

Status **Active** PolicyStat ID **12890238**



San Bernardino County Employees' Retirement Association

Origination	11/7/2019
Last Approved	12/1/2022
Effective	12/1/2022
Last Revised	12/1/2022
Next Review	11/30/2025

Area	Benefits
Applicability	SBCERA systemwide

Requests and Appeals for Pension Benefits

POLICY NO. 025

1. General Instructions.

Requests for the award or change of any pension benefit, other than disability benefits, should begin with the member addressing the request, in writing, to the Chief Executive Officer (CEO) or designee.

2. Initial Determination.

The CEO or designee shall provide a written determination of the member's request that either approves or denies the request. For any request the CEO denies, the member shall have 30 days to submit a request to appeal the CEO's determination.

3. Board Adoption of Initial Determination.

In the event the member fails to appeal the CEO's determination, then the CEO's determination will be placed on the Board's next consent agenda with a recommendation to adopt the CEO's determination. The Board's adoption of the CEO's determination shall be final. Staff will provide a summary of the determination to the member prior to the Board's decision.

4. Member Appeal of Initial Determination.

The member may request to appeal the CEO's denial to the SBCERA Board. As part of the written appeal request, the member may submit additional documentation, including affidavits, to the CEO or designee within thirty (30) days after the date upon which the recommendation was sent to the member.

5. Board Hearing of Appeal.

Thirty (30) days from receipt of the member's written appeal, the member's appeal shall be placed on the agenda at the next regularly scheduled SBCERA Board meeting. The CEO or designee will provide copies of the member's written request for benefits, staff recommendation and supporting documentation, along with any additional documentation from the member to the Board. The member may attend the Board meeting and may address the issue consistent with the Board's policies on public comment, which may be modified in such instances in the sole discretion of the Board Chair, prior to the Board's decision on the matter.

6. Board Decision Upon Hearing Appeal.

A decision by the Board is final unless the Board refers the matter to an Administrative Hearing as governed by *Procedures for Disability Retirement Applications and Formal Hearings*.

Judicial review of final retirement decisions shall be subject to the Code of Civil Procedure Section 1094.6. Judicial review of final compensation earnable and/or pensionable compensation decisions shall be subject to Code of Civil Procedure Section 1085.

Following final decision on disputed matters, the CEO or designee shall send to the member written notice of their appeal rights.

COPY

Applicability

SBCERA, SBCERA Internal

COPY