



Appeals Committee

Item Number 2 – Open Session

Subject: Approval of Minutes for the November 3, 2022, Appeals Committee Meeting – Open Session

Presenter(s): Chairperson

Item Type: Consent Action

Date & Time: January 25, 2023 – 0 minutes

Attachment(s): None

PowerPoint(s): None

PROPOSED MINUTES

Teachers' Retirement Board – Appeals Committee Meeting

November 3, 2022

OPEN SESSION

LOCATION: Board Room, 100 Waterfront Place, West Sacramento, CA 95605

COMMITTEE MEMBERS PRESENT

Karen Yamamoto, Chairperson

Ken Tang, Vice Chairperson

Denise Bradford

OTHER BOARD MEMBERS PRESENT

Blake Johnson, representing the State Superintendent of Public Instruction, Tony Thurmond

STAFF PRESENT

Bill Perez, Chief Benefits Officer

Reina G. Minoya, Assistant General Counsel

Ian Coen, Pension Program Manager 1

Jaismin Kaur, Counsel

Braden Pate, Senior Counsel

OTHERS PRESENT

Chris Waddell, Olson Remcho, LLP (Independent Counsel to the Appeals Committee)

A quorum being present, Chairperson Yamamoto called the Open Session meeting of the Appeals Committee meeting to order at 2:50 p.m.

I. APPROVAL OF COMMITTEE AGENDA (Item 1)

MOTION duly made by Ms. Bradford, seconded by Mr. Tang, and carried to approve the Committee Agenda.

Members Voting	Aye	Nay	Abstain
Ms. Bradford	X		
Mr. Tang	X		
Chairperson Yamamoto	X		

II. APPROVAL OF MINUTES FOR THE SEPTEMBER 1, 2022, APPEALS COMMITTEE MEETING OPEN SESSION (Item 2)

MOTION duly made by Mr. Tang, seconded by Ms. Bradford, and carried to approve the minutes for the September 1, 2022, Appeals Committee Meeting Open Session.

Members Voting	Aye	Nay	Abstain
Ms. Bradford	X		
Mr. Tang	X		
Chairperson Yamamoto	X		

III. CONSIDERATION OF PROPOSED ADMINISTRATIVE DECISIONS (Item 3)

a. In the Matter of the Option Benefit of: Darryl Bolke

The committee received a presentation from Ms. Kaur and Mr. Coen regarding the proposed decision by the administrative law judge *In the Matter of the Option Benefit of: Darryl Bolke*. The committee engaged in a robust discussion involving the collectability of overpayments, remaining issues needed to be ruled upon by the administrative law judge, and the potential applicability of Assembly Bill 1667 to this matter.

The committee received a written submission from Darryl Bolke who expressed his agreement with the proposed decision.

Staff recommended the committee reject the proposed decision and refer the case to the same administrative law judge if reasonably available, otherwise to another administrative law judge on staff of the Office of Administrative Hearings, to take additional evidence on the following:

1. Whether Mrs. Bolke’s disability retirement benefit was correctly calculated pursuant to Education Code sections 22134 and 24106(a); and
2. Whether Mr. Bolke’s option benefit, which is derivative of Mrs. Bolke’s retirement benefit, was correctly adjusted in March 2020 pursuant to Education Code section 24300.1(a)(3) and if so, whether CalSTRS was entitled to recoup the identified overpayments.

IV. STAFF REPORT (Item 4)

The committee received a staff report from Ms. Minoya concerning upcoming scheduled administrative hearings, the scheduling needs for future committee meetings, and an anticipated uptick in appeals cases due to the passage of Assembly Bill 1667.

V. REVIEW OF INFORMATION REQUESTS (Item 5)

There were no requests for information.

VI. OPPORTUNITY FOR STATEMENTS FROM THE PUBLIC (Item 6)

There were no additional statements from the public.

RECESS

The Open Session of the committee meeting recessed at 3:23 p.m. and the committee went into Closed Session. The committee reconvened in Open Session at 3:58 p.m.

VII. ANNOUNCEMENT OF ACTIONS TAKEN ON PROPOSED ADMINISTRATIVE DECISIONS (Item 10)

- a. In the Matter of the Option Benefit of: Darryl Bolke

The committee rejected the proposed decision in *In the Matter of the Option Benefit of: Darryl Bolke*, and referred the case to the same administrative law judge if reasonably available, otherwise to another administrative law judge on staff of the Office of Administrative Hearings, to take additional evidence on the following:

1. Whether Mrs. Bolke’s disability retirement benefit was correctly calculated pursuant to Education Code sections 22134 and 24106(a); and

2. Whether Mr. Bolke’s option benefit, which is derivative of Mrs. Bolke’s retirement benefit, was correctly adjusted in March 2020 pursuant to Education Code section 24300.1(a)(3) and if so, whether CalSTRS was entitled to recoup the identified overpayments.

VIII. ADJOURNMENT

There being no further business to conduct, Chairperson Yamamoto adjourned the Appeal Committee meeting at 3:59 p.m.

Cassandra Lichnock, Chief Executive Officer
And Secretary to the Teachers’ Retirement Board

Karen Yamamoto, Chairperson

Prepared by: Braden Pate, Senior Counsel