

IN THE MATTER OF  
THE APPLICATION OF  
RACHEL BELL - APPELLANT/APPLICANT  
1104 HEWITT WAY  
BALTIMORE, MD. 21205

RE: ERS decision

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO.: CBA-10-016

\* \* \* \* \*

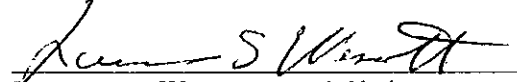
**ORDER OF DISMISSAL**

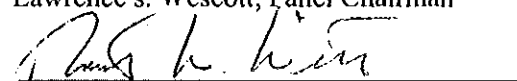
This matter comes to the Board of Appeals by way of an appeal filed by Rachel Bell, from a decision of the Employees' Retirement System's Medical Board dated October 13, 2010, in which the Decision letter from Keith Dorsey, Director of Office of Budget & Finance issued to Rachel Bell the Board of Trustees voted to deny application for disability retirement; the Medical Board unable to certify that Applicant's condition would result in permanent physical disability which would prevent her from performing normal duties required in her job.

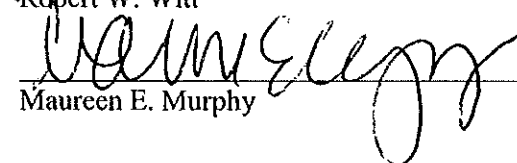
WHEREAS, the Board is in receipt of an electronic mail (e-mail) from Suzanne Berger, Assistant County Attorney including communication from Applicant's Counsel, W. James Nicoll, Esquire, withdrawing the appeal on behalf of Ms. Bell (a copy of which is attached hereto and made a part hereof); and

IT IS THEREFORE ORDERED this 12<sup>th</sup> day of August, 2010 by the Board of Appeals of Baltimore County that the Appeal of the decision of the Employees' Retirement System's Medical Board filed in Case No.: CBA-10-016, be and the same is hereby **WITHDRAWN AND DISMISSED.**

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Lawrence S. Wescott, Panel Chairman

  
Robert W. Witt

  
Maureen E. Murphy

**Theresa Shelton - Fwd: Rachel Bell Hearing**

**From:** Suzanne Berger  
**To:** Shelton, Theresa  
**Date:** 8/9/2010 3:51 PM  
**Subject:** Fwd: Rachel Bell Hearing  
**CC:** james\_nicoll@teamjba.com

Dear Ms. Shelton,

Please be advised that the Appellant, Rachel Bell has decided to withdraw her application for disability retirement at this time, as set forth below and with the agreement of the ERS.

Ms. Bell has returned to work for the Board of Education and is currently actively employed. Therefore the hearing scheduled for Thursday 8/12/10 is not necessary and the appeal should be dismissed.

Thank you for your kind assistance.

Suzanne T. Berger  
Assistant County Attorney  
Claims Management Unit  
(410)887-8400

>>> <James\_Nicoll@teamjba.com> 8/9/2010 3:18 PM >>>

Dear Ms. Berger:

In follow-up to our telephone conversation earlier today, please be advised that I have authority to voluntarily withdraw Ms. Bell's pending application for accidental disability retirement benefits. It is understood that the parties agree that the act of withdrawing said application will not prejudice Ms. Bell's right to file a new claim for the same benefits based upon the same accident at some point in the future, so long as the requirements of Baltimore County Code Section 5-1-223 are met.

Further, it is my understanding that you will contact your client and advise of Ms. Bell's request to withdraw her application. If she needs to execute any paperwork to effectuate the withdrawal please same forwarded to my office.

Finally, this serves to confirm that the hearing currently scheduled for Thursday, August 19th will be cancelled upon you giving notice to your client of Ms. Bell's intentions. To this end, all doctors currently under subpoena to testify can be released in hopes of avoiding any unnecessary costs.

Please forward confirmation to me that Ms. Bell's claim is withdrawn and the hearing cancelled.

Thank you for your attention.

Regards, Jamie Nicoll

James Nicoll  
Jenkins, Block & Assoc. P.C.  
The Symphony Center  
1040 Park Avenue, Suite 206  
Baltimore, MD 21201  
Phone: 410-727-4000  
Fax: 410-727-4149

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