



GOVERNMENT OF GUAM  
**RETIREMENT FUND**  
 STABILITY • SECURITY • REWARDS

**Eddie Baza Calvo**  
 Governor

**Ray Tenorio**  
 Lieutenant Governor

**Paula M. Blas**  
 Director

*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

**BOARD OF TRUSTEES**  
**Reconvened Regular Meeting**  
 Wednesday, February 5, 2014, 12:00 Noon  
 Retirement Fund Conference Room

**MINUTES**

**DEFINED BENEFITS**

**I. ATTENDANCE, QUORUM, AND CALL TO ORDER**

**Katherine T.E. Taitano**  
 Trustee

After determining a quorum was present, the Retirement Fund Board of Trustees Regular Meeting for the Defined Benefits Plan reconvened at 12:10 p.m. Wednesday, February 5, 2014, in the Retirement Fund Conference Room. Chairman Joe T. San Agustin officiated.

**James R.F. Duenas**  
 Trustee

**David M. O'Brien**  
 Trustee

**Board of Trustees Present:**

- Joe T. San Agustin, Chairman
- Wilfred P. Leon Guerrero, Vice Chairman
- Antolina S. Leon Guerrero, Secretary
- Gerard A. Cruz, Treasurer
- David M. O'Brien, Trustee
- James R.F. Duenas, Trustee
- Katherine T.E. Taitano, Trustee (12:25 p.m.)

**Staff Present:**

- Paula Blas, Director
- Jackie Blas, Recording Secretary
- Peter Duenas, Acting Benefit Program Administrator
- Jackie Sablan & Lena Sanchez, Benefit Specialist II

**Medical Consultant Present:**

Dr. Laura Post

**Public Present:**

- Zosef Branch
- Christian Cristobal, Senator Ben Pangelinan's Office

## **II. STANDING COMMITTEE REPORTS**

### **A. Members and Benefits Committee**

#### **DISABILITY CASE NO. 12-010 (CONT'D)**

Secretary Antolina Leon Guerrero stated that this case was tabled so that the rating for the applicant's impairment could be reevaluated by Dr. Vincent Duenas using the 6th Edition of the AMA Guidelines. Secretary Leon Guerrero stated that the applicant is a 61 year old Vocational Rehabilitation Counselor II with the Department of Integrated Services for Individuals with Disabilities with 20 years and 9 months of service. The applicant applied for disability on May 2, 2012. The reason for application is S/P Cerebro-Vascular Accident (CVA) with impaired Gait, Unclear Speech, Dementia, Falls Risk, and Loss of Strength in the Upper Extremity.

Dr. Laura Post, Retirement Fund's Medical Consultant, stated that the first Independent Medical Examiner (IME) evaluated the applicant, and gave a whole body impairment of 93%. The second IME evaluated the applicant and gave a whole body impairment of 48%. The second IME reevaluated the applicant using the 6th Edition and gave a whole body impairment of 45%. Dr. Post stated that both physicians emphasized four different body parts of impairment. Chairman San Agustin asked why it is inconsistent. Dr. Post stated that she does not know why, but she compared the two reports. Trustee James Duenas pointed out that the numbers are added incorrectly on Dr. Schroeder's report. Dr. Post noted that she used the correct number in her report. Dr. Post stated that it is very typical that narratives are similar. Dr. Post stated that she is concerned that two of the physicians are using different tables, but they are using the same chapter. Chairman San Agustin stated that the physicians are not looking at the same factor. Trustee David O'Brien asked whether there is any significance using different tables. Dr. Post replied, "Yes." Chairman San Agustin asked Dr. Post whether this applicant is disabled. Dr. Post replied, "Yes, but not totally disabled."

Secretary Leon Guerrero asked that given all that is seen, is this Dr. Post's recommendation? Dr. Post stated that her recommendation is to use a third IME. Chairman San Agustin stated that the Board always gives the benefit of doubt to the applicant. Are we going to wait for another IME report? Vice Chairman Wilfred Leon Guerrero asked what Dr. Post's finding is. Dr. Post stated that the applicant is not likely going to show any improvement. Dr. Post stated that she would like to make a recommendation that is true to the process and the applicant. Dr. Post stated that she does not want to make the applicant wait for procedural process. Chairman San Agustin stated that the Board went through an experience where the Medical Consultant disagreed with the Board. Chairman San Agustin stated that he does not want to go through the process where the applicant passes away while the Board was still entertaining the case. Trustee O'Brien asked that relative to Chairman San Agustin's statement, does a delay increase risk? Dr. Post replied, "Yes."

Dr. Post stated that the process is not whole on the applicant's claim. The 2nd IME missed a whole body area which may be an additional 15-20 points. A 3rd IME will probably bring it up to 70%. Dr. Post stated that the applicant is currently working, but it will increase his risk. It is a challenge for the applicant to work. Dr. Post stated that she recommends a full disability be granted for this applicant.

At this time Chairman San Agustin asked whether the applicant is present noting that if the applicant would like to address the Board, he/she would have to waive his/her right to the privacy of his/her medical records and he/she must state his/her name for the record. Chairman San Agustin indicated that no one came forward.

**Secretary Antolina Leon Guerrero, seconded by Vice Chairman Wilfred Leon Guerrero, moved to accept the Retirement Fund's Medical Consultant's findings and recommendation to approve a full disability pension for Disability Case No. 12-010. Votes as follows: Yes Votes – Secretary Antolina Leon Guerrero, Trustee Katherine Taitano, Trustee David O'Brien, Treasurer Gerard Cruz, Vice Chairman Wilfred Leon Guerrero, Trustee James Duenas, Chairman Joe San Agustin. With seven "Yes" votes, the motion unanimously passed.**

### **III. ADJOURNMENT**

**There being no further business before the Board for the Defined Benefits Plan, on motion of Secretary Antolina Leon Guerrero, seconded by Treasurer Gerard Cruz, and without objection, the meeting was adjourned at 12:42 p.m. Motion unanimously passed.**

**I hereby certify that the foregoing is a full, true and correct copy of the Minutes of February 5, 2014 Reconvened Regular Meeting duly adopted and approved by the Government of Guam Retirement Fund Board of Trustees on February 28, 2014.**



**ANTOLINA S. LEON GUERRERO, Board Secretary**

**RECORDING SECRETARY:**

  
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**Jackie Blas**