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**COMMONWEALTH OF PENNSYLVANIA  
PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

IN RE: ACCOUNT OF M.W.  
DOCKET NO. 2016-29  
CLAIM OF M.W.

**OPINION AND ORDER OF THE BOARD**

The Board has carefully and independently reviewed the entire record of this proceeding, including the proposed Opinion and Recommendation of the Hearing Examiner. We note that neither party filed Exceptions to the proposed Opinion and Recommendation. The Board finds appropriate the proposed Opinion and Recommendation, and, accordingly, we hereby adopt it as our own.

IT IS HEREBY ORDERED that Claimant's request to receive a disability retirement benefit is DENIED.

PUBLIC SCHOOL EMPLOYEES'  
RETIREMENT BOARD

Dated: Oct. 12, 2018

By: Melva S. Vogler  
Melva S. Vogler, Chairman

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

IN RE: ACCOUNT OF M [REDACTED] W [REDACTED] :  
DOCKET NO. 2016-29 :  
CLAIM OF M [REDACTED] W [REDACTED] :

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**OPINION AND RECOMMENDATION**

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**Ruth D. Dunnewold  
Hearing Officer**

Date of Hearing: May 9, 2018  
Hearing Officer: Ruth D. Dunnewold  
For the Claimant: M [REDACTED] W [REDACTED] *pro se*  
For PSERS: Kathrin V. Smith, Esquire

## HISTORY

This matter is before the Public School Employees' Retirement Board ("Board") on an appeal filed by M [REDACTED] W [REDACTED] ("Claimant") on December 16, 2016. Claimant appealed from a decision of the Executive Staff Review Committee ("ESRC") of the Public School Employees' Retirement System ("PSERS") dated November 21, 2016 ("ESRC denial letter"), that denied Claimant's request for a disability retirement. On January 5, 2017, PSERS filed its Answer to Claimant's appeal.

By letter dated October 13, 2017, Ruth D. Dunnewold was appointed by the Board's Secretary, Glen R. Grell, to act as Hearing Officer for Claimant's administrative hearing. By letter of October 13, 2017, the Board's Appeal Docket Clerk notified Claimant that the administrative hearing on her appeal was scheduled for May 9, 2018, in Harrisburg, Pennsylvania. The hearing occurred as scheduled, at PSERS in Harrisburg. Claimant attended the hearing and chose to proceed *pro se*, while Kathrin V. Smith, Esquire, represented PSERS. At the close of the hearing, the parties elected to file post-hearing briefs. Thereafter, the hearing transcript was filed on May 24, 2018, and an Order Establishing Briefing Schedule, dated May 29, 2018, was issued.

The Order Establishing Briefing Schedule directed Claimant to file her post-hearing brief by close of business on June 28, 2018, PSERS to file its post-hearing brief in response by close of business on July 30, 2018, and Claimant to file her reply brief, if any, by close of business on August 9, 2018. Claimant filed a post-hearing brief, in the form of a letter ("Claimant's letter brief"), on June 26, 2018, and PSERS filed its Brief to the Hearing Examiner ("PSERS' post-hearing brief"), along with PSERS' Objections to Claimant's Letter Brief to the Hearing Examiner ("Objections"), on July 27, 2018. Claimant did not file any reply brief, so the record was closed when August 9, 2018, the date for Claimant's filing of her reply brief, passed without her having filed anything.

Likewise, Claimant filed nothing in response to PSERS' Objections, and Claimant's letter brief was stricken by Order Sustaining PSERS' Objection to Claimant's Letter Brief to the Hearing Examiner

dated August 13, 2018. Accordingly, the record is closed and the matter is now before the Board for final disposition.

## FINDINGS OF FACT

1. In 2006, Claimant began working for the [REDACTED] School District as an administrator. Notes of Testimony (“NT”) at 64.
2. In 2010, Claimant became a school counselor in the [REDACTED] School District. NT at 65.
3. Through her positions with the [REDACTED] School District, Claimant became a member of PSERS. *Id.*
4. Claimant stopped working in November 2014 because she fell and broke her leg, which took her out of work for almost five months, until March 2015. NT at 11, 12, 13, 60, 61.
5. In approximately April 2015, Claimant took a one-year medical sabbatical, with the intention of returning to work upon conclusion of the sabbatical. NT at 14, 25 – 26, 61, 62.
6. At the end of her sabbatical, Claimant was having bouts of clarity mixed with bouts of fatigue and pain of various types, so she did not actually return to work when the sabbatical ended. NT at 25 – 26, 61 – 62.
7. Claimant retired from her position with the [REDACTED] School District sometime in March 2016. NT at 62 – 63, 64.
8. The [REDACTED] School District reported to PSERS that Claimant’s last day worked was March 21, 2016 and that Claimant had actively worked prior to that date. NT at 86, 87, 88.
9. On April 12, 2016, Claimant filed an Application for Disability Retirement (“Application”) and an Employer’s Job Description for Disability Application (“job description”) with PSERS. Exhibit PSERS-1; NT at 26, 63 – 64, 65.
10. Claimant filed her Application with PSERS within two years of her last active day worked. Exhibit PSERS-1; NT at 86, 87 – 88.

11. As of April 12, 2016, the date of her Application, Claimant had five or more years of service with PSERS. Exhibit PSERS-1; NT at 87.

12. The purpose of the job description that Claimant submitted with her Application was to provide PSERS' medical examiners with a point of reference, when reviewing Claimant's medical documentation, for determining whether Claimant's medical condition, as described in her medical documentation accompanying the Application, keeps her from being able to perform the duties on the job description. NT at 88 – 89.

13. In connection with her Application, Claimant asked Dr. [REDACTED], Claimant's physician in April 2016, to submit a Physician's Medical Report to PSERS. Exhibit PSERS-2; NT at 67.

14. PSERS received the Physician's Medical Report from Dr. [REDACTED] on April 6, 2016. Exhibit PSERS-2; NT at 89.

15. After receiving Claimant's Application and Physician's Medical Report, reviewing them for completeness, and checking Claimant's length of service, the timeliness of her Application, and related administrative details, PSERS created a file and referred it to a PSERS medical examiner for review. Exhibit PSERS-7; NT at 89 – 90, 91.

16. A PSERS medical examiner reviews the medical documentation of an applicant for a disability retirement and makes a recommendation regarding the applicant's medical qualifications for a disability annuity. 24 Pa.C.S. § 8505(c); Exhibit PSERS-7; NT at 91, 106.

17. PSERS referred Claimant's application to [REDACTED], a physician licensed in Pennsylvania who is one of PSERS' medical examiners. NT at 91, 101, 105.

18. Dr. [REDACTED] reviewed the Physician's Medical Report and job description pertaining to Claimant. NT at 91, 106 – 107, 108.

19. Applicant's Physician's Medical Report identified diagnoses of chronic fatigue syndrome ("CFS"), irritable bowel syndrome ("IBS") and memory difficulties. Exhibit PSERS-2, p. 2; NT at 109 – 110.

20. CFS is defined as a complaint of chronic tiredness or fatigue, for which rest offers no help, and for which there is no identifiable medical cause. Exhibit PSERS-2; NT at 110 – 111, 135, 136, 138.

21. Dr. [REDACTED] paid special attention to the CFS diagnosis and could not identify a medical cause for Claimant's complaints of chronic fatigue, so he believed she fit that diagnosis. NT at 110 – 111.

22. Because the CFS diagnosis is subjective and impossible to substantiate other than by excluding other conditions; fatigue cannot be objectively measured; what is chronic fatigue to one person may not be chronic fatigue to another person; and the Physician's Medical Report did not identify any job duties that Claimant was unable to perform due to her diagnosis, the CFS diagnosis does not warrant a finding of a disability. NT at 110 – 111, 117 – 118, 146, 147.

23. The second diagnosis in the Physician's Medical Report was IBS, which is defined as complaints of chronic abdominal distress and bloating, frequently accompanied by diarrhea and/or constipation, or alternating diarrhea and constipation. Exhibit PSERS-2, p. 2; NT at 110.

24. There was no evidence that Claimant had IBS symptoms severe enough, such as severe diarrhea, as in four or more uncontrolled bowel movements a day, to warrant a finding of disability based on the IBS diagnosis. NT at 110.

25. The third diagnosis in the Physician's Medical Report was "memory difficulties." Exhibit PSERS-2, p. 2.

26. The Physician's Medical Report reported the findings of the physical exam as basically normal except for Claimant's being overweight. Exhibit PSERS-2, p. 1; NT at 108 – 109.

27. The medical documentation attached to the Physician's Medical Report, in the form of a summary of Claimant's most recent visit to Dr. [REDACTED] on March 28, 2016, included but was not limited to the following observations:

- a. Musculoskeletal: no painful joints.
- b. Neurologic: no confusion, no neurologic signs that would alert physician to particular focal problems, such as stroke; normal brain MRI had been done in 2015; the review was essentially normal.
- c. Psychiatric: no anxiety, depressed mood or suicidal thoughts.
- d. Laboratory testing: all essentially normal.
- e. General appearance: well-appearing, no acute distress.
- f. Physical examination: essentially normal.
- g. Memory change: normal exam that day, apparently meaning no memory change, but Dr. [REDACTED] referred Claimant to a neurologist for further evaluation.

Exhibit PSERS-2, p. 4; NT at 114 – 117.

28. After reviewing the Physician's Medical Report and job description pertaining to Claimant, Dr. [REDACTED] concluded that there was insufficient information to make a determination as to whether Claimant had a disability based on memory difficulties, so he requested a medical status evaluation because Claimant's profession required executive-level thinking and he wanted to determine if she was still capable of functioning mentally at that level. NT at 107 – 108, 118.

29. By letter dated June 4, 2016, PSERS asked for a mental status evaluation from Claimant in order to assist Dr. [REDACTED] in determining Claimant's eligibility for a disability annuity. Exhibit PSERS-3; NT at 68 – 69, 91 – 92.

30. Claimant complied by having a mental status evaluation done by [REDACTED] M.D., a neurologist to whom Dr. [REDACTED] referred Claimant; Dr. [REDACTED] produced an Advanced



Cognitive Assessment Report, with some attachments, which Claimant submitted to PSERS on July 1, 2016, and PSERS sent Dr. [REDACTED]'s mental status evaluation to Dr. [REDACTED] for review. Exhibit PSERS-4; NT at 69, 70, 92, 93, 94, 118 – 119.

31. Dr. [REDACTED]'s mental status evaluation of Claimant included an MRI and the interpretation of the MRI was normal; there is nothing in the report interpreting the MRI to account for Claimant's complaints of declining cognition. Exhibit PSERS-4, p. 2; NT at 120.

32. Dr. [REDACTED]'s mental status evaluation of Claimant included an EEG, which was normal. Exhibit PSERS-4, p. 5; NT at 124.

33. Dr. [REDACTED]'s Advanced Cognitive Assessment Report on Claimant stated, “[o]verall patient cognitive assessment is within normal limits. No gross evidence for cognitive impairment, mild slowing of information processing which is borderline significant.” Exhibit PSERS-4, p. 4; NT at 124.

34. Information processing is related to the ability to assimilate and interpret changes in information. NT at 123.

35. Dr. [REDACTED] saw Claimant for evaluation on April 27, 2016, approximately one month after Claimant's most recent visit to Dr. [REDACTED] on March 28, 2016. Exhibit PSERS-2; Exhibit PSERS-4, p. 6; NT at 126.

36. The symptoms Claimant reported to Dr. [REDACTED] at the time of her April 27, 2016, visit included fatigue, unintentional weight loss, unintentional weight gain, blurred vision, tinnitus or ringing in the ears, heart palpitations, dyspnea or shortness of breath on exertion, abdominal pain, and anxiety; of those, she had only reported fatigue to Dr. [REDACTED] during the March 28, 2016 visit. Exhibit PSERS-2; Exhibit PSERS-4, p. 6; NT at 125 – 126.

37. Dr. [REDACTED]'s physical examination of Claimant yielded essentially normal results, he found no abnormalities to account for Claimant's complaints, and he characterized the physical examination as “unremarkable.” Exhibit PSERS-4, p. 8; NT at 127 – 129, 138, 141.

38. Dr. [REDACTED] performed a mini-mental status evaluation of Claimant, which is good examination commonly and widely used to ascertain cognitive function both by generalists and by specialists, and Claimant scored 29 out of 30 points, which is nearly perfect. Exhibit PSERS-4, p. 8; NT at 129, 130.

39. Claimant saw Dr. [REDACTED] again on June 2, 2016, for a follow-up visit. Exhibit PSERS-4, pp. 10, 12; NT at 131.

40. Again, Dr. [REDACTED]'s physical examination of Claimant yielded normal results. Exhibit PSERS-4, p. 12; NT at 132, 138.

41. In his notes from the June 2, 2016, follow-up exam, Dr. [REDACTED] indicated that there is "no evidence for a significant neurologic abnormality at this point in time." Exhibit PSERS-4, p. 12; NT at 133.

42. Dr. [REDACTED] found no reason for Claimant's complaints of progressive cognitive dysfunction. NT at 133.

43. After reviewing all of the information submitted with Claimant's application, as well as the supplemental information from Dr. [REDACTED]'s mental status examination, which was exactly the type of information Dr. [REDACTED] had been seeking when he asked for additional information, Dr. [REDACTED] recommended to PSERS that Claimant not be considered disabled. NT at 133 – 134, 143, 144.

44. While PSERS requires the opinion of only one PSERS medical examiner to approve an application for a disability retirement benefit, PSERS requires the opinion of two PSERS medical examiners to deny such an application. NT at 94.

45. Accordingly, following its routine business practice, after PSERS received Dr. [REDACTED]'s recommendation, PSERS then referred Claimant's file to a second medical examiner for a second opinion. *Id.*

46. The second medical examiner also recommended a denial of Claimant's application for a disability retirement. NT at 94 – 95.

47. PSERS accepted the recommendations of both PSERS medical examiners and notified Claimant, by letter dated July 14, 2016, that her application for a disability benefit had been denied. Exhibit PSERS-5; NT at 95.

48. The letter of July 14, 2016 also informed Claimant of her right to appeal to PSERS' Executive Staff Review Committee ("ESRC") and informed her that she was eligible to vest her account and apply for a regular retirement benefit. Exhibit PSERS-5; NT at 95 – 96.

49. Claimant appealed to the ESRC. NT at 95 – 96.

50. Claimant also applied for a regular retirement benefit and as of the date of the hearing, was receiving a retirement benefit from PSERS. NT at 96.

51. By letter dated November 21, 2016, the ESRC denied Claimant's appeal. Exhibit PSERS-6; NT at 76, 96 – 97.

52. By Appeal and Request for Administrative Hearing filed December 16, 2016, Claimant appealed the ESRC's decision. Official notice of filings of record;<sup>1</sup> NT at 76.

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<sup>1</sup>Under the General Rules of Administrative Practice and Procedure ("General Rules"), 1 Pa. Code § 31.1 *et seq.*, at 1 Pa. Code § 35.125(d)(1),

[t]he applications (including attached exhibits), complaints, orders to show cause and answers thereto and similar formal documents upon which hearings are fixed shall, without further action, be considered as parts of the record as pleadings.

Based on this rule, Claimant's Appeal and Request for Administrative Hearing filed December 16, 2016 is a part of the record as a pleading.

Also, under the General Rules at 1 Pa. Code § 31.1 *et seq.*, at 1 Pa. Code § 35.173, a licensing board may take official notice of its own records. *See also Falasco v. Commonwealth of Pennsylvania Board of Probation and Parole*, 521 A.2d 991 (Pa. Cmwlth. 1987) (the doctrine of official notice allows an agency to take official notice of, among other things, reports and records in the agency's files). Therefore, these two rules allow official notice to be taken of Claimant's filing of her Appeal and Request for Administrative Hearing.

53. On January 5, 2017, PSERS filed its Answer to Claimant's appeal. Official notice of filings of record.

54. A hearing on the appeal was held on May 9, 2018, before Hearing Examiner Ruth D. Dunnewold. NT at 4 and *passim*.

55. Claimant was present at the hearing, chose to proceed without counsel, and had the opportunity to be heard, cross-examine witnesses, make a closing statement for the record, and file post-hearing briefs in support of her appeal. *Id.*

## CONCLUSIONS OF LAW

1. PSERS is a creature of statute and derives its authority from the provisions of the Public School Employees' Retirement Code, 24 Pa.C.S. § 8101 et seq. ("Retirement Code"). *Forman v. Pub. Sch. Employees' Ret. Bd.*, 778 A.2d 778, 780 (Pa. Cmwlth. 2001).
2. Members of PSERS have only those rights recognized by statute and none beyond. *Bittenbender v. State Employees' Retirement Board*,<sup>2</sup> 622 A.2d 403 (Pa. Cmwlth. 1992).
3. Claimant bears the burden of establishing the facts necessary to sustain her claim. *See Gierschick v. State Employees' Ret. Bd.*, 733 A.2d 29, 32 (Pa. Cmwlth. 1999); *see also Wingert v. State Employees' Ret. Bd.*, 589 A.2d 269, 271 (Pa. Cmwlth. 1991).
4. Claimant was afforded notice and an opportunity to be heard in connection with her appeal. Findings of Fact 47 – 55.
5. Claimant has failed to demonstrate by a preponderance of the evidence that she is disabled from public school employment and that her application for a disability retirement should be granted. Findings of Fact 1 – 46.
6. Claimant is not disabled from public school employment. Findings of Fact 1 – 46.

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<sup>2</sup>Cases interpreting provision of the State Employees' Retirement Code "are equally applicable in deciding issues arising under similar or identical provisions" of the Retirement Code. *Krill v. Pub. Sch. Employees' Ret. Bd.*, 713 A.2d 132, 134 n.3 (Pa. Cmwlth. 1998).

## DISCUSSION

This matter arises under the Public School Employees' Retirement Code, 24 Pa.C.S. § 8101 *et seq.* ("Retirement Code"), which provides as follows with regard to eligibility for a disability annuity:

**§ 8307. Eligibility for annuities.**

\* \* \*

**(c) Disability annuity.** — An active or inactive member who has credit for at least five years of service shall, upon filing of a proper application, be entitled to a disability annuity if he becomes mentally or physically incapable of continuing to perform the duties for which he is employed and qualifies for an annuity in accordance with the provisions of section 8505(c)(1) (relating to duties of board regarding applications and elections of members and participants).

\* \* \*

24 Pa.C.S. § 8307(c). Under this provision, there are essentially five elements that must exist in order for a member to be eligible for a disability annuity. The applicant must (1) be an active or inactive member of PSERS; (2) have credit for at least five years of service; (3) file a proper application; (4) be mentally or physically incapable of continuing to perform the duties for which she is employed; and (5) qualify for an annuity in accordance with section 8505(c)(1) of the Retirement Code.

The regulations implementing the Retirement Code expand on the third element, filing a proper application, by defining what constitutes a "proper application." That is, the regulations require an applicant for a disability annuity to submit "appropriate medical evidence." 22 Pa. Code § 213.44(a). A proper application, therefore, will include "appropriate medical evidence."

Also, the provision of the Retirement Code referenced in the fifth element, above, provides as follows:

**(c) Disability annuities.** — In every case where the board has received an application duly executed by the member or by a person legally authorized to act in his behalf for a disability annuity based upon the member's physical or mental incapacity for the performance of the job for which he is employed, the board shall:

- (1)** Through the medical examiner, have the application and any supporting medical records and other documentation submitted with the

application reviewed and, on the basis of said review and the subsequent recommendation by the medical examiner regarding the applicant's medical qualification for a disability annuity along with such other recommendations which he may make with respect to the permanency of disability or the need for subsequent reviews, make a finding of disability or nondisability and, in the case of disability, establish an effective date of disability and the terms and conditions regarding subsequent reviews.

24 Pa.C.S. § 8505(c)(1). Under this provision, then, the fifth element that must exist in order for a member to be eligible for a disability annuity is that a PSERS medical examiner must make a finding of disability after reviewing the application and any supporting medical records and other documentation submitted with the application.

In Claimant's case, the first two elements are not in dispute: (1) she was an active member of PSERS at the time she quit working and filed her Application, and (2) she had credit for at least five years of service. However, the third, fourth and fifth elements are at issue.

Claimant bears the burden of proof in this proceeding. *Gierschick v. State Employes' Retirement Board*, 733 A.2d 29 (Pa. Cmwlth. 1999), *petition for allowance of appeal denied*, 751 A.2d 194 (Pa. 2000); *Wingert v. State Employes' Retirement Board*, 589 A.2d 269 (Pa. Cmwlth. 1991). Claimant must prove her case by a preponderance of the evidence, *Lansberry v. Pennsylvania Public Utilities Commission*, 578 A. 2d 600 (Pa. Cmwlth. 1990), *petition for allowance of appeal denied*, 602 A. 2d 863 (Pa. 1992), which has been described as evidence of sufficient weight to "tip the scales on the side of the plaintiff." *Se-Ling Hosiery v. Margulies*, 70 A. 2d 854, 856 (Pa. 1960).

Therefore, to succeed on her claim in this matter, Claimant must present a preponderance of evidence demonstrating the third element, which means she must demonstrate that she submitted "appropriate medical evidence;" and the fourth element, i.e. that she was mentally or physically incapable of continuing to perform the duties for which she was employed, and more specifically, that IBS, CFS and memory difficulties prevented her from continuing to work as a school counselor when

she stopped working in March 2016. Additionally, the fifth element must be present: a PSERS medical examiner must make a finding of disability.

At the hearing, Claimant's evidence comprised her own testimony, much of which was deemed to be objectionable because it was hearsay, in the form of Claimant's attempt to testify to things her various health care providers had told her about her health. Additionally, Claimant offered into evidence a number of exhibits which were excluded from the record on the basis of their being objectionable hearsay. "Hearsay" is defined as "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Pa.R.E. 801(c).

All of the medical evidence of her condition that Claimant offered was hearsay, because it all comprised statements made by her health care providers, who were not present at the hearing to testify, and Claimant offered it in order to prove the truth of the matter she was asserting, i.e. that she had a health condition that warrants PSERS' granting her a disability retirement. Furthermore, the hearsay evidence was excluded from the record, so the only competent evidence Claimant offered was her own testimony, as a layperson, about the symptoms she has experienced and how they have impacted her. Her testimony is not medical evidence. Therefore, at the hearing, Claimant failed to submit "appropriate medical evidence."

On the other hand, PSERS offered into evidence the testimony of Dr. [REDACTED], one of two PSERS medical examiners who reviewed Claimant's Application to determine if her medical conditions, as documented in her Application, warrant a finding of a disability. Dr. [REDACTED] testified about the content of the medical evidence that Claimant presented with her Application, including a mental status evaluation that Claimant obtained at Dr. [REDACTED]'s request as a supplement to the medical



evidence attached to Claimant's Application.<sup>3</sup> Dr. [REDACTED] concluded, after reviewing all of the available medical evidence, that Claimant had not presented medical evidence that would support a disability retirement, and consequently, he recommended a denial of Claimant's disability Application.

Claimant presented no medical evidence to contradict Dr. [REDACTED]'s medical opinion, which he offered to a reasonable degree of medical certainty. NT at 133 – 134. Her layperson's account of her symptoms and how they have impacted her cannot outweigh Dr. [REDACTED]'s medical opinion, because her account of her symptoms and their impact is, at its heart, nothing more than a subjective personal opinion. Nor did she present any competent medical evidence to cast doubt on Dr. [REDACTED]'s medical testimony or medical opinion.

Claimant needed to present appropriate medical evidence in support of her Application. 22 Pa. Code § 213.44(a). That medical evidence needed to demonstrate that she was mentally or physically incapable of continuing to perform the duties for which she was employed at the time she submitted her Application to PSERS. However, she did not present appropriate medical evidence. In light of all of the foregoing, the evidence of record does not support elements three, four and five of a successful claim for disability annuity. It follows that Claimant has not sustained her burden of proof.

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<sup>3</sup>Under the regulations implementing the Retirement Code, a PSERS medical examiner may require a disability applicant to provide additional medical documentation to support the application, which Dr. [REDACTED] required of Claimant here. *See* 22 Pa. Code § 215.5(a)(2).

## CONCLUSION

Based on all of the above, the facts of record support the conclusion that Claimant was not disabled from performing her job duties as a school counselor as of March 2016. Consequently, she has not established all of the elements of a successful disability claim under the Retirement Code at 24 Pa.C.S. §§ 8307(c) and 8505(c)(1), and the accompanying regulations at 22 Pa. Code § 213.44(a). Accordingly, the following recommendation will be made to the Board:

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

IN RE: ACCOUNT OF M [REDACTED] W [REDACTED] :  
DOCKET NO. 2016-29 :  
CLAIM OF M [REDACTED] W [REDACTED] :

**RECOMMENDATION**

AND NOW, this 17<sup>th</sup> day of August, 2018, upon consideration of the foregoing findings of fact, conclusions of law and discussion, the Hearing Officer for the Public School Employees' Retirement Board recommends that the Board **DENY** Claimant's appeal and **AFFIRM** the determination of the Public School Employees' Retirement System that Claimant has not demonstrated a disability and is not eligible to receive a disability retirement benefit.



**Ruth D. Dunnewold**  
**Hearing Officer**

**Claimant, pro se:** M [REDACTED] W [REDACTED]  
[REDACTED]

**For PSERS:** Kathrin V. Smith, Esquire  
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM  
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**Docket Clerk:** Laura Vitale, Appeal Docket Clerk  
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**Date of mailing:** 8/17/18