

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARK BEHAN, Respondent,)	No. ED101139
)	Appeal from the Circuit Court of
vs.)	the City of St. Louis
)	
FIREMEN’S RETIREMENT SYSTEM OF)	Honorable David L. Dowd
ST. LOUIS, Appellant.)	Filed: December 23, 2014

The Firemen’s Retirement System of St. Louis (FRS) appeals the trial court’s judgment reversing the decision of the Board of Trustees of the Firemen’s Retirement System (Board) to deny Mark Behan’s application for accidental disability retirement benefits. On appeal, Mr. Behan claims that the trial court did not err in reversing the Board’s decision because he filed his application for accidental disability retirement benefits within the five-year statute of limitations.¹

AFFIRMED.

Division Four Holds: Mr. Behan timely filed his application for disability retirement benefits in August 2011 because his posttraumatic stress disorder was not “capable of ascertainment” until March 2008.

Opinion by: Patricia L. Cohen, P.J.
Roy L. Richter, J., and Robert M. Clayton III., J., concur.

Attorney for Appellant: Nancy E. Emmel
Attorney for Respondent: Mark R. Bahn

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

¹ Pursuant to Rule 84.05(e), when the circuit court reverses the decision of an administrative agency, the party aggrieved by the agency's decision files the appellant's brief. Therefore, Mr. Behan filed the appellant’s brief, and the FRS filed its brief as the respondent.