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Couret-Rios v. Fire & Police Employees' Retirement System of City of Baltimore

Court of Appeals of Maryland - May 1, 2020 - A.3d - 2020 WL 2092602

City sought review of hearing examiner's decision awarding police officer line-of-duty (LOD) disability retirement benefits after officer suffered concussion, or traumatic brain injury, while he was on duty with resulting memory loss and attention deficits.

The Circuit Court affirmed. City appealed. The Court of Special Appeals reversed. Officer petitioned for writ of certiorari, which was granted.

The Court of Appeals held that:

- A concussion may, in certain instances, lead to permanent physical incapacity qualifying a claimant for LOD disability benefits, and
- Evidence supported finding that officer's incapacities were physical entitling him to LOD disability benefits.

Although a "mild traumatic brain injury," or concussion, does not typically result in any permanent physical incapacities, there are scenarios in which a mild traumatic brain injury leads to the physical incapacity that is needed to qualify for line-of-duty (LOD) disability retirement benefits under city's fire and police employees' retirement system.

Evidence supported hearing examiner's finding that city police officer's attention and memory deficits, as a result of his concussion, or mild traumatic brain injury, incurred while on duty, were permanent physical incapacities entitling officer to line-of-duty (LOD) disability retirement benefits; hearing examiner relied on neurological evaluation performed by a licensed psychologist, and multiple doctors noted that officer suffered more severe symptoms and suffered longer than a typical mild traumatic brain injury patient would suffer.