



CTPF Administrative Rules – Appeal Procedures

Drafted by: Staff

Reviewed by: Board Counsel and Staff

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Effective Date: July 19, 2018

Date of Initial Rule Adoption: June 15, 2017

Date of Prior Amendments: N/A

Proposed new Title, Chapter, and Section of Administrative Rule: **To be determined by Board Counsel.**

The CTPF Administrative Rules and Regulations shall be amended to include the following Rules:

Title III: Benefits
Chapter C: Benefit Procedures
Article X Appeals

III.C/101 In-Person Appeal of Fund Staff Decisions. Any member, beneficiary, or annuitant may appeal, in-person, a CTPF staff decision affecting his or her rights or obligations with respect to the Fund, including the denial or revocation of a pension or benefit, but excluding a decision regarding an overpayment to the person, (e.g., an overpayment due to a recalculation of a benefit being paid and which may be appealed in accordance with the Rules below). An appeal is initiated by filing a written request for review with the Executive Director within 30 days after the staff decision.

III.C/102 Review of In-Person Appeals. The Board shall consider all properly filed appeals at the next regularly-scheduled Board, or, if the Board so determines, Committee meeting, unless the request for review is filed within 21 days preceding the date of such meeting. In such case, the Board shall consider the appeal at the second regularly-scheduled Board or Committee meeting following the Fund's receipt of the appeal. The Fund shall notify the appellant of the date on which the appeal will be heard no later than 10 days prior to the date of the meeting. The appellant may submit a written statement in support of his or her appeal and may present the appeal, in-person, subject to reasonable time limits established by the Board. The appellant is encouraged to provide supporting written material in advance of the meeting.

The decision of the Board shall constitute a final administrative decision. If the Board does not decide the appeal within the time provided in this Rule for the appeal to be heard, the decision of Fund staff shall be considered a final administrative decision.

III.C/103 Written Appeal of Fund Staff Decisions Related to Certain Overpayments. Staff decisions related to determinations that the Member owes the Fund a sum certain, such as an overpayment due to a recalculation of a benefit being paid, may be appealed by submitting a written appeal to the Executive Director within 30 days after the staff decision. A written appeal of a staff decision regarding recalculations under the Fund's Administrative Rule for the Recovery of Overpayments which result in a reduction greater than twenty-five percent (25%)

of the gross monthly pension will be submitted directly to the Board or to a Committee.

Written appeals solely requesting a financial hardship request and for an exception to the Fund's Recovery of Overpayments policy will not be considered as an in-person appeal and, instead, the Member will be provided a financial hardship request form to complete and the financial hardship request will be processed under the Administrative Rule for the Recovery of Overpayments.

III.C/104 Review of Written Appeals. For appeals of determinations that are presented to the Executive Director, the Executive Director or their designee shall consider all properly filed written appeals within 30 days of receiving such written appeal. If the proposed recalculation is greater than the 25% of the gross monthly pension, the Board will review the written appeal at the next regularly-scheduled Board meeting or Committee meeting unless the appeal is filed within 21 days before the date of such meeting. If so, then the Board shall consider the appeal at the second meeting following the Fund's receipt of the appeal. The Board may, in its sole discretion, also choose to grant the appellant an in-person appeal.

The decision of the Executive Director or of the Board shall constitute a final administrative decision. If the Executive Director or the Board does not decide the appeal within the time provided in this Article for the appeal to be heard, the initial decision of Fund staff shall be considered a final administrative decision.

III.C/105 Notice of Final Administrative Decision. The Fund will send a Notice of Final Administrative Decision to the Appellant within 30 days of the decision on the appeal. The notification shall be sent to the Member by regular mail and by certified mail, return receipt. The notification will include:

- a) The Executive Director or Board decision;
- b) Notification that the Board will not require or permit the filing of motions for reconsideration;
- c) Notification that the decision is final and appealable; and
- d) Notification of appeal rights pursuant to the Administrative Review Act.

III.C/106. Appeal of Board Decisions. The provisions of the Administrative Review Law (735 ILCS 5/3-101) shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Board.

III.C/107. Fund Staff Decisions. All original, Fund staff decisions shall be sent with a full explanation of the decision and, if applicable, the specific details of the

recalculation and the repayment schedule.

III.C/108. Executive Director Final Appeal Decisions. The Executive Director shall present to the Board at the next regularly scheduled meeting a summary of all final appeal decisions made by the Executive Director or their designee as part of the Executive Director's Report.