

# Boston

August 8, 2008

Kathleen Kiely Becchetti, Esq.  
Boston Retirement Board  
Room 816, City Hall  
Boston, MA 02201

RE: Review Officer Hearing  
District Chief James Famolare

Dear Ms. Kiely Becchetti:

Following is a summary of the Boston Fire Department's opposition to District Chief James Famolare's (hereinafter "D.C. Famolare") application for disability retirement benefits.

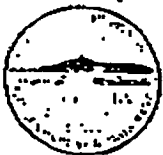
D.C. Famolare began his employment with the Boston Fire Department (hereinafter "Department") on February 19, 1969. His medical file indicates that he has had numerous injuries during his tenure.

D.C. Famolare was referred to New England Baptist hospital spine center, where he met with Dr. James Rainville on December 20, 2005. At that time he was referred for an aggressive course of physical therapy. The treatment notes are enclosed herein.

D.C. Famolare returned for a follow-up with Dr. Rainville on January 31, 2006. At that appointment he reported to Dr. Rainville that he was doing well at work and was undergoing physical therapy.

On March 28, 2006 D.C. Famolare returned for a follow up visit with Dr. Rainville. D.C. Famolare was referred for facet joint injections. He was then to follow up with Dr. Rainville two months later. D.C. Famolare was working.

On June 19, 2006 D.C. Famolare was working as a Deputy Chief of Personnel, in the absence of Deputy Chief of Personnel, Ronald Keating. D.C. Famolare alleged that he suffered an injury to his lower back while moving a case of personnel files. The two witness statements for this injury are attached hereto. There appears to be no witnesses to the injury that D.C. Famolare claims to have suffered and caused him to be totally and permanently disabled.



Thomas M. Menino, Mayor/FIRE DEPARTMENT/115 Southampton Street 02118

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D.C. Famolare's next visit to Dr. Rainville was August 4, 2006. At that appointment D.C. Famolare apparently did not inform Dr. Rainville of the incident of June 19, 2006 in the notes. This is particularly concerning since Dr. Rainville was treating D.C. Famolare for his back problem. At that same appointment Dr. Rainville noted that D.C. Famolare is "capable of many physical activities and work with this problem." As a result of this recommendation, it appears that Dr. Rainville would not sign paperwork to support a total and permanent disability claim.

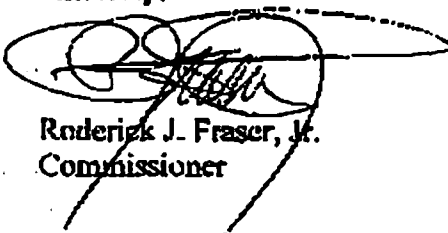
On August 9, 2006 D.C. Famolare is informed that Dr. Rainville will not sign the papers for his disability retirement. It appears, at this point, that D.C. Famolare begins to "doctor shop". While continuing treatment with Dr. Rainville, D.C. Famolare schedules an appointment with Dr. John F. Mahoney for September 7, 2006. Following that appointment Dr. Mahoney then signs off on D.C. Famolare's paperwork declaring him totally disabled. D.C. Famolare then began a course of physical therapy treatments at Lahey Clinic. At the time of his discharge on 1/29/07 his current pain was 2/10.

M.G.L. c. 32 §7(A) clearly states that any member in service "who is unable to perform the essential duties of his job and that such inability is likely to be permanent...by reason of a personal injury sustained or a hazard undergone as a result of, and while in the performance of, his duties at some definite place and at some definite time...shall be retired for accidental disability..." The information provided by the witnesses and D.C. Famolare's actions do not support this claim.

For all the reasons stated above, the Fire Department is opposed to D.C. Famolare's pending application for accidental disability retirement. The Fire Department requests that D.C. Famolare's upcoming hearing on August 13, 2008, before the hearing officer be postponed and this additional information be presented to the panel of doctors who examined D.C. Famolare for their consideration.

Please do not hesitate to contact me if you require additional information.

Sincerely,



Roderick J. Fraser, Jr.  
Commissioner

Encl.  
cc: Michael Collins

D.C. Famolare's application...

presented to the Fire Department...

on August 13, 2008...

to the hearing officer...

Please do not hesitate to contact...