

ORIGINAL

REQUEST TO FILE SUIT AS AN ORIGINAL ACTION IN MANDAMUS IN THE
SUPREME COURT OF OHIO, COLUMBUS OHIO

MICHELLE R. ADAMS
5129 MAPLERIDGE DR
COLUMBUS OHIO 43232
Relator

CASE NO. 13-1788

v.

OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM
277 EAST TOWN ST
COLUMBUS OHIO 43215
Respondent

INTRODUCTION: Relator submitted an application to Respondent for disability retirement in June 2007 per instructions from her employer The City of Columbus Income Tax Division. At the time the retirement application was submitted Relator had been involuntarily on disability leave from The City of Columbus Income Tax Division from July 2006 through April 2007.

The application for disability retirement was only submitted based on the intention for Relator to return to work. Relator was advised to apply for disability retirement in order to continue receiving disability benefits because all of her employment benefits had been exhausted. The disability retirement was only supposed to be temporary pending Relators receipt of medical authorization to return to work.

RECEIVED
NOV 13 2013
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
NOV 13 2013
CLERK OF COURT
SUPREME COURT OF OHIO

The application for disability retirement was approved in August 2007 based on information Relator submitted from the City of Columbus disability program and a report submitted by Richard Clarey (State Examiner). Relator was not informed that submitting a request for disability retirement in this manner would result in Relator not being permitted to discuss or review any of the reports issued by the State Examiners. Relator was also not informed that the requirement for her to attend ongoing appointments with a Psychiatrist in order to receive retirement benefits would result in Relator being required to make co-pays to have quarterly forms submitted to Respondent but would not be able to review any medical forms or receive treatment for depression, anxiety, or stress from that Psychiatrist.

Relator was also not informed participation in the disability retirement program would forfeit her right to terminate the disability retirement and request a refund of her pension account value. Relator attended and made co-pays for all of the quarterly appointments required by Respondent from 2007-2010 and attended all of the annual re-examination appointments scheduled by Respondent from 2008-2010.

In November 2011 Relator met with a representative from Respondent to request the disability retirement be cancelled and the value of her pension account refunded. At that time Relator was informed she could not request cancellation of retirement benefits and request a refund because Respondent had to determine if it was in her best interest to be off disability retirement and receive a refund. The representative advised Relator she could return to work if a Doctor completed the disability return to work form.

Relator was not informed she would be referred to a third party processor for evaluation if she submitted the self termination request form. Relator had the form completed by Gerald Altman of the Association for Psychotherapy because no other doctor would accept an appointment to have a return to work disability form completed for a person they did not see as a patient. Relator did not voluntarily apply for disability through her own physician's office. She was required to apply for disability based on information provided by a doctor hired by her employer.

Relator was referred to Mark Reynolds for evaluation on June 12, 2012 by the 3rd party processor working for Respondent. Based on the report from Mark Reynolds Respondent disapproved Relators return to work authorization. Relator appealed this decision by providing additional information to Jeremy Polley in September 2012 and received notification from Respondent their decision was final and they would continue to pay the disability retirement benefit. Relator appealed this decision through the Ohio Civil Rights Commission in October 2012 by requesting a mediation with Respondent. Per the attorney representing Respondent in the mediation Respondents decision is final.

To date no medical professional Relator was required to see in order to receive disability benefits has ever discussed the original diagnosis, explained why medication should be taken, or reviewed any of their findings with Relator.

SUMMARY AND CONCLUSIONS

Relator is filing suit for return to work authorization retroactive to April 2012 based on the information provided to her by Respondents representative regarding return to work authorization on November 21, 2011 and information provided to Relator by Respondent staff when Relator questioned them about the Disability Benefit Termination Request Form. Relator is also requesting financial relief in the amount of \$60,000 which represents the 5 year \$12,000.00 annual deficit to Relators income caused by Relators inability to get off disability retirement and return to work and \$1000.00 for each month following the May 2012 deadline for Relator to be reinstated to employment.

Submitted to the Ohio Supreme Court on 11-8-2013

By Relator, Michelle R. Adams



OHIO SUPREME COURT OF OHIO COLUMBUS OHIO

AFFIDAVITT OF MICHELLE R. ADAMS

STATE OF OHIO
COUNTY OF FRANKLIN

I, Michelle R. Adams do solemnly swear that the following facts are true of my own personal knowledge, experience and information.

I have been involuntarily on disability from 2006 to present. I was required to attend appointments and make co-pays in order to receive disability benefits available through my employer until my eligibility for benefits expired in 2007.

My disability retirement application was approved based on permanent disability in 2007. I was required to attend and make co-pays for quarterly Psychiatric appointments and to attend annual Psychological evaluations from 2007-2010 in order to receive disability retirement benefits.

From July 2006 to present no medical professional I was required to see has ever Discussed the prognosis requested by the City of Columbus Income Tax Administrator in July 2006.

I have attempted to resolve this issue and return to active working status through notifying the following organizations no medical professional would address the prognosis: The Ohio Civil Rights Commission, The City of Columbus Mayors and Auditors office, The State of Ohio Medical and Mental health boards, The City Prosecutors office, the Franklin County Court of Common Pleas, the Governors office, the Ohio Public Employees Retirement Board and the City of Columbus Police Department.

Conclusion:

During the course of the 5 year period I was unable to receive assistance in getting off disability retirement and returning to work I exhausted any available resources I had to maintain my household expenses or afford any personal healthcare expenses. This resulted in severe depression with thoughts of suicide for which I could receive no counseling or treatment. I am currently attempting to cope with the physical effects of this experience without being able to afford any treatment.

Sworn to before me and subscribed in my presence this ^{8th} day of ^{November} 2013



Dolly M. Almonte
Notary Public, State of Ohio
My Commission Expires 04-17-2018

Michelle Adams

IN THE SUPREME COURT OF OHIO

Affidavit of Indigence

I, Michelle R. Adams, do hereby state that I am without the necessary funds

to pay the costs of this action for the following reason(s):

[Note: S.Ct.Prac.R. 3.06 requires your affidavit of indigence to state the reason(s) you are unable to pay the docket fees and/or security deposit. Failure to state specific reasons that you are unable to pay will result in your affidavit being rejected for filing by the Clerk.]

My only source of income is disability retirement. I attempted to maintain my household expenses (Mortgage etc.) from 2007-2012 on this income and that resulted in my use of credit to supplement my income. Using credit resulted in exhausting any available credit I had for medical or legal expenses. Not being able to get off disability to pursue employment and not being able to apply my pension fund to my expenses resulted in foreclosure procedures on my

Pursuant to Rule 3.06, of the Rules of Practice of the Supreme Court of Ohio, I am requesting that the filing fee and home security deposit, if applicable, be waived.

Michelle R. Adams

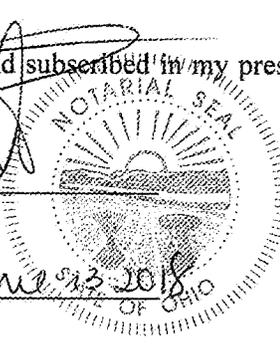
Affiant

Sworn to, or affirmed, and subscribed in my presence this 24 day of Sept

20 13

Notary Public

My Commission Expires: June 13, 2018



YDALMA ALMONTE
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
June 13 2018
Recorded In
Fairfield County

[Note: This affidavit must be executed not more than six months prior to being filed in the Supreme Court in order to comply with S.Ct.Prac.R. 3.06. Affidavits not in compliance with that section will be rejected for filing by the Clerk.]