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POLICY NO. 025
Committee: Admin Committee
Policy Category: Benefits
Approved

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By: _____
Chairman of the Board

Subject: **REQUESTS ~~FOR AND APPEALS FOR~~ PENSION BENEFITS ~~AND THE PRESENTATION OF~~ SUPPORTING INFORMATION**

REQUESTS ~~FOR AND APPEALS FOR~~ PENSION BENEFITS ~~AND~~ THE PRESENTATION OF SUPPORTING INFORMATION

~~(1.)~~ General Instructions: Requests for the award or change of any pension benefit, other than disability benefits, should begin with the member ~~consulting~~ addressing the request, in writing, to the Chief Executive Officer (CEO) or designee.

~~(2)~~ Disability Benefits: Requests for disability benefits shall be made according to the forms approved by the CEO and by following the procedures set forth in the Board of Retirement's (Board) Procedures for Disability Retirement Applications and Formal Hearings.

~~(3)~~ Other Benefits:

~~(a)~~ Requests for the award or change of pension benefits, other than disability benefits, should be made by submitting such requests to the CEO or designee.

2. Initial Determination. The CEO or designee shall provide a written determination ~~to~~ of the member's request that either approves or denies the member's 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 next 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 will provide a summary of the recommendation determination on the requested benefits to the member prior to the Board's decision.~~

4. Member Appeal of Initial Determination. ~~(b) If t~~ The member may requests to appeal the CEO's denial to the SBCERA Board. disputes the CEO or designee recommendation. As part of the written appeal request, ~~t~~ the member may submit additional documentation, including affidavits, ~~to~~ to the CEO or designee within thirty (30) days after the date upon which the recommendation was sent to the member.

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5. Board Hearing of Appeal. Thirty (30) days from receipt of the member's written appeal, the member's appeal shall be agenda~~ized~~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. ~~at the next regularly scheduled Board meeting.~~ 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. — (c) — 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.

~~(d)~~ — Judicial review of final retirement decisions shall be subject to the Code of Civil Procedure Section 1094.6. Following final decision on disputed matters, the CEO or designee shall send to the member written notice as follows:

"Pursuant to the Board's Benefits Policy No. 025 – ~~Requests for Pension Benefits and the Presentation of Supporting Information~~[INSERT RENAMED POLICY Requests and Appeals for Pension Benefits], action to seek judicial review of this decision is governed by the provisions of Section 1094.6 of the Code of Civil Procedure of the State of California. You are advised that any such petition must be filed not later than the ninetieth (90th) day following the date a decision becomes final."