

NEW CASE REPORT

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| Name of Case (full name): | Poche, Marcel v. CalPERS, JRSI and Board of Administration |
| Date Received By Legal Office: | 9/3/2013 |
| Attorney Contact(s): | Renee Salazar |
| Program Contact: | JLRS |
| Plaintiff(s): | Marcel Poche |
| Defendant(s): | Judges' Retirement System I, California Public Employees' Retirement System and Board of Administration of California Public Employees' Retirement System |
| Other Parties: | |
| Issues/Status: | Marcel Poche service retired on September 30, 2000. In 2002, Governor Gray Davis appointed him as a Superior Court Judge in Santa Clara County to an "elected" position. At that time, CalPERS/JRS determined that Mr. Poche could simultaneously receive a retirement allowance and judicial salary (which included deduction for 8 percent member contributions) upon appointment to the Superior Court without reinstatement. In 2012, in anticipation of separating from employment with Santa Clara County Superior Court, Judge Poche's representative contacted JRS to inquire about a refund of the 8 percent member contributions. CalPERS determined that, upon separation from his Superior Court position, Judge Poche would continue to receive his retirement allowance and be eligible to re-enroll in |

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| | <p>health and dental plans as a retiree, but would not receive additional benefits as a result of the 8 percent member contributions. JRS also refused to refund back to Judge Poche these member contributions. Judge Poche appealed CalPERS determination and the matter was forwarded to LEGO to set an administrative hearing. A hearing is in the process of being set. However Mr. Poche's attorney, John Jensen, filed this Petition for Writ of Mandate and Complaint, seeking to avoid the administrative process. CalPERS is in the process of filing a demurrer to the case for failure to exhaust the administrative remedies, which will be submitted on or before October 3, 2013.</p> |
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| Potential Monetary Impact: | Unknown at this time. |
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