

Widow fights for police pension

Baker says husband's death fits line-of-duty rules

By Hank Dudding

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James Baker's last three years as a Memphis police officer were particularly rough.

He was shot twice in 2004 after a holdup in Raleigh, then injured his shoulder when he fell.

He was diagnosed with post-traumatic stress disorder.

And he was injured twice more, the second time damaging the rotator cuff in his shoulder during a struggle with a suspect.

His 12-year career as a police officer had become an ordeal, but it was about to become worse, with life-altering ramifications for his wife, Alesia, and two sons.

Alesia Baker, a nurse, found her 46-year-old husband dead at their Arlington home Oct. 22, 2007, 12 days after surgery on his shoulder.

Numbed from the shock -- "I had just lost my husband, my best friend. My world had just been torn apart" -- she made a decision that's haunted her for a year and a half.

She decided against asking for an autopsy, since there was no evidence of foul play. Her husband's cardiologist later signed a death certificate that indicated Baker died from a heart problem, she said.

She's convinced her decision under stress led to the city of Memphis Pension Board's denial of full benefits last month for her husband's death, the difference between her getting 60 percent of his pay and 30 percent.

"If I had it all to do over again, I would have done it differently," she said last week. "It's just a hard decision to make."

The way she sees it, her husband's death resulted from surgery to fix an on-the-job injury, and he'd also been on a mix of medications for his injuries and his post-traumatic stress disorder.

But the pension board saw things differently.

The board "makes line-of-duty determinations based on medical evidence by at least two qualified physicians," said Toni Holman-Turner, spokeswoman for Mayor Willie Herenton, in an e-mail this week.

"The board's investigation ... revealed that Mr. Baker's death was not work-related and therefore does not qualify her for a line-of-duty pension, but it does qualify her for a regular pension ... that she currently receives," she said.

Alesia Baker, 46, paid \$2,700 out of her own pocket for a lawyer to represent her before the board. Now she's asking the Memphis Police Association if there's anything it can do.

"We don't get too many widows that are denied a pension," said police association president J.D. Sewell. "And, of course, once you've been ruled against, it's an uphill battle."

Sewell said even if a police officer or firefighter's death is ruled to be the result of a heart problem or hypertension, that's enough to consider it an on-the-job death, because of the stressful nature of the work.

The union is asking its attorney to see if there are grounds for an appeal, he said.

The pension board's decision also seems unfair, Sewell said, because of another case in which the board ruled a Memphis police officer's widow could receive full benefits after her husband was shot to death while working an off-duty security job.

"We're saying, how can you give her a duty-related pension when it was clearly not duty-related, and not give it to (Alesia Baker)," Sewell said. "I'm glad they gave it to her, but they really need to give it to James Baker's widow."

Alesia and James Baker -- relatives and close friends called him Chris -- grew up in the Berclair area and started dating Jan. 25, 1979. "I couldn't find anything wrong with him," she said. They were married in 1981.

"He was so brilliant. He knew anything and everything about cars, computers," she said. "He would do anything and everything for anybody."

The couple had two sons, Matthew, 22, and Jesse, 21.

Baker was shot Sept. 24, 2004, after he interrupted a robbery at a Walgreens on Covington Pike. He chased a suspect from the store's parking lot into a wooded area, but was shot in the shoulder and hand when the man pulled a gun while being handcuffed.

The suspect, Narzarius Jackson, escaped with a handcuff dangling from one arm, police said, but he was arrested two days later. Jackson's brother, Ronald Walker Jr., 24, was killed in a shootout with officers as he tried to get away from the Walgreens

during the same robbery, police said.

After the shooting, Alesia Baker said, her husband changed. Taking medication for his stress problems, he'd wake up in the middle of the night and wander the house looking for criminals.

When she left for work the day of his death, she thought he sounded congested, but was relieved he'd had a good night's sleep.

The death certificate already cost her a \$400,000 accidental death policy on her husband, she said, and she's hoping it's not too late to influence pension board members to reverse their decision.

"They had their minds made up when we walked in the door, and that's the way I still feel," she said.

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