



## **Appeals Committee**

### **Item Number 7 – Open Session**

**Subject:** Annual Summary of Appeal Activity for Fiscal Year 2020-21

**Presenter(s):** James Lindsay

**Item Type:** Information

**Date & Time:** June 14, 2021 – 10 minutes

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**Attachment(s):** Annual Summary of Administrative Appeals Activity for Fiscal Year 2020-2021

**PowerPoint(s):** None

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#### **PURPOSE**

The purpose of this item is to provide the Appeals Committee with a summary of its appeal activity for the 2020-2021 fiscal year.

#### **DISCUSSION/SUMMARY**

For the 2020-2021 fiscal year, the Appeals Committee considered three proposed decisions. The committee adopted two proposed decisions at previous meetings and is considering the third proposed decision at the current meeting.

During the 2020-2021 fiscal year, there were no applications for correction of mistake or clerical error, and no petitions for reconsideration.

Five petitions for writ of mandate were filed and/or litigated during the 2020-2021 fiscal year that related to previous Appeals Committee decisions.

A summary of these decisions is presented in the “Annual Summary of Administrative Appeals Activity for Fiscal Year 2020-2021” attachment.

**Annual Summary of Administrative Appeals Activity  
 for Fiscal Year 2020-2021**

**Proposed Decisions for Consideration (Gov. Code § 11517):**

No.	Committee Meeting Date	Decision Name	Issue(s)	ALJ Proposed Decision	Staff Recommendation	Committee Decision
1.	01/2021	In the Matter of the Retirement Benefits of: Marlene Finander	Whether service credit was accurately calculated	Denied appeal	Adopt PD	Adopted PD
2.	4/2021	In the Matter of the Disability Benefits of: Ignacio Reynoso	Whether respondent timely submitted his October 2019 application for disability retirement	Denied appeal	Adopt PD	Adopted PD
3.	6/2021	In the Matter of the Retirement Benefits of: Kenneth Isenhardt	Whether respondent is entitled to disability retirement benefits	Denied appeal	Adopt PD	TBD

**Petitions for Writ of Mandate (Gov. Code §11523):**

No.	Petition Date	Decision Name	Issue(s)	Status
1.	10/2019	In the Matter of: Whether Fremont Unified School District Incorrectly Reported Compensation to CalSTRS	Whether one-time off-salary schedule payments are reportable to employees' Defined Benefit accounts; equitable estoppel	Court entered judgment 7/2020 denying petition on substantive grounds but partially granting petition on statute of limitations defense resulting in overpayment reduction

2.	01/2020	In the Matter of the Disability Benefits of: Courtney Hilton (After Remand)	Eligibility for disability retirement benefits	Court dismissed writ petition 7/2020 and denied subsequent motion to re-open action 10/2020
3.	3/4/2020	In the Matter of the Retirement Benefits of: Colleen Wilcox	Whether creditable service was performed; whether a deferred compensation plan contribution is creditable compensation	Court entered judgment 1/2021 denying petition on substantive grounds but partially granting petition on statute of limitations defense resulting in overpayment reduction
4.	4/29/2020	In the Matter of the Retirement Benefits of: Bruce Ritchey	Whether the employer misreported the member's base days; whether extra-duty earnings are creditable to the Defined Benefit account	Pending; hearing scheduled for 3/2022
5.	5/27/2020	Betty Forrester v. CalSTRS  <i>Related Action:</i> In the Matter of Whether LAUSD Incorrectly reported Compensation for Elected Officers to CalSTRS: LAUSD; Warren Fletcher; and Michael Caputo-Pearl	Whether the employer incorrectly reported creditable compensation of union officers during the audit period; whether systemic member of audit has due process right to administrative hearing under the regulations  (This is a direct action writ petition filed by a systemic member to an audit finding but identified herein due to committee adoption of the related proposed decision denying the appeal by the employer and sampled members. CalSTRS is currently defending three other direct action writ petitions filed by systemic members challenging audit findings that were not appealed by the district or sampled members and, therefore, never considered by the committee.)	Pending; hearing held 5/2021