

STATE OF INDIANA ) SS:

BEFORE THE STATE, BOARD OF THE PUBLIC  
EMPLOYEES' RETIREMENT FUND FOR THE  
1977 POLICE AND FIREFIGHTERS' PENSION  
AND DISABILITY FUND

IN THE MATTER OF CHARLES H. HODGES, JR. CAUSE NO. [REDACTED]

ADMINISTRATIVE ADJUDICATION

The above referenced matter came on to be heard in accordance with I.C. 4-22-1-1 by the duly appointed hearing officer, Burton L. Garten, on the 13th day of September, 1985 in the offices of the Public Employees' Retirement Fund, Room 504 Harrison Building, 143 West Market Street, Indianapolis, Indiana 46204. Respondent, the Public Employees' Retirement Fund, was represented by H. Dudley Miller and the petitioner, City of Warsaw, Police Pension Fund was represented by Michael L. Valentine.

Witnesses were sworn and testimony and exhibits were heard and received into evidence.

Burton L. Garten now recommends transfer of the hearing findings of fact and decision to the State Board for its final decision and disposition of said matter.

FINDINGS OF FACT AND DECISION AND CONCLUSIONS  
OF LAW ARE FOUND IN THE ATTACHED REPORT  
OF THE HEARING DATED SEPTEMBER 13, 1985

ADMINISTRATIVE ORDER

Based on the foregoing, the State Board of the Public Employees' Retirement Fund does hereby grant membership in the 1977 Police and Firefighters' Pension Fund, under IC 36-8-8-7, IC 36-8-8-19, and 35 IAC 2-1.1-3.

All of which is ordered this 15<sup>th</sup> day of November,  
1985.

Richard T. Doermer, Chairman  
J. Dwight Peterson, Vice Chairman  
Myrl W. Deitch, Jr., Trustee  
Al H. Harding, Jr., Trustee  
Marie T. Lauck, Trustee

  
Board of Trustees  
Public Employees' Retirement Fund

STATE OF INDIANA  
PUBLIC EMPLOYEES' RETIREMENT FUND  
143 WEST MARKET STREET, SUITE 800  
INDIANAPOLIS, INDIANA 46204

In the matter of receiving additional evidence for the review of the findings of fact and the initial determination of the Public Employees' Retirement Fund on the application for membership in the 1977 Police and Firefighters' Pension and Disability Fund under IC 36-8-8-7 by Charles H. Hodges, Jr.

Reason for Action: PERF Initial Determination Letter dated July 24, 1985 denying membership to Charles H. Hodges, Jr., in the 1977 Police and Firefighters' Pension and Disability Fund.

Hearing Date: September 13, 1985 Place: Public Employees' Retirement Fund  
Suite 504 Harrison Building  
143 West Market Street  
Indianapolis, Indiana 46204

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FINDING OF FACT AND DETERMINATION

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The above matter coming to be heard before Burton L. Garten, duly appointed to conduct administrative hearings are provided by the Administrative Adjudication Act, Indiana Code 4-22-1.

The Public Employees' Retirement Fund (respondent) was represented by H. Dudley Miller. City of Warsaw Police Pension Fund (petitioner) was represented by Michael L. Valentine.

Petitioner's Exhibits

Copy of:

1. Letter dated September 9, 1985 from Michael T. Isenberg, M.D., to Thomas F. Keough, M.D.  
Volume 10, Clinical Medicine, Editor-in-Chief, John A. Spittell, Jr., M.D. & Gastroenterology by Richard G. Farmer, M.D., pages 12, 13, and 14.  
Textbook of Medicine, Eleventh Edition, page 1030.
2. Test results from Thomas F. Keough, M.D. on Charles H. Hodges, Jr.
3. Letter dated August 2, 1985 from Thomas F. Keough, M.D., to the Public Employees' Retirement Fund.
4. Page 810 from the Merck Manual dealing with "Disorders of Bilirubin Metabolism" - Gilbert's Syndrome.

FACTS:

Mr. Charles H. Hodges, Jr., was hired as a police officer by the Warsaw Police Department. He passed all examinations required by law, but the medical tests detected a condition [REDACTED]

[REDACTED]

[REDACTED]

FINDINGS:

Indiana Code 36-8-8-7 reads in part ...

"(a) Except as provided in subsections (d), (e), and (f) of this section:

(1) a police officer who has not reached his thirty-sixth birthday; or

(1) a firefighter who has not reached his thirty-sixth birthday;

who passes a physical examination and mental examination prescribed by the local board under Section 19 of this chapter is a member of the 1977 fund and is not a member of another pension fund."