

**FIREFIGHTERS' RETIREMENT PLAN
CITY OF ST. LOUIS
ADMINISTRATIVE RULES
FOR DISABILITY APPLICATIONS**

I. GENERAL PROVISIONS, DEFINITIONS

A. General Provisions.

The Rules shall govern the scheduling of reviews of applications for disability benefits as well as any review of a denial of an application for disability benefits before the Board of Trustees of the Firefighters' Retirement Plan of the City of St. Louis. These Rules shall be construed to the maximum extent possible to be in harmony with the provisions of Ordinances 69245 and 69353 and any amendments thereto. Said ordinances will be contained in Chapter 4.19 of the City Code upon the next Code revision. If any of these Rules cannot be construed to be in harmony with one of the aforementioned ordinance provisions, the ordinance provisions shall supersede the Rule.

B. Definitions.

As used throughout these Rules, the following terms, unless a different meaning is plainly required by the context, shall be defined as hereinafter set forth:

1. "Board" or "Board of Trustees" means the Board of Trustees of the Firefighters' Retirement Plan established for City firefighters in the City of St. Louis by Ordinances 69245 and 69353 and any amendments thereto.

2. "Claimant" means a Participant, as defined in Chapter 4.19 of the Revised Code of the City of St. Louis and the provisions of Ordinances 69245 and 69353, and any amendments thereto, who has filed an Application for Disability Benefits.

3. "Firefighters' Retirement Plan" refers to the retirement plan established for City firefighters in Ordinances 69245 and 69353 and any amendments thereto.

4. "Maximum Medical Improvement" means the date after which no further significant recovery from or lasting improvement from an injury or medical condition can be reasonably anticipated, regardless of the subjective complaints.

5. "Notice of Appeal" means the filing of the Board of Trustees approved form entitled Notice of Appeal.

6. "Outside the Line of Duty Disability" or "Ordinary Disability" means a disability resulting from a medical condition or injury not incurred in the line of duty as set forth under

Section 4.19.070(C) of the Revised Code and the provisions of Ordinances 69245 and 69353 and any amendments thereto.

7. "Plan" means the Firefighters' Retirement Plan and the terms and provisions as set forth in Ordinances 69245 and 69353 and any amendments thereto, to be referenced in Chapter 4.19 of the Revised Code of the City of St. Louis.

8. "Plan Ordinances" references Ordinances 69245, 69353 and any ordinances containing amendments thereto.

9. "Retirement Allowance" means the monthly disability income allowed for line of duty disability and outside the line of duty disability/ordinary disability as set forth under subparagraph B and C of 4.19.070 of the Revised Code and the provisions of Ordinances 69245 and 69353 and any amendments thereto.

10. "Revised Code" means the Revised Code of the City of St. Louis.

11. "Secretary" means the Secretary of the Firefighters' Retirement Plan or designees authorized to perform a task or tasks on behalf of the Secretary.

12. "Trust Fund" means the Trust Fund as described in subsection 4.19.120(A) of the Plan Ordinances.

II. POWERS OF THE BOARD OF TRUSTEES

A. Generally.

The Board of Trustees of the Firefighters' Retirement Plan, pursuant to the Plan Ordinances, has the power to do all acts which it may deem necessary or proper, and to exercise any and all powers of the Trustees under the Plan upon such terms and conditions as it may deem to be in the best interest of the Trust Fund; to review any application for benefits and to hear any appeal of a denial of an application for benefits; and to establish and enforce rules, regulations and procedures as it shall deem necessary or proper for the efficient administration of the Plan. The Board of Trustees hereby finds and declares that it is necessary and proper to establish the rules, herein, for the efficient administration of processing disability applications and reviewing any appeal of a denial of an application for disability benefits.

B. Additional Powers.

The enumeration of powers herein shall not be construed to exclude additional powers as may from time to time be found within the province of the Board of Trustees and the Rules, herein, may be amended upon adoption of the Board.

C. Effect of Court Decisions.

Should a court of competent jurisdiction determine that the Board of Trustees does not have one or more of the powers declared to be within its province, said decision shall, in the absence of further expression to the contrary, not be construed to invalidate any other powers of the Board, and shall not be construed to invalidate any of these Rules, except that portion thereof expressly referred to or found as invalid.

III. DISABILITY APPLICATION & INITIAL REVIEW

A. A disability application shall be submitted to the Board's Secretary and reviewed by the Board upon submission of a medical opinion that Claimant is at maximum medical improvement, but only after all medical records and medical opinions, or any other relevant documents or expert opinions, have been submitted to the Board and reviewed by the Plan's physician(s) or expert(s) as set forth in paragraph IV below. The Board may, at its discretion, waive this requirement if special circumstances exist with respect to the condition or injury for which Claimant is seeking permanent disability (e.g., Claimant is suffering from a terminal medical condition).

B. The Board, upon reviewing a completed application and the information submitted with the application, may vote to either grant or deny disability benefits.

IV. PLAN PHYSICIANS AND/OR EXPERTS

The Board may retain one or more physicians or experts for purposes of reviewing Claimant's application for disability benefits. The physician or expert may evaluate the Claimant for purposes of rendering opinions concerning Claimant's ability to perform the job duties of a firefighter or any other occupation. The Fire Chief shall also be consulted regarding Claimant's ability to perform the job duties of a firefighter or another occupation.

V. APPEAL PROCESS

A. A Claimant may appeal the Board decision or any part thereof including the calculation of the amount of disability benefit, pursuant to the procedure set forth in § 4.19.150(C) of the Plan Ordinances or the Board shall conduct an evidentiary hearing as required by law, pursuant to the procedure set forth in Chapter 536 Revised Statutes of Missouri, as amended.

B. Pursuant to § 4.19.150(C) of the Plan Ordinances, a Claimant seeking to appeal the Board's denial shall file a written Notice of Appeal with the Board no later than sixty days after the denial of an application for disability benefits. The date of the denial of an application is the date that the Board renders its decision. Decisions shall be mailed by regular first class U.S. mail to the Claimant at the address listed on the application. Failure to receive a timely appeal shall be grounds for dismissal of the appeal. No responsive pleading shall be required.

C. The Notice of Appeal shall provide the reasons and grounds for the appeal and shall specify the scope of review desired by requesting any or all of the procedures as follows:

- i. Review, upon request and free of charge, all documents, records and other information in the possession of the Board of Trustees that are relevant to the claim; and
- ii. Submit written comments, documents, records and other information relating to the claim. All copies of documents or records shall require a business records affidavit for certification establishing that the records or document(s) are true and accurate copies.

D. The Secretary shall schedule the review of the appeal before the Board no later than ninety (90) days from the filing of Claimant's Notice of Appeal, but may grant continuances pursuant to paragraph VI(B) of these Rules. The Board may, at its discretion, allow limited additional discovery reasonably designed to facilitate a full and fair evaluation of the claim. The appeal shall be reviewed by the Board in closed session and shall not allow for testimony, oral statements, or oral arguments unless required by law, or otherwise determined by the Board.

VI. PROCEDURES FOR ALL ADMINISTRATIVE APPEALS

A. Notification Requirements.

A copy of these Rules shall be served to the Claimant upon the filing of an application for disability benefits.

B. Continuances – Rescheduling.

A Claimant may request that the Board continue or reschedule the review of an appeal if he or she needs additional time to submit written comments, documents, records, or other information relevant to the claim. The Board in making its decision on whether to grant or deny the continuance may consider such factors such as the number of times a continuance request has been made, whether the request is reasonable, and whether the request will not cause an unreasonable delay in reviewing the appeal.

VII. DECISIONS

The Board of Trustees shall issue a final decision within ninety (90) days from the date of its review and the Board may extend this period if special circumstances necessitate an extension. The Board shall provide the Claimant written notice of any such extension and such notice shall contain an explanation of the special circumstances requiring the extension and the date by which the Board expects to render its final decision. Any final decision issued by the Board is appealable pursuant to Chapter 536 Revised Statutes of Missouri, as amended.

VIII. CITATION – EFFECTIVE DATE

A. Citation.

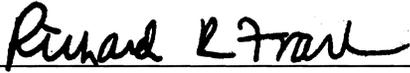
The hereinabove recited provisions shall be known as the “Administrative Rules of the Firefighters’ Retirement Plan” and may be cited or referred to as “FRP Disability Rules.”

B. Effective Date, Amendments.

These Rules shall become effective upon approval by the Board of Trustees. The Board of Trustees may amend these Rules from time to time.

Adopted this 21st day of November, 2013

Board of Trustees of the Firefighters’ Retirement Plan
of the City of St. Louis



Secretary