



## Agenda Item 8o

June 17, 2015

**ITEM NAME:** Proposed Decision – In the Matter of the Appeal Regarding Additional Retirement Service Credit of JEFFREY OLGUIN, Respondent.

**PROGRAM:** Member Account Management Division

**ITEM TYPE:** Action

### **PARTIES' POSITIONS**

Staff argues that the Board of Administration should adopt the Proposed Decision.

Respondent Jeffrey Olguin (Respondent Olguin) argues that the Board of Administration should adopt the Proposed Decision.

### **STRATEGIC PLAN**

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

### **PROCEDURAL SUMMARY**

CalPERS received Respondent Olguin's Request for Service Credit Cost Information - Additional Retirement Service Credit (ARSC) on October 8, 2012. On March 12, 2013, CalPERS mailed him a Confirmation of Intent letter. On March 18, 2013, Respondent Olguin submitted his Confirmation of Intent to purchase 5.0 years of service credit. On March 21, 2013, CalPERS staff completed and mailed Respondent Olguin an ARSC cost packet for a lump sum of \$20,048.95. Respondent Olguin did not return his election to purchase within the 60 day deadline, causing his cost estimate to expire. Respondent Olguin states he never received the ARSC cost packet mailed to him. Respondent Olguin appealed CalPERS' denial of his request to purchase ARSC and the matter was heard by the Office of Administrative Hearings on March 25 and 26, 2015. A Proposed Decision was issued on April 15, 2015, granting Respondent Olguin's request to purchase ARSC.

### **ALTERNATIVES**

- A. For use if the Board decides to adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own Decision the Proposed Decision dated April 15, 2015, concerning the appeal of Jeffrey Olguin; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

- B. For use if the Board decides not to adopt the Proposed Decision, and to decide the case upon the record:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated April 15, 2015, concerning the appeal of Jeffrey Olguin, hereby rejects the Proposed Decision and determines to decide the matter itself, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board; RESOLVED FURTHER that the Board's Decision shall be made after notice is given to all parties.

- C. For use if the Board decides to remand the matter back to the Office of Administrative Hearings for the taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated April 15, 2015, concerning the appeal of Jeffrey Olguin, hereby rejects the Proposed Decision and refers the matter back to the Administrative Law Judge for the taking of additional evidence as specified by the Board at its meeting.

- D. Precedential Nature of Decision (two alternatives; either may be used):

1. For use if the Board wants further argument on the issue of whether to designate its Decision as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System requests the parties in the matter concerning the appeal of Jeffrey Olguin, as well as interested parties, to submit written argument regarding whether the Board's Decision in this matter should be designated as precedential, and that the Board will consider the issue whether to designate its Decision as precedential at a time to be determined.

2. For use if the Board decides to designate its Decision as precedential, without further argument from the parties.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its Decision concerning the appeal of Jeffrey Olguin.

**BUDGET AND FISCAL IMPACTS:** Not applicable

**ATTACHMENTS**

- Attachment A: Proposed Decision
- Attachment B: Staff's Argument
- Attachment C: Respondent's Argument

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DONNA RAMEL LUM  
Deputy Executive Officer  
Customer Services and Support