
**TUCSON AIRPORT AUTHORITY | Public Safety Personnel Retirement System (PSPRS)
Local Board Meeting
Tuesday, December 5, 2023 | 8:00 a.m. | Virtual Meeting**

THIS BOARD MEETING WAS HELD VIRTUALLY, WITH BOARD MEMBERS ATTENDING VIA MICROSOFT TEAMS OR TELEPHONICALLY. MEMBERS OF THE PUBLIC WHO COMPLETED A REGISTRATION FORM RECEIVED A LINK TO VIEW THE MEETING VIA MICROSOFT TEAMS OR TO LISTEN TELEPHONICALLY.

1. CALL TO ORDER | ROLL CALL

Chair Ronstadt called the meeting to order at 8:04 a.m.

Board Members Present: Chair Jim Ronstadt, Vice Chair Taunya Villicaña, Board Member John Ivanoff, Board Member Scott Lackey (Fire), and Board Member Raymon Smith (Police)

Board Members Absent: None

Staff Present: Local Board Attorney Andrew Apodaca, Esq., IT Customer Support Technician Hector Lopez, and Local Board Secretary Byron Jones

Others Present: Attorney Tom Stillwell, Mr. Jeffrey Strebing, TAA Executive Vice President/Chief Operating Officer Bruce Goetz, and TAA Senior Employment Specialist José Flores

2. APPROVAL OF MINUTES

Motion by Vice Chair Villicaña, seconded by Board Member Ivanoff, to approve the minutes of the PSPRS Local Board meeting held on October 17, 2023. The motion carried by the following vote:

Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith

Nays (0)

3. JEFFREY STREBING DISABILITY APPLICATION

Motion by Board Member Ivanoff, seconded by Vice Chair Villicaña, to recess the public meeting and convene in executive session to discuss and to receive legal advice from the Board attorney regarding the disability application filed by former TAA employee Jeffrey Strebing. The motion carried by the following vote:

Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith

Nays (0)

Chair Ronstadt recessed the public meeting, and the Board went into executive session at 8:08 a.m.

The executive session adjourned, and Chair Ronstadt reconvened the public meeting at 8:31 a.m.

Chair Ronstadt invited Mr. Jeffrey Strebing and his attorney, Tom Stillwell, to make any final comments before the Board voted on the disability application.

Mr. Strebing, under questioning from Mr. Stillwell, relayed the following:

- 1) In December 2020, Mr. Strebing returned to TAA from active-duty military service and was undergoing reorientation training with his supervisor. During the week of training, which occurred during the early part of the COVID-19 pandemic, Mr. Strebing and the supervisor were frequently in close contact in the office and on vehicle patrols.
- 2) After two days, the supervisor called out sick and subsequently received a positive test for COVID-19. Approximately one-to-two days later, Mr. Strebing also developed symptoms and tested positive for COVID-19. Mr. Strebing's recovery took approximately four-to-five weeks.
- 3) Mr. Strebing returned to TAA in January 2021 and worked until April 2021. He stated that he felt weak most of the time and his mental health was suffering. His condition caused him to make mistakes and to forget information. Furthermore, he was not getting enough sleep, and his sleeping patterns became irregular. Mr. Strebing had a "breakdown" in April 2021 and subsequently requested help from the human resources department.
- 4) Mr. Strebing stated that he did not suffer from "brain fog," stuttering, or anxiety prior to his exposure to COVID-19. His stuttering became worse over time, prompting him to seek help from the Veterans Administration (the VA). His stuttering has improved though it worsens when he suffers from anxiety.
- 5) His condition causes him to isolate from people to avoid confrontations. When confronted with a situation, he tries to walk away and use breathing techniques and other therapies to control his stress. He cries more often.
- 6) Mr. Strebing and Mr. Stillwell disagreed with the finding of the Independent Medical Examiners that his condition is neither permanent nor uncorrectable. Mr. Strebing sought mental health treatment from a private doctor; however, due to the doctor's retirement, Mr. Strebing was forced to turn to the VA for mental health treatment.

Because the VA is overwhelmed, Mr. Strebing sees a physician fewer times than before. Furthermore, the VA only covers a certain number of speech therapy sessions, and they discharged him once they believed he had improved “enough.”

- 7) Mr. Strebing is still trying to overcome his sleep issues. He has been diagnosed with sleep apnea, but he is unable to wear the CPAP mask due to claustrophobia.
- 8) Mr. Strebing and Mr. Stillwell claimed that the Independent Medical Examiners did not have enough information regarding the long-term effects of COVID-19 to determine whether his conditions are temporary or permanent.

Mr. Stillwell pointed out that there is case law establishing that accidents may include contracted diseases and their affects. He stated that he had litigated and established that COVID-19 is a work-related “accident” as defined by Workers Compensation and his belief that it is also covered under the PSPRS statutes. Mr. Stillwell objected to Dr. Kirkorsky’s report because he specializes in Worker’s Compensation cases and does not have a special background or focus treating long COVID-19. The doctor’s conclusions were vague, and the Board should not place great weight on his opinion.

BOARD DISCUSSION

The Board members stated their conclusions based on the records provided by the claimant, Jeffrey Strebing, the Independent Medical Examiners, and the Board’s attorney. The Board’s consensus was the following:

- 1) There were inconsistencies and “untruths” between the records provided by the Veterans Administration and the reports provided by the Independent Medical Examiners in the companion Workers Compensation claim.
- 2) There was no concrete evidence that Mr. Strebing contracted COVID-19 from workplace exposure.
- 3) Regarding conflicting opinions of the two IME specialists the Board did not feel the conflicts were of a nature that they had to side with one opinion or the other.

Motion by Vice Chair Villicaña, seconded by Board Member Lackey, to deny the application for accidental disability filed by Jeffrey Strebing based on the following findings:

- 1) **While there are differences of opinion between Dr. Scott E. Kirkorsky’s October 12, 2023 report and Dr. Shannah Biggan’s October 20, 2023 report they both agree that Mr. Strebing’s condition is not permanently disabling (Biggan at pp. 12-13; Kirkorsky at p. 30).**

- 2) Neither provider finds that Mr. Strebing qualifies for Ordinary Disability, with Dr. Kirkorsky specifically finding that there is no evidence of permanency or Mr. Strebing's inability to find any gainful employment, (p. 31) and Dr. Biggan specifically finding a lack of permanency (p. 12-13).
- 3) Dr. Kirkorsky notes that there are conflicts in medical evidence in his questionnaire responses; however, his report does not describe the kinds of medical conflicts that would require Board review.

The motion carried by the following vote:

Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith
Nays (0)

4. 2024 LOCAL BOARD MEETING SCHEDULE

After brief discussion, the Board's consensus was to continue meeting on the third Tuesday of the first month of each quarter at 8:00 a.m. and to begin having a hybrid of in-person attendance and virtual attendance. The 2024 meeting dates will be January 16, April 16, July 16, and October 15.


Motion by Vice Chair Villicaña, seconded by Board Member Ivanoff, to direct the Board secretary to proceed with scheduling the 2024 meetings as directed. The motion carried by the following vote:

Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith
Nays (0)

5. ADJOURN

There being no further business to discuss, Chair Ronstadt adjourned the meeting at 8:43 a.m.

APPROVED BY:



James-Ronstadt,
Chair

Date: 12/19/23

Prepared by:

Byron M. Jones
Local Board Secretary

Date: _____

- 2) Neither provider finds that Mr. Strebing qualifies for Ordinary Disability, with Dr. Kirkorsky specifically finding that there is no evidence of permanency or Mr. Strebing’s inability to find any gainful employment, (p. 31) and Dr. Biggan specifically finding a lack of permanency (p. 12-13).
- 3) Dr. Kirkorsky notes that there are conflicts in medical evidence in his questionnaire responses; however, his report does not describe the kinds of medical conflicts that would require Board review.

The motion carried by the following vote:

Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith
Nays (0)

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Ayes (5) Ronstadt, Villicaña, Ivanoff, Lackey, and Smith
Nays (0)

5. ADJOURN

There being no further business to discuss, Chair Ronstadt adjourned the meeting at 8:43 a.m.

APPROVED BY:

James Ronstadt,
Chair

Date: _____

Prepared by:



Byron M. Jones
Local Board Secretary

Date: January 18, 2024