



To: PERA Board of Trustees

PERA Board Meeting: June 11, 2026

From: Lance L. LaFrombois, Deputy General Counsel

**Re: In the Matter of the PERA General Plan Disability Benefit Application of Brian Bourn**

This appeal comes to the PERA Board of Trustees directly from Brian Bourn. Mr. Bourn ("Petitioner") has the burden of proving that he is eligible for PERA General Plan total and permanent disability benefits.<sup>1</sup>

### ISSUE

Whether Brian Bourn is eligible for total and permanent disability benefits from PERA's General Employees Retirement Plan pursuant to Minn. Stat. § 353.01, subd. 19 (2018).

### STANDARD

"Total and permanent disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to be of long-continued and indefinite duration. Long-continued and indefinite duration means that the disability has been or is expected to be for a period of at least one year. Minn. Stat. § 353.01, subd. 19.

### BACKGROUND AND ANALYSIS

Petitioner Brian Bourn, a Heavy Equipment Mechanic for the City of St. Paul from 2012 to 2025, is a member of PERA's General Employees Retirement Plan who applied for total and permanent disability benefits in May 2025.

**Medical Reports submitted by Petitioner do not support a finding of total and permanent disability.**

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<sup>1</sup>*Matter of Ret. Benefits of Yetka*, 554 N.W.2d 85, 88 (Minn. Ct. App. 1996)(citations omitted).

Petitioner submitted Medical Reports from Drs. Taiwo Lawal and Jeffrey Cox.

On a PERA Medical Report signed by Dr. Taiwo Lawal, MD, on May 6, 2025, Dr. Lawal opined that Petitioner is able to return to work with restrictions and that Petitioner is not totally and permanently disabled.<sup>2</sup>

On a PERA Medical Report signed by Jeffrey Cox, MD, on May 22, 2025, Dr. Cox opined that Petitioner could return to work with sedentary work duties, that Petitioner will not be disabled from working in any job for at least one year, and that Petitioner is totally and permanently disabled.<sup>3</sup>

Managed Medical Review Organization (“MMRO”), PERA’s disability case manager, reviewed Petitioner’s medical records and opined that Petitioner is not totally and permanently disabled.<sup>4</sup>

PERA staff denied Petitioner’s Application for Disability Benefits from PERA’s General Employees Retirement Plan on July 19, 2025.<sup>5</sup>

Petitioner appealed the denial of his application.<sup>6</sup>

PERA’s Executive Director affirmed PERA staff’s denial of Petitioner’s application for total and permanent disability benefits from PERA General Employees Retirement Plan.<sup>7</sup>

### **PERA Staff Recommendation**

PERA staff respectfully requests that the PERA Board of Trustees deny Petitioner’s appeal and direct its counsel to draft an order reflecting its decision for the Board President’s signature.

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<sup>2</sup> Exh. 2, Medical Report signed by Dr. Taiwo Lawal, MD, on May 6, 2025.

<sup>3</sup> Exh. 3, Medical Report signed by Dr. Jeffrey Cox, MD, on May 13, 2025.

<sup>4</sup> Exh. 4, MMRO Physician Reviewer Report dated July 14, 2025, at p. 4.

<sup>5</sup> Exh. 5, letter from PERA to Brian Bourn dated July 19, 2025.

<sup>6</sup> Exh. 6, letter from Brian Bourn to PERA dated August 8, 2025.

<sup>7</sup> Exh. 7, letter from PERA to Brian Bourn dated September 25, 2025.