

**BEFORE THE BOARD OF TRUSTEES
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS**

In the Matter of)
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 Gary Grissom)
)
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 Petitioner)

**RECOMMENDED DECISION OF THE CLAIMS HEARING COMMITTEE
IN THE ADMINISTRATIVE REVIEW OF GARY GRISSOM**

Introduction

Pursuant to the provisions of 80 Ill. Adm. Code 1650.650, an administrative review hearing was held on June 19, 2008 in Springfield, Illinois, to consider the administrative review claim of Gary Grissom, a member of the Teachers' Retirement System of the State of Illinois (TRS or the System). Present were Presiding Hearing Officer Ralph Loewenstein, Claims Hearing Committee Chairman Cynthia O'Neill, and Claims Hearing Committee members Jan Cleveland and Jim Bruner. The Petitioner Gary Grissom appeared pro se. The System was represented by Scott Spooner of the Heyl, Royster, Voelker & Allen law firm.

Petitioner Grissom filed the instant administrative review to challenge the denial of temporary disability benefits under the provisions of 40 ILCS 5/16-149. It is Mr. Grissom's claim that he suffers from irritable bowel syndrome and is "incapacitated to perform the duties of his ...position as a teacher." It is the position of the System that Mr. Grissom failed to submit competent medical documentation that established disability and that the evidence failed to show that he was unable to perform the duties of his position. As will be more fully

explained, the Committee finds that Mr. Grissom does not qualify for TRS temporary disability benefits.

Statement of Facts

1. Mr. Grissom applied for disability benefits after resigning his position as a school teacher at Martinsville High School (hereinafter “Martinsville”) in Martinsville, Illinois. Mr. Grissom was last employed at Martinsville in April, 2003. Before his resignation, he taught science at Martinsville for 2* years. At the time of his resignation, he was 62 years old.
2. Mr. Grissom admits that, prior to his April, 2003 resignation from Martinsville, he never advised representatives of his teacher’s union regarding his alleged irritable bowel syndrome – or the way in which that syndrome allegedly interfered with his activities as a high school science teacher. To that end, Mr. Grissom never filed a grievance, nor did he ever seek relief through representatives of his teacher’s local.
3. Similarly, Mr. Grissom never advised the building principal at Martinsville or any other administrator of his alleged irritable bowel syndrome.
4. Over the years, Mr. Grissom has sought healthcare from several different physicians. Said healthcare professionals have included his primary care physician, Cornelius Whalen, M.D. of Charleston, Illinois; Kurt Dearnbarger, M.D. of Lovington, Illinois; J. Hallett, M.D. of Urbana, Illinois; and Jason Jerabeck, D.O. of Toledo, Illinois. None of the aforementioned physicians have ever indicated or advised (i.e. on the Physician’s Certificate of Disability forms were stipulated to by the parties) that Grissom’s irritable bowel syndrome is a permanent condition or that said condition impairs Grissom’s ability to pursue full-time employment as a school teacher. The seven (7) Physician’s Certification of Disability forms span the period between May 27, 2003 through March 11, 2004.

In reviewing Mr. Grissom’s Physician’s Certifications of Disability, the Committee finds there was no consistent diagnosis. While Dr. Jerabek diagnosed irritable bowel syndrome; Dr. Hallett and Dr. Dearnberger diagnosed diarrhea. Dr.

* Grissom began his teaching career in Georgetown, Illinois, where he taught for one year. Thereafter, he taught for one year at Martinsville; and then for another one-year period at Mahomet-Seymour. This was followed by a five-year stint at Dieterich High School in Dieterich, Illinois — and then Grissom’s return to Martinsville. Altogether, Grissom’s teaching career lasted approximately 10 years.

Whalen first diagnosed irritable bowel syndrome, then later diagnosed diarrhea. No matter what diagnoses, none of Mr. Grissom's doctors prescribed treatment other than a change in diet nor medication. In fact, Mr. Grissom had a colonoscopy on December 22, 2003, which was normal. All other tests conducted by his doctors were also normal.

Mr. Grissom offered the testimony of his friend, Tex Darling, who observed him go into the bathroom at his home over a two day period. Mr. Darling admitted on cross-examination he was not a medical professional but rather a retired postal worker. Mr. Darling's testimony was simply not competent to establish disability.

The System offered the testimony of Judy Sommer, TRS medical advisor, to support its determination that Mr. Grissom had not submitted documentation to support this disability claim. Sommer is a registered nurse with substantial disability adjudication experience with the System and the Illinois Department of Public Health. Ms. Sommer explained her claim denial based upon inconsistent diagnosis, lack of medical treatment and lack of medication.

With regard to all the evidence adduced at hearing, there was absolutely no medical testimony offered as to Mr. Grissom being unable to perform his teaching duties.

Decision

At hearing, the Committee heard the testimony of Mr. Grissom, his friend, Tex Darling and TRS employee Judy Sommer. After hearing testimony presented and considering the agreed upon exhibits in the case, the Committee finds that Mr. Grissom failed to establish by the preponderance of evidence that he suffered from a disabling condition or that he could not perform his teaching duties.

Conclusion

Based upon the lack of medical evidence to support Mr. Grissom's claim and his failure to present evidence at hearing in support of such claim, the Committee finds the staff's determination was correct.