

**MINUTES OF PUBLIC MEETING  
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD  
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Tuesday, January 5, 2016, at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

**Board Members Present in Conference Room 109:**

Kevin Kluge, Chair; Mark Smalley, Danna Quinn

**Board Members Attending via Conference Call:**

Jason Hathcock, Rob Lubitz

**Also Present:**

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Hannah Auckland, Board Attorney; Ottmar & Associates, Court Reporter; Ruth K. Marblestone, Disability Applicant #15-01

**Call to Order:**

**Approval of the Minutes:**

December 7, 2015 – Public Meeting Minutes  
December 7, 2015 – Executive Session Minutes

**MOTION: A motion to approve the public meeting and executive session minutes of the December 7, 2015 meeting, was made by M. Smalley.** Motion was seconded and passed unanimously; minutes stand approved. **CORP 2016-01**

**Approval of Normal Retirement Benefits: (Taken out of order)**

The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

Michael G. Ballard  
Elaine G. Bates  
Richard S. Bernal  
Patricia G. Pepper  
Laurene M. Simms  
Constance A. Sinsabaugh  
Theresa A. Yetmar

The Board Secretary advised that at the direction of PSPRS she changed by hand the effective date of Elaine G. Bates' first payment. Ms. Bates stopped working in June, but she has been in the process of completing a service purchase since she stopped working. The extra time did not post

to her CORP account until December 2015, so PSPRS directed the Board Secretary to change the first date of payment to January 29, 2016.

**MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective as noted, was made by D. Quinn. Motion was seconded and passed unanimously. CORP 2016-02**

Michael G. Ballard:	\$1,103.39; effective December 1, 2015
Elaine G. Bates:	\$3,148.21; effective January 1, 2016 (Reverse DROP Estimate: \$76,803.62)
Richard S. Bernal:	\$3,126.47; effective January 1, 2016 (Reverse DROP Estimate: \$161,115.51)
Patricia G. Pepper:	\$2,176.81; effective January 1, 2016
Laurene M. Simms:	\$4,222.17; effective December 1, 2015 (Reverse DROP Estimate: \$4,227.66)
Constance A. Sinsabaugh:	\$3,255.33; effective December 1, 2015
Teresa A. Yetmar:	\$4,622.54; effective January 1, 2016 (Reverse DROP Estimate: \$13,902.78)

**Consideration of Disability Application:**

**B. #09-01, Rosella Roberts – Annual Review (Taken out of order)**

The Board approved Application #09-01, Rosella Roberts, for Ordinary Disability benefits on September 2, 2009. Ms. Roberts was advised via certified mail that the Board would conduct an annual review at this meeting.

This applicant did not sign the confidentiality waiver to allow discussion of medical information in open session, so the Board Secretary cautioned that any discussion of the applicant's medical information should occur in executive session.

The applicant was asked to provide all medical treatment records since October 1, 2014, to assist the Board in determining whether an independent medical reevaluation of the applicant's condition is necessary.

The Board Secretary advised that medical records in response to the Board's request were received on December 16, 2015.

The Board Secretary also advised that the Board has voted for the past five years to suspend the requirement that Applicant #09-01 undergo a medical reevaluation for one year.

The Chair stated that he believes the Board has two options: the Board can refer Ms. Roberts for IME to reevaluate her condition, or continue the disability benefit and suspend the requirement for an IME for one year.

The Chair noted that it was difficult to determine the chronologic order of the medical records provided. The Board Secretary advised that the records were ordered from the earliest records to the most recent, but stated that going forward she would try to highlight the order of records given to the Board.

The Chair stated that due to the procedure that was performed at the end of 2015 he feels that the condition is ongoing and would recommend that the Board continue the benefit at this time and review the case in one year.

Board Member R. Lubitz stated that if the Board suspended the requirement for an IME, Ms. Roberts would then be one year out from her normal retirement date by the time the Board reviews the case in one year. The Chair clarified that the Board could decide to stop reviewing the case or review the case in one year.

The Board generally agreed that suspending the requirement for an IME and reviewing the case in one year was sufficient.

**MOTION: A motion to continue the disability benefit for Applicant #09-01, Rosella Roberts, and review the case in one year, was made by J. Hathcock.** Motion was seconded and passed by a vote of 4-0-1, with Rob Lubitz having briefly left the meeting due to telephone difficulties.  
**CORP 2016-03**

**Acknowledgment of CORP Physical Pre-Existing Conditions (Taken out of order):**

The Chair noted, for the record, that the physical examination report for member Patricia Robison identified one or more pre-existing conditions. The Board approved this officer for CORP membership at the November 3, 2015 meeting. Her physical examination report was received after a 60-day notice was sent to her.

**Acknowledgement of CORP Physical Exam Final Letters (Taken out of order):**

The Chair noted, for the record, that physical examination reports for Jessica Benedict, Jana L. Chastain, John Gray, Erick J. Lindsey, Jodi L. Mullins and Nicholas J. Rubey were not received within 60 days of receipt of their membership applications and that final letters requesting an examination were sent to these members via certified mail on December 21, 2015.

**Approval of Membership (Taken out of order):**

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Acosta, Ariel	Yuma	11/9/2015
Aguilar, Jesus	Pima	11/15/2015

Benedict, Jessica	Coconino	8/3/2015
Canedy, Chad	Maricopa	9/21/2015
Cardo, Salvatore	Maricopa	11/30/2015
Chastain, Jana	Mohave	10/19/2015
Faasuamanu, Paulo	Maricopa	11/23/2015
Fisher, Jose	Yuma	11/2/2015
Gray, John	Coconino	8/3/2015
Hanson, Amanda	Maricopa	11/23/2015
Hormaeche, Elizabeth	Yuma	11/2/2015
Jiminian-Lopez, Enmanuel	Cochise	11/9/2015
Jones, Geena	Maricopa	11/9/2015
Karnes, Lauren	Maricopa	12/7/2015
Koska, Sarah	Pima	11/15/2015
Lindsey, Erick	Pinal	10/26/2015
Marsh, Kyle	Maricopa	10/1/2015
McDaniel, Bret	Gila	8/17/2015
Mullins, Jodi	Yavapai	8/30/2015
Naranjo, Mariam	Mohave	10/19/2015
Rubey, Nicholas	Coconino	8/3/2015
Singleton, Julicua	Maricopa	10/16/2015
Smith, Tatiana	Maricopa	12/7/2015
Spurgeon, Yolanda	Gila	9/14/2015
Stevens, Kenton	Yuma	11/9/2015
Wallace, Jerome	Gila	8/17/2105
Wood, Bryan	Maricopa	11/9/2015

**MOTION: A Motion to approve the 27 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. § 38-893.D and to note for the record that the physical examinations for Jesus Aguilar, Salvatore Cardo, Jose Fisher, Lauren Karnes, Sarah Koska, Mariam Naranjo, and Julicua Singleton identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan, was made by R. Lubitz.** Motion was seconded and passed unanimously. **CORP 2016-04**

**Future Agenda Items (Taken out of order):**

The Board Secretary advised that the Board will hear disability case #15-02 at its next scheduled meeting on February 8, 2016.

Board Member Jason Hathcock asked if there was any update on the Cancer Insurance offering and/or Maricopa County's position on it. Board Member Danna Quinn stated that Maricopa County's position is that the bill that was passed previously does not include probation, surveillance or detention members that work for courts, so a new bill with language to include these groups would be necessary. Ms. Quinn also added that, if a new bill is passed, there will more than likely not be any opposition from Maricopa County.

Board Member Jason Hathcock asked if there was any update regarding the Reverse DROP bill. The Chair stated that he had not yet seen the bill. The Chair stated that if he received any information regarding the Cancer Insurance or Reverse DROP bills, he would pass it along to the Board.

**Consideration of Disability Application #15-01 – IME Clarification Review (Taken out of order):**

The Board received Application #15-01 for Ordinary Disability from Ruth K. Marblestone on May 14, 2015. The applicant was a Juvenile Probation Officer in Pima County. She terminated employment on July 31, 2015, for Health/Medically Unfit reasons. The applicant was not injured in the course of physical contact or confrontation with a probationer or detainee. The applicant identified the disabling conditions as “Herniated disks at C4-5 and C-6. Advanced Degenerative Disk Disease L3-4 and L4-5.” See the applicant’s response to the Board Secretary’s request for identification of the medical condition(s) via email dated May 14, 2014. At the Board’s meeting on September 8, 2015, the applicant asked to amend her application to add a diagnosis of PTSD as a disabling condition.

The applicant was notified via certified letter that the Board would consider the application at this meeting and of the applicant’s right to attend. She also received copies of the IME reports and the clarification letter from Dr. Prince dated December 15, 2015. The Board Secretary advised that the applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

Complete medical records were obtained from all of the providers listed in Ms. Marblestone’s application, which were related to the 2012 accident, and from those providers later submitted by the applicant for a previous motor vehicle accident in 2008.

Dr. Mark E. Frankel, Board Certified Orthopedic Surgeon, performed an Independent Medical Examination of the applicant on September 30, 2015. A copy of Dr. Frankel’s IME report was provided to the Board for the December 7, 2015, meeting. At that meeting, based on clarification from Dr. Frankel that the applicant’s current physical limitations are not significantly a result of the pre-existing condition, and that her physical inability to return to a reasonable range of duties in her department could reasonably be expected to continue for at least a year, the Board approved an Ordinary Disability benefit for Ms. Marblestone.

Dr. Gary Prince, Board Certified in Psychiatry, performed an Independent Medical Examination of the applicant on October 21, 2015. A copy of Dr. Prince’s IME report was also provided to the Board for the December 7, 2015 meeting. Prior to the appointment with Dr. Prince for the psychiatric IME, the applicant saw Dr. John Beck for a psychological evaluation on October 6, 2015, for evaluation and testing. A copy of Dr. Beck’s report was also provided to the Board. Dr. Prince reviewed the results of the psychological evaluation and testing before performing the psychiatric IME.

At the meeting on December 7, 2015, the Board advised Ms. Marblestone that the Board would also have some clarifying questions for Dr. Prince regarding the mental condition, but would have to table the issue as Dr. Prince was not available via conference call at that meeting. The Chair

advised that even though the Board approved Ms. Marblestone's Ordinary Disability application as it pertained to the physical condition, the Board will need to resolve the mental condition as well in the event that the physical condition is resolved in the next year with treatment.

On December 7, 2015, the Board approved a motion to have the following clarifying questions asked of Dr. Prince:

1. On page 7 of your report, in your response to Question #2, you stated, "At this time, in the midst of active posttraumatic stress disorder that requires much more work, she is not capable of any gainful employment even in a low-stress environment with understanding supervisors." But on the Form C5-LB-O, you answered "No" to Question #2, as to whether the mental condition totally and permanently prevents Ms. Marblestone from engaging in any substantial gainful activity. Can you clarify what seems to be a conflict between your statement on page 7 and your response to Question #2 on the Form C5-LB-O?
2. You qualified your statement on page 7, Question #2, with the preface phrase "At this time..." If you believe that Ms. Marblestone's current PTSD status is likely temporary, can you discuss or estimate the timeframe that she will be in active treatment?
3. You reviewed Dr. Beck's report of his psychological examination and testing. On page 7 of his report, Dr. Beck stated: "Overall, on the objective psychological testing, the examinee presents no acute signs of emotional stress. She was open and honest with the testing and skills were well within normal limits. There were no significant signs of any acute depression or any anxiety raised. However her underlying pattern of response is consistent with a diagnosis of PTSD but in remission at this time." Please explain whether you agree or disagree with Dr. Beck that Ms. Marblestone's PTSD is in remission at this time.

The Board Secretary advised that Dr. Prince was not available by telephone but the Board has the option to request that he attend a future meeting if further clarification is needed.

The Board Secretary sent a letter posing these questions to Dr. Prince on December 11, 2015, and received a response via letter from Dr. Prince dated December 15, 2015. Dr. Prince clarified that he did not mean to say Ms. Marblestone's Post Traumatic Stress Disorder would permanently prevent her from working at any job, except the job that she had been working at. In regards to the estimated timeframe for the Post Traumatic Stress Disorder, Dr. Prince stated that "in my experience, one does not ever completely recover from Post-Traumatic Stress Disorder. Better and better coping skills are developed with appropriate treatment and time and the symptoms can diminish in intensity, frequency and impact on an individual's life. But it is likely that she will have Post Traumatic Stress Disorder symptoms for the indefinite future." As for whether Dr. Prince agrees that Ms. Marblestone's condition is in remission, Dr. Prince stated that "she undoubtedly continues to have active Post Traumatic Stress Disorder symptoms as was documented in my report. That means to me this condition is not currently in remission, though she has made some gains in her recovery process."

The Chair stated that, based on Dr. Prince's clarification, he felt that the mental condition was not permanent as Ms. Marblestone can work, just not in her current field/position. Board Member Danna Quinn agreed and stated that she also interpreted the clarification from Dr. Prince in that way.

The Chair asked if Ms. Marblestone had any questions. Ms. Marblestone asked if the Board denies future review of the mental condition, what that would mean for her application going forward? The Chair clarified that the physical condition was approved as disabling, so the Board's decision on the mental condition would not affect the previous approval and would have come into play only if or when the physical condition is resolved.

Ms. Marblestone further asked whether if the Board denies the mental condition, that issue is closed forever once the Board has voted? The Board Attorney clarified that Ms. Marblestone could appeal the Board's decision on denying the mental condition and present additional information for the Board to review at that time. However, if an appeal or subsequent application is not filed in a timely manner for the mental condition, with additional information, she further clarified that Ms. Marblestone would be barred from ever applying for Ordinary Disability with regard to the mental condition in question.

Board Member Rob Lubitz stated that Dr. Prince did indicate that as long as the current symptoms are playing an active role in Ms. Marblestone's life she would not be capable of engaging in any gainful activity, but then goes on to further indicate that may not be the case in the future. Mr. Lubitz stated that, for the physical condition, the Board determined a timeframe in which the condition would be present and asked if the same rationale could be applied to the mental condition.

The Board Attorney stated that by statute the Board is typically looking at whether or not a condition is going to last for more than a year and, while that appears to be true for the physical condition, the threshold is much higher for the mental condition in that the applicant must be unable to perform any substantial gainful activity.

**MOTION: A motion to (1) exclude the current diagnosis of PTSD as a condition for inclusion in the Board's future review of Application #15-01, Ruth K. Marblestone, for continuing eligibility for the Ordinary Disability benefit, based on the IME report by Dr. Prince dated October 21, 2015, and Dr. Prince's responses on December 15, 2015, to the clarifying questions asked by the Board, in which he indicated that her PTSD symptoms would not permanently prevent her from working at any job, except the job that she had been working at; and, (2) review the physical condition again in one year pursuant to A.R.S. §38-886.01.D., was made by D. Quinn. Motion was seconded and passed unanimously. CORP 2016-05**

#### **Call to the Public:**

No members of the public addressed the Board.

Board Member Jason Hathcock asked if there was any update on Reverse DROP training. The Board Secretary advised that the second session for Maricopa Juvenile was conducted in early December but Maricopa Adult has not yet contacted her to schedule any sessions, nor have any of the outlying counties.

Board Member Jason Hathcock also asked if there was an update regarding the annual membership audit. The Board Secretary stated that the audit has not yet begun but would begin in January 2016.

The meeting was adjourned at 10:33 a.m.

Transcribed January 5, 2016