



# Chattanooga Fire and Police Pension Fund

6009 John Douglass Drive

Chattanooga, TN 37421

Phone: (423) 893-0500 1-800-881-9022 Fax: (423) 893-7769

Email: [info@cfppf.org](mailto:info@cfppf.org) Web: [www.cfppf.org](http://www.cfppf.org)

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## A Letter to CFPPF Members, Active and Retired

The Chattanooga Fire and Police Pension Fund (“CFPPF” or “Fund”) and the Board of Trustees of the Fund (“Board”) have recently received negative press in the local media due to the Board’s denial of a recent application for a disability pension based on a claim of PTSD. The applicant challenged this denial in court, and the Fund petitioned the Supreme Court of the State of Tennessee to review the matter so that the Court could clarify standards of review and the interpretation of certain disability provisions. This review by the Tennessee Supreme Court was necessary due to unclear and inconsistent rulings in the lower courts of Tennessee. However, some of our members have expressed concern and even alarm over the Board’s denial of this and other PTSD-related disability pension claims. For context, in recent years, the Board has reached a determination on seven PTSD disability applications and has granted three of them. In other words, where it has reached a decision, the Board has granted approximately 43% of the most recent applications for PTSD-related disability benefits. With this letter, we hope to provide helpful information regarding PTSD-related disability benefits that will address the concerns expressed by some members of our Fund.

The CFPPF was established in 1949, with the broader disability benefits of the Fund not established until the late 1990s. However, the disability benefits established in the ‘90s did not specifically address PTSD, as this was not a well-recognized cause of disability at that time. Over the years, PTSD has become more widely recognized, and both the diagnosis and treatment methods for PTSD have evolved considerably.

In 2016, recognizing the growing awareness of PTSD, the Board began to look into how other fire and police pension plans were addressing PTSD as a disability claim. The acceptance of a PTSD claim varied as broadly as the benefits offered for such a claim. For example, Tennessee’s TCRS pension only provides a PTSD disability benefit to a member who is unable to sustain any gainful employment whatsoever, resulting in the disability benefit being the member’s only means of income. Thankfully, none of our members have suffered such severe PTSD as to prohibit them from gainful employment outside the first responder community.

The Board is well aware that Post Traumatic Stress is real and can affect first responders in a variety of ways. We are fortunate in that six of the eight members of our Board are also first responders and share the same experiences as our members. This gives us a unique and relevant perspective as to both the physical and mental health effects of our jobs. After many conversations, meetings with City officials and union representatives, debates, and reviewing other fund policies, the Board agreed on six standards that a PTSD disability claim must meet to

the satisfaction of the Board. These six requirements are in addition to the requirements set forth in the pension legislation that all types of disability claims must meet.

In 2019, the Fund office released a Member's Guide to Disability Benefits ("Member's Guide") and an updated Summary Plan Description ("SPD") that included the six standards specific to mental health disability claims. The Member's Guide was disseminated and explained to firefighters and police officers during the annual In-Service. The Member's Guide and the SPD are also posted on the Fund website for easy access for our members ([www.cfppf.org/documents](http://www.cfppf.org/documents)). We want to assure all members that your elected Board recognizes PTS and PTSD as real and that it affects all of us! Our desire is that each of our members are able to get the help they need, when they need it, so that they can complete their career and receive, with pride, the retirement benefits they have earned.

Please understand that denying a disability benefit to one of our fellow Fire and Police members is a difficult thing for this Board to do. However, we are bound to follow the policies and requirements of the Fund to the best of our abilities, without regard to our personal feelings. If a member has been denied a PTSD disability claim, it is because they have not met one or more of the six standards to the satisfaction of the Board. Please be aware that the Board takes very seriously its fiduciary responsibility to follow the terms of the Fund and to make decisions for the benefit of *all* members as a whole. Though we cannot speak about specific claims, whether approved or denied, due to the Fund's Privacy Policy, please reach out to a Board member if you have questions or concerns regarding our policies. Also, it is important to note that any vested member that is denied a disability pension is still eligible to receive their earned retirement pension benefits upon reaching 55 years of age.

Below are the standards listed in the Member's Guide to Disability Benefits and Summary Plan Description:

## **Mental Health Disabilities**

### **Eligibility Requirements**

To qualify for a Job-Related Disability ("JRD") based on a mental health disorder, including but not limited to, Post-Traumatic Stress Disorder ("PTSD"), Applicants must provide evidence satisfactory to the Board which shows:

1. that the Applicant is permanently and mentally or physically incapacitated from performing his/her usual duties or any other duty in their respective department;
2. that the disability is direct result of one or more traumatic events that are
  - a. identifiable as to time and place
  - b. un-designed and unexpected, and
  - c. caused by a circumstance external to the Applicant (not the result of pre-existing disease that is aggravated or accelerated by the work);

3. that traumatic event(s) occurred during and as a result of the Applicant's regular or assigned duties;
4. symptoms that have arisen in response to that traumatic event(s) are aggravated by performing a member's regular or assigned duties;
5. that the disability was not the result of the Applicant's willful negligence; and
6. that an Applicant who is a member of the Police Department shall acknowledge in writing that s/he will surrender his/her POST certification if approved for a mental health disability.

If an Applicant is seeking a disability retirement based on a mental health disorder caused by a mental stressor without any physical impact or injury, the Applicant must establish that the disability result(s) from direct personal experience of a terrifying or horror-inducing event that involves actual or threatened death or serious injury, or a similarly serious threat to the physical integrity of the Applicant or another person.

Below are the relevant pension legislative requirements in regards to disability applications:

1. Sec. 2-410(f)(1) states that a member seeking benefits must provide objective proof satisfactory to the Board of facts entitling the member to requested benefits;
2. Sec. 2-410(f)(2) states that it is the applicant's burden and responsibility to prove entitlement to benefits by providing satisfactory, objective proof of disability to the Board;
3. Sec. 2-410(f)(4) states that "[n]o member shall be given disability benefits under this Section if the Board finds that said disability could probably be successfully corrected by competent medical treatment, and said member refuses to cooperate or otherwise fails or refuses to be so treated;"
4. Sec. 2-410(f)(5) states that, for purposes of a job-related disability, the term "disabled" or "disability" means a medically-determinable impairment proven by satisfactory, objective proof which, in the sole opinion of the Board, prevents the member from performing duties in the Fire or Police Department.