

## **'Disability Pays': Felon Chicago firefighter got disability deal**

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A month after he was found guilty of a felony that could have ended his nine-year career with the Chicago Fire Department, firefighter Thomas P. Raddatz filed an injury complaint that ultimately blocked the city's efforts to fire him.

In the end, Raddatz avoided getting fired, got to keep getting the disability checks that so far have paid him more than a half million dollars and got a \$50,000 settlement from the city.

City Hall also bought a piece of property from him that officials had planned to use as parking for a new police station at 31st and Halsted. Today, that land is vacant, as officials decided to build a parking deck on the other side of the street.

Raddatz, who also owned a small construction company, had been convicted by a Cook County judge on July 7, 1995, of possession of a Bobcat earth-mover and trailer stolen from K-Five Construction in Bridgeview. He told the judge he paid \$6,000 for the Bobcat and said he didn't know that the vehicle, which was missing a serial number, had been stolen.

Four weeks after his conviction, Raddatz filed his injury claim. He said he slipped and fell down the stairs while fighting a fire in a public-housing building on Aug. 5, 1995, and hurt his back.

While Raddatz was off work with his back injury, he was sentenced to three years' probation and 400 hours of community service in February 1996. The fire department initiated "disciplinary proceedings" against Raddatz two months later, prompting Raddatz to respond "that the Department did not follow a uniform policy of discharging" felons, court records show.

In August 1996, Raddatz filed for paid disability leave. “While fighting a fire in a building located at 1350 W. Roosevelt, I was walking toward the stairs and slipped at the top of the landing,” he wrote in his application. “My feet came out from under me, and [I] landed on my back on the bottom step.”

The fire department’s top brass didn’t buy it, viewing the timing as convenient, given that department policy is not to fire anyone who’s out injured and on disability. Now-retired Chicago Fire Commissioner James Joyce puts it bluntly: “This guy was a fake.”

Joyce was a deputy fire commissioner in September 1996 when Raddatz’s disability claim came before the Firemen’s Annuity and Benefit Fund of Chicago, the city’s fire pension board.

“I didn’t believe his injury at all,” says Joyce, who was also a member of the pension board. “I’m sure it was tied to his arrest. I’m a third-generation fireman, and I take offense at anyone trying to game the job.”

The pension board hired a private investigator who secretly videotaped Raddatz climbing a 24-foot ladder while working on his house.

That was persuasive to Joyce and the rest of the pension board. Even after three doctors testified that Raddatz had a back problem, the board rejected the disability claim, finding that the firefighter had “falsified pain in order to obtain a diagnosis of disability,” according to court records.

Raddatz fought back, filing lawsuits in state and federal court. He eventually won both.

In the state case, a judge upheld the pension board’s decision not to grant Raddatz disability pay. But Raddatz appealed and, in December 1998, won, with the Illinois Appellate Court ruling that the evidence showed Raddatz “was unable to perform his duties as a firefighter” and was entitled to disability pay.

While Raddatz was suing to get his disability pay, he also tried to return to work for the fire department, saying he could work in a job that doesn’t involve fighting fires. But the fire department — unlike the Chicago Police Department — doesn’t have a limited-duty program for disabled firefighters and paramedics.

That’s when the fire department formally tried to fire him: If he wasn’t disabled, the thinking went, then he could be fired for being a felon.

So Raddatz sued in federal court, arguing the city wanted to fire him “because of his disability in violation of the Americans with Disabilities Act.” Besides his August 1995 injury, he said he suffered two previous on-duty injuries that led to his chronic back pain.

The city said, no, it wanted to fire Raddatz because he was a felon.

Raddatz and his attorney, former firefighters' union president Martin O. Holland, countered that the fire department didn't fire every employee convicted of a felony and tried to get the judge to bar the city from being able to bring up his conviction.

The entire dispute wasn't finally resolved until 2001.

That's when the Chicago City Council voted to buy Raddatz's property at 3153 S. Halsted for parking for the new police station. The Public Building Commission of Chicago — headed at the time by then-Mayor Richard M. Daley — paid Raddatz \$357,000 for the property.

A month after aldermen approved the Bridgeport land deal, City Hall agreed to pay Raddatz \$50,000 to settle the federal case.

Raddatz, 53 and living in Western Springs, now gets \$38,619 a year in tax-free disability pay. In all, he has gotten a total of more than \$560,000 so far in disability pay.

He says he would have rather returned to the fire department in "a desk job" or as a fire inspector rather than be on disability.

"I'm the one guy who begged the city to let me come back to work," he says. "I'm not one of the bad guys. They wouldn't allow me to come back. . . . I could do a desk job. I could do a handful of jobs."

The firefighter, who once owned a small construction company that for a time owned more than a dozen residential properties in Bridgeport and Canaryville, will continue to get disability pay until retirement, when he then will begin collecting a city pension.

He still is in the construction business and says he works every day.

Raddatz — who previously has hired the law firm of Daley & George, run by Michael Daley, the former mayor's brother, to help win zoning changes from City Hall for construction projects — is one of 390 Chicago firefighters and paramedics on disability leave.

A federal grand jury has subpoenaed disability records dating as far back as January 2006 from the fire pension board, as well as from the city's police pension board, in response to a series of reports in the Chicago Sun-Times, beginning in July, that exposed a fire and police disability system that does little to get those who are hurt back on the job. The stories documented cases in which firefighters, paramedics and police officers injured on the job kept getting disability pay after moving on to other jobs outside city government, including jobs involving physical labor.

The grand jury apparently won't get any medical reports involving Raddatz, who hasn't been examined by pension-fund doctors in more than 10 years, records show. In July

2002, Dr. George Motto, the fire pension fund's doctor, examined Raddatz and concluded that he is permanently disabled and never has to be examined again.

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