerative joint disease and chronic arthralgias involving the cervical and lumbar spine, and the right knee. These symptoms have been present since 2007 and were of spontaneous onset and not preceded by any injury or incident. The applicant is obese and the applicant’s symptoms are worsened by being overweight. The applicant currently weighs 198 pounds with a height of 5’5”. The applicant’s weight has not altered since the applicant first applied for disability in 2007. The applicant has not worked since May 2007 and has been on leave sharing. The applicant’s main disability is joint pain. The applicant has no overt neurological deficit and the applicant’s only objective disability is minor impairment of walking and the applicant needs to use a cane to ambulate.

Secretary Leon Guerrero stated that Dr. Randolph Leon Guerrero’s (of the VA Clinic) rating was between 19 and 34%. Dr. Patrick Santos’ rating was between 24 and 33% and Dr. Fred Schroeder’s rating was 64%. Secretary Leon Guerrero stated that the Retirement Fund’s Medical Consultant’s recommendation is to deny medical disability pension.

Secretary Leon Guerrero stated that looking at the two (2) independent physicians’ report, it does not satisfy the statutory definition of disability at this time. Chairman San Agustin suggested revising question No. 4 on Page 17 of the Report of Medical Evaluation Form. Dr. Steele asked Director Paula Blas to revise this question immediately. Dr. Steele stated that the question should be whether the applicant is significantly disabled. Director Blas stated that the physician should check the box if the applicant is totally and permanently disabled. Chairman San Agustin stated that the Report of Medical Evaluation Form should be revisited. Dr. Steele suggested getting everyone involved and obtaining suggestions from the physicians to improve the form.

Secretary Antolina Leon Guerrero, seconded by Trustee George Santos, moved to deny disability pension for Disability Case No. 09-013. With a unanimous affirmative vote, the motion passed.

III. ADJOURNMENT

There being no further business before the Board for the Defined Benefits Plan, on motion of Trustee George Santos, seconded by Secretary Antolina Leon Guerrero, and without objection, the meeting was adjourned at 1:55 p.m. Motion passed.

I hereby certify that the foregoing is a full, true and correct copy of the Minutes of March 29, 2010 Reconvened Regular Meeting duly adopted and approved by the Government of Guam Retirement Fund Board of Trustees on May 28, 2010.



ANTOLINA S. LEON GUERRERO, Board Secretary

RECORDING SECRETARY:



Jackie Blas