

RESOLUTION NO. 239

Resolution denying the application of Michael T. Walsh for service-connected disability benefits.

Whereas, Michael T. Walsh, a member of the Bureau of Police, has applied for service-connected disability benefits alleging that he has incurred medical expenses as a result of injuries received as a result of an on-duty automobile accident which occurred on December 5, 1977, and

Whereas, the Board of Trustees has considered the application of Michael T. Walsh for service-connected disability benefits and concluded that his claim should be denied, and

Whereas, appropriate findings and conclusions supporting the Board's determination are attached hereto as Exhibit "A" and by this reference made a part hereof, and should be adopted by the Board of Trustees

NOW, THEREFORE, BE IT RESOLVED that the Findings and Determination attached hereto as Exhibit "A" be adopted as the Findings and Determination of the Board of Trustees relative to the application of Michael T. Walsh for service-connected disability benefits.

Adopted by the Board of Trustees on the 11th day of September, 1984.

JEWEL LANSING, Secretary,
Fire and Police Disability
and Retirement Fund

By

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 of)

7 MICHAEL T. WALSH,)

8 Claimant.)

9 FINDINGS AND DETERMINATION

10 This matter came before the above-entitled Board of Trustees on
11 September 11, 1984 pursuant to the application of Michael T. Walsh for
12 service-connected disability benefits. Michael T. Walsh was notified
13 of the date and time for hearing his claim but made no appearance and
14 the Board of Trustees after considering all of the evidence in this
15 matter and being fully advised in the premises makes the following

16 FINDINGS OF FACT

- 17 1. Michael T. Walsh is a police officer and a member of the Fire
18 and Police Disability, Retirement and Death Benefit Plan
19 (Plan). The terms and provisions of the Plan appear as
20 Sections 5-101 to 5-129 of the Charter of the City of Portland,
21 Oregon. Michael T. Walsh received his permanent appointment
22 as a City of Portland police officer on January 28, 1971.
- 23 2. Section 5-115 of the Charter of the City of Portland, Oregon
24 provides, in relevant part:

25 Upon duly verified application of a member
26 and a finding by the Board that through injury
suffered in line of duty, or sickness caused by
the performance of duty, the member is or has
been unable to perform his required duties,
said member shall be paid service-connected
disability benefits ***

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2 All medical and hospital expenses arising
3 from a service-connected disability under this
4 section shall be paid from the Fund until the
member's retirement pursuant to any section of
this Chapter; ***

5 3. During the first several months of 1984, Michael T. Walsh was
6 experiencing numbness in his hands, arms, neck, lower back
7 and left leg. Additionally, he experienced pain in his neck,
8 lower back and left leg.

9 4. Michael T. Walsh has not suffered any time loss from his job
10 as a consequence of the aforementioned pain and numbness but
11 he has incurred some expenses for chiropractic treatment
12 which he has received for the pain and numbness he has
13 experienced.

14 5. Michael T. Walsh is virtually asymptomatic at the present
15 time.

16 6. On December 5, 1977, Michael T. Walsh was involved in an
17 automobile accident while on duty as a police officer for the
18 City of Portland, Oregon. On that date, Officer Walsh was in
19 his patrol car waiting for a red light at the intersection of
20 N.E. 39th and Hassalo when his patrol car was struck on its
21 right rear corner by another vehicle. Officer Walsh suffered
22 no time loss as a result of this accident and does not
23 recall that he experienced any symptoms from the accident at
24 the time it occurred.

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- 1 7. The pain and numbness experienced by Michael T. Walsh in his
2 hands, arms, neck, lower back and left leg during the first
3 several months of 1984 were not attributable to the automobile
4 accident of December 5, 1977.
- 5 8. Michael T. Walsh has signs of a mild carpal tunnel syndrome
6 in his right hand but this condition is not job related.

7 ULTIMATE FINDINGS OF FACT

- 8 1. Michael T. Walsh, a member of the Fire and Police Disability,
9 Retirement and Death Benefit Plan, has incurred certain
10 chiropractic treatment expenses because of pain and numbness
11 in his hands, arms, left leg, neck and lower back but these
12 symptoms have not rendered him incapable of performing his
13 required duties as a police officer.
- 14 2. The numbness and pain experienced by Michael T. Walsh did not
15 result from any injury he received in the line of duty as a
16 police officer.

CONCLUSION OF LAW

- 18 1. Michael T. Walsh is ineligible to receive service-connected
19 disability benefits (in lieu of salary benefits) or medical
20 expenses pursuant to Section 5-115, Charter of the City of
21 Portland, Oregon.

22 BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSION OF
23 LAW, it is hereby

24 ORDERED that the application of Michael T. Walsh for service-

25 / / /

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1 connected disability benefits be and the same hereby is denied.

2 Adopted by the Board of Trustees this ____ day of September,
3 1984.

4 JEWEL LANSING, Secretary
5 Fire and Police Disability and
6 Retirement Fund

7 By _____
8 Deputy Secretary
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