



ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
BOARD OF RETIREMENT
MINUTES

Thursday, August 17, 2017

Chair Dale Amaral called the meeting to order at 2:00 p.m.

Trustees Present: Dale Amaral
Ophelia Basgal
Annette Cain-Darnes
Tarrell Gamble
Liz Koppenhaver
Henry Levy
George Wood
Darryl Walker (*Alternate*)

Trustees Excused: Keith Carson
Elizabeth Rogers
Nancy Reilly (*Alternate*)

Staff Present: Margo Allen, Fiscal Services Officer
Victoria Arruda, Human Resource Officer
Angela Bradford, Executive Secretary
Sandra Dueñas-Cuevas, Benefits Manager
Harsh Jadhav, Chief of Internal Audit
Vijay Jagar, Retirement Chief Technology Officer, ACERA
Kathy Foster, Assistant Chief Executive Officer
Kathy Mount, Chief Counsel
David Nelsen, Chief Executive Officer
Betty Tse, Chief Investment Officer

17-84

The minutes of the regular meeting of July 20, 2017, were accepted on a motion by Tarrell Gamble, seconded by Ophelia Basgal, and approved by a vote of 8 yes (*Amaral, Basgal, Cain-Darnes, Gamble, Koppenhaver, Levy, Walker, Wood*), 0 no, and 0 abstentions.

**CONSENT CALENDAR
REPORTS AND ACTION ITEMS**

APPLICATION FOR SERVICE RETIREMENT

Appendix A

APPLICATION FOR RETIREMENT, DEFERRED

*Appendix B
Appendix B-1*

APPLICATION FOR DEFERRED TRANSFER

Appendix C

LIST OF DECEASED MEMBERS

Appendix D

**REQUESTS FOR 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT
CONTRIBUTIONS AND GAIN CREDIT**

Appendix E

APPLICATION FOR DISABILITY RETIREMENT – NON-CONTESTED ITEMS:

Appendix F

**APPLICATION FOR DISABILITY RETIREMENT – HEARING OFFICER
RECOMMENDATIONS**

Appendix G

APPROVAL COMMITTEE MINUTES

*July 20, 2017 Governance Committee Minutes
July 20, 2017 Audit Committee Minutes*

MISCELLANEOUS MATTERS:

None

It was moved by Ophelia Basgal, seconded by Henry Levy, and approved by a vote of 6 yes (*Basgal, Cain-Darnes, Gamble, Koppenhaver, Levy, Wood*), 0 no, 0 abstentions, that the following resolution is adopted (*Dale Amaral and Darryl Walker recused because one of the consent calendar items involved both of their employing Departments*):

17-85

BE IT RESOLVED BY THIS BOARD that the Consent Calendar is approved as presented.

REGULAR CALENDAR – REPORTS AND ACTION ITEMS

DISABILITIES, CURRENT AND CONTINUING RECOMMENDATIONS AND MOTIONS

None.

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

Note: Per Committee Chairs, copies of the Committee meeting minutes were available for attendees. All July/August 2017 Committee meeting minutes are posted on the ACERA website (www.acera.org) after approval at the August 17, 2017, Board meeting. This month's Committee reports were presented in the following order:

Operations:

Elizabeth Rogers reported that the Operations Committee met on August 2, 2017, at 9:32 a.m. and highlighted the following:

Staff presented the year-to-date Budget vs. Actual Operating Expense Report. As of June 30, 2017, actual expenses were \$1,632,569 under budget. Budget surpluses noted were Staffing (\$769K under budget) with 12 unfilled positions, Staff Development (\$223K under budget), Professional Fees (\$136K under budget), Member Services (\$109K under budget), and Board Expenses (\$107K under budget).

Staff presented the Quarterly Financial Statement for the period ending March 31, 2017. Staff stated the net position held in trust for pension benefits totaled \$7.6 billion. The fiduciary net position held in trust compared to the same period in 2016 increased by \$900 million. From January 1, 2017, to June 30, 2017, the change in fiduciary net position increased by \$574 million.

Staff presented the Cash Forecast Report for July 1, 2017 – August 1, 2018. With the exception of the two three-pay-period months, the average monthly negative cash position for the period is -\$16,388,340.

Staff presented the Board Member Conference Attendance Report for the 2nd quarter of 2017. Reported expenses for the period were \$84,142.

Staff presented the Senior Manager Travel Expense Report for the 2nd quarter of 2017. Reported expenses for the period were \$60,994. Trustees also directed staff to clearly delineate attendance expenses as conferences **or** training in future reports.

Staff reported on position vacancies for the 2nd quarter of 2017 that were approved in the 2017 budget. Four of the thirteen positions listed in the report have been filled.

Staff reported on the call center service levels for the 2nd quarter of 2017.

Staff discussed the draft Board Off-Site agenda topics. Trustees decided CEO Nelsen will make the final decision on the agenda.

Trustee Walker recommended possibly having a quarterly IT update on technology issues within ACERA.

Trustee Koppenhaver shared a concern regarding instances where service credit was not added to member accounts when compensatory (comp) time was being used during a period of time from the late 1990's to the early 2000's. She understands that about 50 safety members are impacted and that it is being addressed by staff who are resolving the issue as audits or retirements occur.

17-86

It was moved by Tarrell Gamble and seconded by Liz Koppenhaver that the Board approve the August 2, 2017, Operations Committee minutes. The motion carried 8 yes (*Amaral, Basgal, Cain-Darnes, Gamble, Koppenhaver, Levy, Walker, Wood*), 0 no, and 0 abstentions.

Retirees:

Liz Koppenhaver reported that the Retirees Committee met on August 2, 2017, at 10:32 a.m. and highlighted the following:

Staff reported that based on the premium rates for Plan Year 2018, the current projected annual cost to provide this non-vested benefit for 2018 is \$3,978,024.

17-87

It was moved by Liz Koppenhaver and seconded by Annette Cain-Darnes that the Board continue the dental plan contributions for Plan Year 2018, which provides a monthly subsidy equal to the single-party dental plan coverage premium of \$43.67 for the PPO plan and \$22.18 for the DeltaCare USA plan for retirees who are receiving ACERA allowances with ten or more years of ACERA service, are service connected disability retirees, or are non-service connected disability retirees as of January 31, 2014. This is a non-vested benefit funded by contributions from the ACERA employers to the 401(h) account. After contributions are made in accordance with the County Employee Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions. The motion carried 8 yes (*Amaral, Basgal, Cain-Darnes, Gamble, Koppenhaver, Levy, Walker, Wood*), 0 no, and 0 abstentions.

Staff reported that based on the premium rates for Plan Year 2018, which is the same as that for 2017, the current projected annual cost to provide this non-vested benefit for 2018 is \$350,156.

17-88

It was moved by Liz Koppenhaver and seconded by Henry Levy that the Board continue the vision plan contributions for Plan Year 2018, which provides a monthly subsidy equal to the single-party vision plan coverage premium of \$4.24 for retirees who are receiving ACERA allowances with ten or more years of ACERA service, are service connected disability retirees, or are non-service connected disability retirees as of January 31, 2014. This is a non-vested benefit funded by contributions from the ACERA employers to the 401(h) account. After contributions are made in accordance with the County Employee Retirement Law, ACERA treats an equal amount of Supplemental Retiree Benefit Reserve assets as employer contributions for pensions. The motion carried 8 yes (*Amaral, Basgal, Cain-Darnes, Gamble, Koppenhaver, Levy, Walker, Wood*), 0 no, and 0 abstentions.

Keenan & Associates, ACERA's Benefits Consultant, and Staff provided information on ACERA-sponsored dental and vision plan renewal summaries including premiums for Plan Year 2018, claims experience, and plan utilization. There was discussion that to modify the plan design so that the dental Premier benefit levels match those of the PPO benefit levels would increase the plan costs. Trustees directed Staff to provide information to retirees describing the benefits of regular preventative dental visits, which will result in improved health and cost savings to both the retirees and the plan. Trustees also directed Staff to provide information in the Retiree Enrollment Guide and other communication pieces explaining the differences in cost and dental plan benefit coverages between active members and retirees.

Staff provided information on retirees' Health Reimbursement Arrangement (HRA) account balances as of June 30, 2017 categorized by years of service, along with the balances for the same time period for 2014, 2015, and 2016.

Keenan & Associates, ACERA's Benefits Consultant, provided an update on the current anticipated changes in medical plans offered through Covered California.

17-89

It was moved by Liz Koppenhaver and seconded by Annette Cain-Darnes that the Board approve the August 2, 2017, Retirees Committee minutes. The motion carried 8 yes (*Amaral, Basgal, Cain-Darnes, Gamble, Koppenhaver, Levy, Walker, Wood*), 0 no, and 0 abstentions.

Investment:

Annette Cain-Darnes reported that the Investment Committee met on August 9, 2017, at 9:33 a.m. and summarized certain aspects of the minutes. The complete Investment Committee minutes read as follows:

Prior to the discussion of Action Items #1 and #2 the Committee, Verus representatives, and the CIO discussed a draft overview of the August 2017 Verus Private Equity & 2017 Outlook (preview). The Committee discussed the trends in performance and its historical relative outperformance to other asset classes, making it very attractive to investors. Other topics discussed included: the current rich valuations, the amount of money that has flowed into this asset class, and the high level of “dry powder” available in the market. Verus will provide additional information in its final draft, including a trend of returns for years after 2005.

In concurrence with the general investment consultant, Staff recommended separating the PEARLS policy into two distinct policies allowing for more relevant benchmarking and specific monitoring of the assets in the private equity and the absolute return asset classes. This action item recommended a new Private Equity Investment Policy (PE Policy) as a stand-alone policy.

Accordingly, the IC discussed the proposed PE Policy and some of the additional changes in the language they would like to see made. For example:

- Consider revising or footnoting the language in the legal sections.
- Consider adding benchmarks related to sub-asset classes, since Cambridge Associates (C|A) offers sub-asset class indices.
- Consider increasing Staff’s delegated authority in the origination of recommendations, specifically those that are existing managers in good standing.
- Updating Staff Roles and Responsibilities to reflect the current duties performed, and consider making staff roles related to investment sourcing and due diligence similar to those of the Consultant.

At the conclusion of the discussion, the Trustees made no motion but asked Staff to bring the proposed PE Investment Policy back to the IC after the recommended changes were incorporated.

Representatives from Verus Advisory Inc. highlighted the reasons why the new and separate Absolute Return Policy (AR Policy) was created, similar to that for the PE Policy. With the AR asset class now at 9%, the asset class has reached a target allocation size to justify a separate asset class and policy. Additionally, updating the specific categories of sub-asset classes and the types of investments to be used in the AR Policy, including “Alternative Premia”, “Funds of Hedge Funds”, and “Other Alternatives/Opportunistic”.

The Policy was further discussed by the IC, concluding that changes parallel to the changes envisioned for the PE Policy, be made for this AR Policy.

At the conclusion of the discussion, the Trustees made no motion but asked Staff to bring the proposed AR Policy back to the IC after the recommended changes were incorporated.

Staff stated several concerns with EnTrustPermal Fixed Income Holdings (Fund) managed by EnTrustPermal, most notably the loss of AUM, weak performance, and very high total annual fees, especially since the merger between EnTrust and Permal a little over one year ago.

Representatives from EnTrustPermal provided updates on its recent organizational change, its investment strategy, philosophy, risk management and results of ACERA's investment. They mentioned that one of the major changes, since the EnTrust and Permal merger, was the change to the salespersons' compensation from a salary plus commission-based compensation scheme to a 100% commission-based compensation scheme, ; a change which led to the departure of some of Permal's salespersons. However, EnTrustPermal confirmed that Portfolio Managers are not compensated based on commissions.

As of June 30, 2017, the Fund's AUM was at \$124.4 million and it returned an annualized 4.24% (net of all fees) since inception, April 2012.

Staff informed the Trustees that the Custody Agreement with State Street Bank had been extended for a one-year period, from August 1, 2017 to August 7, 2018 with the same favorable terms.

17-90

It was moved by Annette Cain-Darnes and seconded by Tarrell Gamble that the Board approve the August 9, 2017, Investment Committee minutes. The motion carried 8 yes (*Amaral, Basgal, Cain-Darnes, Gamble, Koppenhaver, Levy, Walker, Wood*), 0 no, and 0 abstentions.

Budget:

Annette Cain-Darnes gave an oral report stating that the Budget Committee met today at approximately 1:00 p.m. and highlighted the following:

The Committee reviewed and discussed ACERA's mid-year operating expense budget year-to-date as of June 30, 2017 and any budget line-item adjustments.

Trustee Cain-Darnes reported that ACERA's operating and portfolio management investment expense budget projection was \$69,660,000 and total operating expenses were projected at \$21,406,000 for end-of-year.

Trustee Cain-Darnes outlined the following: *1)* 2017 budget projection for end-of-year was \$21,406,000 and the 2017 forecast projection for end-of-year was \$19,330,000, including depreciation, which is a savings of \$2,065,000 (under budget); *2)* for the first six months of the year, ACERA's total operating expenses were \$1,632,569 under budget, including depreciation; depreciation level for end-of year was projected at \$4,000; *3)* Staff is working to upgrade its technological systems due to the depreciation levels of its current systems; *4)* as of June 30, 2017, personnel operating expenses were \$137,246 over budget due to the use of temporary personnel. Chief Executive Officer Dave Nelsen is working to fill ACERA's vacant positions with permanent personnel in order to reduce and/or eliminate the budget overage; *5)* ACERA's 2017 budget projection for investment expenses was \$48,254,000 and forecasted at \$38,397,000, an annual savings of \$9,857,000 and a savings of over \$11 million for end-of-year.

After discussion, the Board directed Staff to list private and public markets as two separate budget line-items and for increased accuracy, list the time period when the investment expense information is received.

(Note: The formal written August 17, 2017, Budget Committee minutes will be included for approval on the September 21, 2017, Board Consent Calendar.)

NEW BUSINESS

David Nelsen, Chief Executive Officer's Report

Mr. Nelsen presented his August 17, 2017, written Chief Executive Officer's Report which provided an update on the following items: *1)* Senior Manager Recruitment informing the Board that all vacancies have been filed; *2)* Committee/Board Action Items; *3)* Conference Schedule; *4)* CEO Outreach; *5)* Other Items; and *6)* Moving Operations Committee (OCM) and Retirees Committee Meetings (RCM) to Same Day as Investment Committee Meeting (ICM).

Mr. Nelsen reported that the implementation of ACERA's Intranet originally scheduled for August 2017 has been postponed until mid-September 2017.

Mr. Nelsen announced that today is Chief Investment Officer Betty Tse's birthday; Board Trustees and Staff expressed their well wishes.

Mr. Nelsen reported that ACERA's portfolio has increased to \$7.7 billion, and rising. Ms. Tse reported that ACERA's year-to-date total fund return is over 12%.

Moving OCM and RCM to Same Day as ICM

Mr. Nelsen reported that Staff performed analysis to determine the impact, if any, on the Board and Staff if the Board decided to move the OCM and RCM to the same day as the ICM. Analysis showed that there would be no administrative issues that would impact Staff. However, Mr. Nelsen pointed out if another Committee meeting was scheduled on the same day as the Investment, Operations, and Retirees Committee meetings, then Trustees would be attending at least four (4) Committee meetings in one day. Mr. Nelsen also pointed out that Trustees would only have one week to prepare for and review all of the Committee meeting materials and that the Committee minutes would not be available until the day of the Board meeting (same as the ICM minutes).

After discussion, the Trustees decided it would be best to further consider this issue and provide feedback to Chair Amaral. Staff will also prepare and present a proposed schedule to the Board for its review and consideration. This item was postponed to the September 2017 Board meeting for further discussion and consideration.

CONFERENCE REPORTS

None.

ANNOUNCEMENTS

None.

PUBLIC INPUT

None.

BOARD INPUT

Trustee Liz Koppenhaver and Board Chair Dale Amaral expressed their appreciation to Benefits Manager Sandra Dueñas-Cuevas and Assistant Chief Executive Officer Kathy Foster and their Team for always going above and beyond the call of duty when assisting ACERA members.

CLOSED SESSION

Pursuant to Government Code Section 54957.6:

1) CONFERENCE WITH LABOR NEGOTIATOR

Designated Representative: Chair Dale Amaral

Unrepresented Employee: Chief Executive Officer (CEO) David Nelsen

REPORT ON ACTION TAKEN IN CLOSED SESSION

Board Chair Amaral stated that the Trustees, on behalf of the entire Board, requested that he serve as the Board's Labor Negotiator and to negotiate directly with Chief Executive Officer Dave Nelsen regarding his compensation. After meeting with Mr. Nelsen, the Board discussed this issue in Closed Session and was provided with Chair Amaral's report. Trustee Ophelia Basgal reported that the Board reviewed, discussed, and considered Chair Amaral's report stating that 22 out of the 24 County Department Heads have access to the County's 401(a) Program and that ACERA's CEO should also be included, as the County's 401(a) Program is a valuable benefit for recruitment and retention purposes.

17-91

It was moved by Ophelia Basgal and seconded by Annette Cain-Darnes that the Board make a formal request to the Alameda County Board of Supervisors to amend the provisions of the County 401(a) Program to add the Chief Executive Officer of ACERA to the list of positions that are eligible to participate in the Program. The motion carried 8 yes (*Amaral, Basgal, Cain-Darnes, Gamble, Koppenhaver, Levy, Walker, Wood*), 0 no, and 0 abstentions.

ADJOURNMENT

The meeting adjourned at approximately 2:55 p.m.

Respectfully Submitted,



David Nelsen
Chief Executive Officer

9/21/17

Date Adopted

APPENDIX A
APPLICATION FOR SERVICE RETIREMENT

AMANO, Stephen G.
Effective: 8/27/2016
Human Resources Services

LEUNG, Katherine M.
Effective: 4/1/2016
Alameda Health System

ATKINSON-ADAMS, Don D.
Effective: 3/31/2017
Health Care Services Agency

LIN, Judith
Effective: 1/7/2017
Alameda Health System

BAUTISTA, Anita B.
Effective: 4/1/2017
Auditor-Controller

LOUDEN CORBETT, Jeanette L.
Effective: 3/11/2017
Alameda Health System

BLOUNT, Karen A.
Effective: 12/31/2016
Probation

MANZO, Dennis P.
Effective: 3/22/2016
Alameda Health System

BRAATEN, Keith D.
Effective: 4/1/2017
Zone 7

MCDERMOTT, Dianne J.
Effective: 12/15/2016
Social Services Agency

FISHER, Debi E.
Effective: 3/29/2017
Social Services Agency

MITCHELL, Gale Y.
Effective: 5/17/2017
Social Services Agency – DEF

GODFREY III, Iverson
Effective: 5/9/2017
Probation – DEF

MOSKOVITZ, Carolyn H.
Effective: 3/31/2017
Library

HALL, Crystal J.
Effective: 4/1/2017
Social Services Agency

NELSON, Mary
Effective: 5/1/2017
Sheriff's Office – DEF

JOHNSON, Johnny
Effective: 1/8/2017
Alameda Health System

PAGTER, Daniel S.
Effective: 11/7/2016
Probation

JONES, Betty A.
Effective: 5/24/2017
Sheriff's Office

PETTIT, Patsy
Effective: 4/1/2017
Social Services Agency

JONES-WILLIAMS, Malinda C.
Effective: 4/1/2017
Auditor-Controller

PHILLIPS, Myrtle D.
Effective: 4/1/2017
Social Services Agency

LANG, Allen Y.
Effective: 4/1/2017
Public Works Agency

POMBO, Robert M.
Effective: 2/5/2017
Alameda Health System

APPENDIX A
APPLICATION FOR SERVICE RETIREMENT

RAYMOND, Gary L.
Effective: 3/25/2017
Information Technology

WEEMS, Charles M.
Effective: 5/20/2017
General Services Agency – DEF

RUSSELL, Beverly D.
Effective: 4/1/2017
Treasurer-Tax Collector

WILKIE, Robin L.
Effective: 4/1/2017
Sheriff's Office

SICAT, Marissa Bella O.
Effective: 3/25/2017
Child Support Services

WILLIAMS, Laverne L.
Effective: 3/25/2017
Child Support Services

ST. DENIS, Jared B.
Effective: 1/23/2017
Sheriff's Office

WONG, Edward Y.
Effective: 4/1/2017
Social Services Agency

STANFORD, Jason C.
Effective: 4/1/2017
Health Care Services Agency

WONG, Rebecca W.
Effective: 4/1/2017
Health Care Services Agency

TEPRASEUTH, Souvanh
Effective: 4/1/2017
Social Services Agency

WRIGHT, Margaret A.
Effective: 11/3/2016
Sheriff's Office

VIEYRA, Isabelle J.
Effective: 4/1/2017
Health Care Services Agency

ZUNIGA, John
Effective: 2/25/2017
Sheriff's Office

APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT

GALVAN, Alvaro
General Services Agency
Effective: 3/27/2017

GUERRERO, Sylvia
Superior Court
Effective: 5/8/2017

MARBELLA, Henedina M.
Auditor Controller
Effective: 6/2/2017

MILTON, Versil
Social Services Agency
Effective: 2/24/2017

SCHAFF, Katherine A.
Health Care Services Agency
Effective: 5/30/2017

SCHMELZER, Barbara E.
Library
Effective: 4/7/2017

STEPIEN, Dawn M.
Alameda Health System
Effective: 2/23/2017

APPENDIX B-1
APPLICATION FOR NON-VESTED DEFERRED

KUNDRAT, Dominique C.
Social Services Agency
Effective: 4/7/2017

APPENDIX D
LIST OF DECEASED MEMBERS

ARMSTRONG, Jo Catherine
7/8/2017
Alameda County Medical Center

JACKSON, Maria R.
5/29/2017
Social Service Agency – Welfare to Work

BARKLEY, Eugene W.
6/6/2017
Non-Member Survivor of Azlene Barkley

LA BAUVE, Carrie
6/22/2017
Public Health Field Services

BATTERSON, Kerelle
6/7/2017
Non-Member QDRO of David B. Whitman

MALDE, Viola F.
3/6/2017
Alameda County

BRANDENBURG, James
6/26/2017
LARP

MC GLONE, Frances E.
6/21/2017
Alameda County

BRICKEY, Maria
7/23/2017
Non-Member Survivor of Arthur L. Brickey, Jr.

MIDOLO, Walter F.
4/14/2017
Alameda County

BROWN, Margaret K.
3/15/2017
Alameda County

OLSON, Paula K.
6/21/2017
Public Defender

BUCHER, Alfred R.
7/1/2017
Alameda County

ONO, Masaharu
6/23/2017
Non-Member Survivor of Hiroko C. Ono

COATES, Benny D.
6/10/2017
Alameda County Medical Center

PEACOCK, Thomas F.
6/30/2017
Environmental Health Services

COOPER, Robert Y.
4/10/2017
Juvenile Institute Juvenile Hall

PENN, James K.
4/22/2017
Alameda County

DUARTE, Richard R.
6/28/2017
Alameda County

PIERCE, Doris M.
6/18/2017
Non-Member Survivor of Richard D. Pierce

ESTRELLAS-LAGATAO, Juanita
3/27/2017
Alameda County Medical Center

RINEHART, Joyce
6/15/2017
Non-Member Survivor of Bennie Rinehart

**APPENDIX D
LIST OF DECEASED MEMBERS**

ROBIDEAUX, Clair L.

7/6/2017

Alameda County

RUGELEY, Ruth A.

7/6/2017

Alameda County

SAILING, Marguerite

6/22/2017

Alameda County

SIMONS, Eleanor

6/13/2017

Non-Member Survivor of Raymond E. Simons

STANGEL, Larry

6/20/2017

Alameda County

TRIVELPIECE, Arilla

6/10/2017

Non-Member Survivor of Charles E. Trivelpiece

TRUJILLO, Angelyn A.

7/11/2017

Social Service Agency

URESTE, Richard G.

5/7/2017

Alameda County - Safety

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: **Daly, Sean**
Type of Claim: **Service Connected**

Staff's Recommendation:

Approve the recommendation contained in Dr. Wagner's report to grant Mr. Daly a service connected disability and to require future annual medical examinations.

Name: **Henderson, Traci**
Type of Claim: **Service Connected**

Staff's Recommendation:

Approve the recommendation contained in Dr. Wagner's report to grant Ms. Henderson a service connected disability and to waive future annual medical examinations and questionnaires at this time.

Based on Dr. Wagner's and Staff's review and determination of Ms. Henderson's ability to determine the permanency of her incapacity, to deny Ms. Henderson's request for an earlier effective date
