

RESOLUTION No. 241

Resolution adopting order denying the application of Judith Brunt for attorney fees and expert witness fees.

WHEREAS, the Board of Trustees approved the application of Judith Brunt for service-connected disability benefits (ulcers) on September 11, 1984, and

WHEREAS, Judith Brunt by letter from her attorney Victor Calzaretta, dated December 27, 1984, has now requested reimbursement for attorney fees and expert witness fees allegedly incurred in pursuing her claim for service-connected disability benefits, and

WHEREAS, the Board of Trustees has been advised by the City Attorney's Office that it lacks authority to award attorney fees and expert witness fees to claimants prosecuting claims before the Board of Trustees, and

WHEREAS, an appropriate form of order denying Ms. Brunt's request for attorney fees and expert witness fees is attached hereto as Exhibit "A" and by this reference made a part hereof, now therefore

BE IT RESOLVED by the Board of Trustees of the Fire and Police Disability and Retirement Fund that the order attached hereto as Exhibit "A" be adopted as the determination of the Board of Trustees.

Adopted by the Board of Trustees on February 12, 1985.

JEWEL LANSING, Secretary  
Fire and Police Disability and  
Retirement Fund

By: *David E. Cook*  
Deputy Secretary

1                   BEFORE THE BOARD OF TRUSTEES  
2                   FIRE AND POLICE DISABILITY AND RETIREMENT FUND  
3                   CITY OF PORTLAND, OREGON

4 In the Matter of the Application       )  
5 for Service-Connected Disability       )  
6 Benefits (ulcers)                       ) ORDER DENYING REQUEST  
  ) FOR ATTORNEY FEES AND  
7                                       of       ) EXPERT WITNESS FEES  
  )  
8                   JUDITH BRUNT           )  
  )  
  )  
  )  
9                   Claimant.             )

10           This matter came before the above-entitled Board of Trustees  
11 on February 12, 1985, pursuant to a letter, dated December 27,  
12 1984, from claimant's attorney requesting that claimant be awarded  
13 attorney fees and expert witness fees allegedly incurred in pur-  
14 suing her claim for service-connected disability benefits (ulcers)  
15 which claim was granted by this Board on September 11, 1984. The  
16 Board now being fully advised in the premises and having determined  
17 that it lacks authority to award claimant reimbursement for attorney  
18 fees or expert witness fees; now, therefore,

19           IT IS HEREBY ORDERED that claimant's request for attorney  
20 fees and expert witness fees be and the same hereby is denied.

21           Adopted by the Board of Trustees on February 12, 1985

22                                       JEWEL LANSING, Secretary  
23                                       Fire and Police Disability and  
24                                       Retirement Fund

25                                       By David E. Cook  
26                                       Deputy Secretary