

STATE OF CONNECTICUT
STATE EMPLOYEES RETIREMENT COMMISSION
SUBCOMMITTEE ON PURCHASE OF SERVICE & RELATED MATTERS MEETING

June 14, 2022 MEETING
HELD VIA ZOOM
CONVENED AT 2:04 p.m.

Present:

Peter Adomeit, Chairman
Carl Chisem, Trustee
Robert Coffey, Trustee
John Herrington, Retirement Services Division Director
Colin Newman, Retirement Services Division Assistant Director
Robert Helfand, Retirement Services Division Assistant Director
Cindy Cieslak, General Counsel to Retirement Commission, Rose
Kallor, LLP
Robert Krzys, representing Ms. Spak
Russell Zimberlin, representing Ms. Wilson

TRANSCRIPTIONIST: Karin A. Empson

1 (Proceedings commenced at 2:04 p.m.)

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5 CHAIRMAN ADOMEIT: Well, good afternoon,
6 Attorney Krzys. Good afternoon, Attorney Zimberlin.

7 MR. KRZYS: Good afternoon, Mr. Chairman.

8 CHAIRMAN ADOMEIT: Okay. We are on the
9 record and recording. This is the June 14th, 2022
10 meeting of the Subcommittee on Purchase of Service and
11 Related Matters being held remotely using Zoom
12 technology.

13 Cindy, do you have the attendance, please?

14 MS. CIESLAK: Yes. Good afternoon. This is
15 Cindy Cieslak. Present today, we have Chairman Peter
16 Adomeit, Trustee Carl Chisem, and Trustee Robert
17 Coffey. Present from the Retirement Services Division,
18 we have Colin Newman and Robert Helfand. And our
19 guests today are Attorney Krzys and Attorney Zimberlin.

20 CHAIRMAN ADOMEIT: All right. The first item
21 on the agenda is Mr. Baldwin.

22 MR. NEWMAN: Okay. So Justin Baldwin
23 (inaudible).

24 CHAIRMAN ADOMEIT: Colin Newman speaking.

25 MR. NEWMAN: Oh, yes, I'm sorry. Yeah, Colin

1 speaking. Sorry. So Mr. Baldwin was originally hired
2 into State service in November of 2007, but he actually
3 separated from State service like four days later. He
4 was then rehired into State service in July, on July
5 30th of 2010. He did complete another CO-1088 form
6 requesting his prior military service. We allowed -
7 the Division allowed the purchase to go forward due to
8 the fact that he had made a timely application
9 initially back in 2007, and again, this application
10 that he made in 2010 was also timely because it was
11 within one year of his date of hire.

12 Mr. Baldwin was sent an invoice with the cost
13 for the military service in May of 2011. There was no
14 response to the invoice from Mr. Baldwin. And in May
15 of 2012, he was sent a last-chance opportunity letter,
16 which basically - which gave the instructions, and it
17 is Exhibit E, essentially saying that if you don't
18 respond to this letter indicating whether or not you
19 still want to continue with the purchase or not, there
20 may not be another opportunity for you to purchase this
21 time.

22 There was no response to the letter, and the
23 Division closed the file. And then in May of 2021, the
24 Division received another request from Mr. Baldwin
25 regarding the purchase. Actually, he made a dual

1 request of both his prior military service and for
2 military leave that he had taken. The military leave
3 period was processed, but he was sent a letter of
4 denial for the prior military service, and it was due
5 to the fact that he was beyond one year from his date
6 of hire, but actually it also should have been denied
7 for the fact that he had never responded to the
8 original invoice and that the opportunity had gone
9 away.

10 However, Mr. Baldwin, you know, he has
11 appealed the Division's administrative denial. He
12 indicated that he actually was active with the Marine
13 Corps at that time because actually that was the period
14 of time that he was requesting the military leave for.
15 And he never actually returned to the State of
16 Connecticut until September of two-thousand-and - I'm
17 sorry. He didn't return to Connecticut until June of
18 2012.

19 So he's requesting that basically a waiver be
20 applied and that he be allowed to purchase his prior
21 military service.

22 CHAIRMAN ADOMEIT: All right.

23 MR. COFFEY: Question for Colin. Colin, is
24 Mr. Baldwin's assertion that, you know, he was away
25 when the last-chance letter was sent, is that a

1 circumstance that's consistent with other circumstances
2 that we've viewed as extenuating in terms of waiving
3 the deadline requirements?

4 MR. NEWMAN: It is something that is
5 consistent with like decisions that have been made in
6 the past that have been determined to being like an
7 extenuating circumstance with the reason why the
8 individual did not respond. You know, the only thing I
9 could think of that may be like a negative towards that
10 is the fact that he did come back in June. It's not
11 sure what was - he doesn't say what the state of like
12 what his mail - his mail situation was. Was his mail
13 being held for him or - you know, he doesn't indicate
14 that.

15 But there have been, like I said, different
16 cases where there have been a variety of reasons where
17 the Commission has viewed it as, you know, it was just
18 an extraordinary circumstance that caused him not to
19 respond to the - you know, to the Division. I don't
20 have any specific cases that would identify that in
21 front of me.

22 MR. COFFEY: Right, right. Okay.

23 CHAIRMAN ADOMEIT: Thank you, Bob. Any
24 further questions?

25 MR. CHISEM: I actually was going to ask the

1 same question that Bob had.

2 CHAIRMAN ADOMEIT: Carl Chisem talking.

3 MR. CHISEM: Oh, I'm sorry. I was going to
4 ask basically somewhat in the same line as Bob asked.
5 So, no.

6 CHAIRMAN ADOMEIT: All right. Are you ready
7 to take a vote in the matter?

8 MR. COFFEY: I don't know. Let me inquire of
9 Carl.

10 Are you comfortable with what we have, or
11 would you rather see more information from Mr. Baldwin
12 with respect to what happened with his mail while he
13 was away?

14 MR. CHISEM: Yeah, I mean, we can do that. I
15 mean, I don't want to see anybody lose because they
16 were away. And, you know, if we've done this before,
17 you know, he really couldn't help it. So, if we can
18 see, you know, dig a little bit more, I'd be
19 comfortable with that for right now.

20 MR. COFFEY: Okay. I'll move-

21 CHAIRMAN ADOMEIT: Go ahead.

22 MR. COFFEY: I'll move that we table for the
23 purpose of receiving information from Mr. Baldwin with
24 regard to what happened with his mail while he was
25 away. And I think both Carl and I are sympathetic to

1 this situation. It's just that there is this
2 unanswered question of - he seemed to have come back
3 only, what, a month or so after the letter was sent.
4 And so - but we have no idea what happened, what his
5 mail situation was like.

6 CHAIRMAN ADOMEIT: Okay.

7 MR. CHISEM: I'll second that.

8 CHAIRMAN ADOMEIT: Any further discussion?
9 Hearing none, all in favor, say aye, or raise your
10 hand.

11 UNIDENTIFIED SPEAKERS: Aye.

12 CHAIRMAN ADOMEIT: It's unanimous. The ayes
13 have it.

14 Okay, moving on. The next case is O'Grady.

15 MS. CIESLAK: Mr. Chairman?

16 CHAIRMAN ADOMEIT: I'm sorry.

17 MS. CIESLAK: This is Cindy - good afternoon
18 again, Mr. Chairman. This is Cindy Cieslak. I just
19 want to note for the record that John Herrington,
20 Retirement Services Division Director, has joined us.

21 CHAIRMAN ADOMEIT: Thank you. All right.

22 MR. COFFEY: Peter?

23 CHAIRMAN ADOMEIT: Yes.

24 MR. COFFEY: Just thinking, in light of the
25 fact that I'm going to have to bow out early, perhaps

1 we should take up the cases that the attorney have, if
2 that's - I don't know where they are on the agenda.

3 CHAIRMAN ADOMEIT: No, that's a good
4 suggestion. I can do that. Which - let's see.

5 MR. NEWMAN: It's - this is Colin speaking.
6 Christine Spak is represented by Attorney Krzys.

7 CHAIRMAN ADOMEIT: All right. So let's take
8 that up in order then.

9 MR. NEWMAN: Okay.

10 CHAIRMAN ADOMEIT: Okay? Mr. Newman?

11 MR. NEWMAN: Yes. This is Colin speaking.
12 Christine Spak is employed by the Department of
13 Education. She's been employed as an active State
14 employee since 2007. She's come before this body
15 before regarding her personal services agreement
16 contractual time, that this body recommended approval
17 of her time from November of 1993 to August of - up to
18 her date of hire in 2007. The Commission accepted that
19 recommendation at its March 19th, 2020 meeting allowing
20 Ms. Spak to get vesting and credited service in Tier
21 II-A.

22 Attorney Krzys came back with a further claim
23 because of the fact that her contractual time started
24 in 1993. And so he requested that the Commission allow
25 her retirement plan be switched to Tier II, which would

1 have been the plan in place at the time in 1993.

2 That - I'm sorry. There's a typo here. I
3 got 2008. I meant - that's supposed to be 2020.

4 Sorry. December 17th, 2020. The Commission approved
5 her request to rescind her membership in Tier II-A for
6 purposes of rolling into Tier II. And so Ms. Spak
7 became a member of the Tier II plan.

8 Then in December of 2021, Attorney Krzys came
9 forward on behalf of Ms. Spak requesting that her
10 retirement plan membership be switched to Tier I
11 because she had been informed by her employing agency
12 that she actually had some prior State service.

13 Looking at that State service, on the face of it, she's
14 got periods of service starting in 1973, and from 1973
15 to '75, from September of '77 through March of '79,
16 February 6th of '81 through June 25th of 1982, and from
17 September 3rd of 1982 through a separation on April 10th
18 of 1986.

19 So on the face of it, it would appear that
20 she has approximately eight years and 11 months and 14
21 days of prior Tier I service. And looking at her break
22 in service from 1986 to her new date, as determined by
23 the decisions of November 3rd of 1993, it appeared that
24 she had more service than her break in service, from
25 State service. However, looking further into the Tier

1 I service, she didn't contribute for all of that period
2 of time. There were certain periods that there were no
3 contributions taken.

4 And taking a quick look at that period of
5 time, it appears that she contributed for approximately
6 five years and 11 months, somewhere around there, which
7 actually would be less than the period of separation,
8 which is about seven years and seven months. And as
9 such, if that indeed is the case, she actually would
10 have incurred like a permanent break in service, so
11 that first period of time would not be eligible to be
12 counted.

13 But Attorney Krzys is here to - is making the
14 claim to have that time included so that would allow
15 her to be - he's requesting that she be given like plan
16 membership for Tier 1.

17 CHAIRMAN ADOMEIT: Attorney Krzys?

18 MR. KRZYS: Yes, thank you, Mr. Chairman.
19 And I just would agree with Colin's summary that he
20 just gave the panel members and the others here. The
21 issue that arose, the reason the claim was filed, was
22 because the total suggested that she had seven years
23 and seven months of prior Tier I service, and that came
24 about when she filed her notice of intent to retire on
25 July 1st of 2022, coming right up. And that's why the

1 claim was filed, because it was seen then that her
2 prior Tier I service exceeded the break, and therefore
3 it seemed that it should be added.

4 Yesterday, Colin and I spoke and shared some
5 information about the shortfall in the seven years and
6 the seven months to the extent that, based on some
7 factual issues that arose during that time, for a part
8 of the time, she did not make contributions; for part
9 of the time, she wasn't in a particularized plan at
10 all; and it's uncertain whether or not that's because
11 the opportunity to enter wasn't given to her, and it's
12 uncertain as to why the contributions weren't taken
13 out.

14 But be that as it may, I think under the
15 current processes of the Retirement Division as the way
16 they review these claims, and Colin has referred to
17 that, if you looked upon it in its most favorable
18 light, you would come up with about five years and
19 eleven months of prior Tier I service. The issue
20 before us today is that that's not enough to overcome
21 the subsequent break in service that Colin referred to,
22 the eight years and eleven months and 14 days. The
23 five years doesn't - the credited service of eight
24 years, 11 months, and 14 days that she was credited
25 overall is gone and now we're down to five years.

So I would argue and suggest to you that there are two arguments that I would make, or two options that I would propose to the panel. And I realize this case is beginning to take on some aspects of the case of Bleak House in the sense that it keeps going and going. But I would note for the record that when she left in '86 for - in that period of '82 to '86 that Mr. Newman referred to is not in question; that's credited Tier I service.

And then, even though she was hired by the Department of Ed from '82 to '87 as a permanent State employee, she alighted into another series of personal services agreements starting in 1987 and ending in, I believe, 1993, a claim that we have not made because we didn't think we needed to make it. So if - in my claim for relief, in Number 9, we stated that if this claim is denied, the claim to switch to Tier I because of a finding that her break in service after April 10th, 1986, the date I just spoke about, is deemed longer than her service prior to April 10th, 1986, that my only issue, without prejudice to the right of Ms. Spak to contest that determination and to file a claim for that additional PSA time from July of '87 to January 1st, 1993, which she was working as a hearing officer, which is exactly the titles and the job that she held during

1 the time that the panel has already granted her PSA
2 credit for from '93 to 2007.

3 So that's a long way of saying my suggestion
4 here and my hope is that we would, with the time that
5 Colin has referred to, from the early time from '73 to
6 '86, we might take a look at whether or not we could
7 just put five years of that sort of in the bank of Tier
8 I. And if she is able to come up with any reason or
9 rhyme, because I just advised her of these shortfalls
10 and these issues this morning, she can come back and
11 try to get the whole set. But more importantly that
12 she be given time to process that claim for '87 to '93
13 for the PSA time, for which she has copies of all of
14 her PSA agreements and contacts with the supervisors at
15 the time.

16 So my hope is that we would table this,
17 either with or without the crediting of the five, or
18 table it for all purposes, to give the Claimant a
19 chance to come back and button up the record. I would
20 say that if she were granted the PSA time from '87 to
21 '93, that would cure the break-in-service issue, and it
22 may not be worth pursuing the prior time that Colin
23 referred to because that is distant time. It's going
24 to be very hard to reconstruct from agency records or
25 from memory exactly why she was or was not in a plan or

1 why she did or did not make contributions.

2 So my hope is that we engage in some form of
3 tabling.

4 CHAIRMAN ADOMEIT: Thank you, Attorney Krzys.

5 MR. HERRINGTON: This is John Herrington. I
6 just - one thing that wasn't clear to me in that
7 recitation is why did she not include a claim for the
8 time between '87 and '93 in her initial claim.

9 MR. KRZYS: When she made her initial claim,
10 she was focused on this long period of time from '93 to
11 2007. She did - I'm not sure she mentioned it to me;
12 I'm not sure it was a part of her claim; but the bottom
13 line is she didn't. I don't know why she didn't, Mr.
14 Herrington, but she didn't. She didn't reference it.

15 MR. HERRINGTON: But the issue is that she
16 has in her possession now the PSA contracts covering
17 that '87 to '93 time, but she may or may not have had
18 those records at the time that she made her initial
19 claim.

20 MR. KRZYS: Right, because once she got the -
21 that's correct. Because once she got to the '93 to
22 2007 time, and I advised her of the results of that
23 decision, she said, you know what; there's something
24 else in there on PSA, but I'm going to file for
25 retirement, my notice of intent. You had to - I think

1 the process was you give a 90-day notice to your
2 agency. So then she gave her notice of intent and
3 that's when she got what's Attachment, I think, B to
4 this claim, which is the recitation of the other time
5 from '73 to '86, and that's why this revised claim was
6 filed, to take - to address both that period and to
7 reserve the right to come back for the '87, '93 time.

8 CHAIRMAN ADOMEIT: Thank you.

9 Mr. Coffey?

10 MR. COFFEY: I'd be happy to make a motion
11 that we table the whole matter to allow the processing
12 of the claim for the time from '87 to '93.

13 MR. CHISEM: Carl Chisem. I'd be inclined to
14 second it. I'd like to see more information.

15 CHAIRMAN ADOMEIT: All right. Any further
16 discussion? Hearing none, all in favor, say aye, or
17 raise your hand.

18 UNIDENTIFIED SPEAKERS: Aye.

19 CHAIRMAN ADOMEIT: It's unanimous. The ayes
20 have it. Motion passed. Okay.

21 MR. KRZYS: Thank you.

22 MR. NEWMAN: Thank you.

23 CHAIRMAN ADOMEIT: Thank you, Mr. Krzys.

24 Okay, should we move back now to O'Grady?

25 MR. NEWMAN: Actually, Attorney Zimberlin is

1 here with - yeah.

2 CHAIRMAN ADOMEIT: Oh, I'm sorry. Of course.

3 Yeah, I'm sorry.

4 MR. NEWMAN: Sorry, this is Colin speaking.

5 CHAIRMAN ADOMEIT: What case is he
6 representing a client on?

7 MR. NEWMAN: He is representing Cindy (sic)
8 Wilson.

9 CHAIRMAN ADOMEIT: Cindy Wilson, okay.

10 Mr. Zimberlin?

11 MR. ZIMBERLIN: Yes. Thank you for having
12 me, Mr. Chairman. I did write a brief on this issue.
13 Basically, we did - Cathy originally filed for regular
14 retirement while her case was processing and she was a
15 parttime employee, and we had trouble calculating what
16 her disability pension would be if she's parttime. We
17 requested what that be; we didn't get a response.

18 One thing that I didn't mention in the brief
19 that I'd like to mention now is, with the disability
20 application comes along with some timeframes in which
21 we have to cross-file in pursuit of the case. From the
22 initial denial, we waited nine months to request
23 reconsideration, and then from there, we waited a full
24 year to submit evidence to kind of delay the timeframes
25 just so we could get an answer about how much her

1 disability pension would be as opposed to her vested
2 retirement. And then after the disability retirement
3 was granted, it wound up being less than the vested
4 amount, and that's really where the problem is today.

5 So I guess that we're requesting that she can
6 either revert back to the early retirement, or just
7 withdraw the disability portion of the application.

8 CHAIRMAN ADOMEIT: All right.

9 MR. COFFEY: My question would be to John and
10 to Colin. Off the top of my head, I don't recall cases
11 like this where the disability benefit has turned out
12 to be less than the regular benefit. And I see how
13 it's possible with the offset.

14 Have we allowed people who have a disability
15 benefit to withdraw their application and go back to
16 the regular retirement that they also applied for?

17 MR. HERRINGTON: We haven't done so as the
18 Division; right. The idea is that a disability
19 retirement has been approved by the Commission. And so
20 to the extent that an individual seeks to rescind that
21 application, that that go before the Commission for
22 consideration?

23 MR. COFFEY: You haven't done it but - the
24 Division hasn't done it, but has the Commission even
25 done it? Have we had those cases before us?

MR. NEWMAN: This is Colin speaking. I only know of like one case where there was a request to - actually, the opposite, that the person had retired under a regular retirement, and then they came forward and they wanted their benefit to be a disability, which it was - you know, it was denied by the Commission because the matter had been brought to administrative closure when the person started receiving their benefit.

Mr. COFFEY: I see.

MR. ZIMBERLIN: One thing I'd like to say is, we rely on the statute of SPD's for the calculation of benefits, and the SPD in the statutes, they don't include a calculation to have a parttime disability as calculated. So that was one of the reasons why we were reaching out trying to get, you know, an answer about exactly what the disability pension would be, as opposed to just a vested retirement. But, you know, had we known that, we just wouldn't even have proceeded with the disability application in the first place.

MR. COFFEY: Attorney Zimberlin, can I ask you, is the benefit that she's receiving now, if you combine the social security amount with the State disability amount, is it higher than her regular retirement benefit would be?

MR. ZIMBERLIN: Sorry, I'm trying to think about that. So is her disability plus social security higher than her regular - I'm - can you repeat that question one more time? I'm sorry.

MR. COFFEY: I guess what I'm getting at is, the reason why her disability retirement is lower is because it's been offset. Say the offset wasn't there and she was getting her entire disability benefit. Would it be higher than the regular retirement?

MR. ZIMBERLIN: I'm not even sure about that. I still don't know the recalculation. We just have the numbers based on what she was actually given. Prior, we have the number of what she was given based on the vested retirement, and now we have the disability amount. And she was given the disability by the Medical Examining Board after being granted by the social security disability.

So I just don't know what that number is. But we did see what the social security granted one day after we received it, and that was part of the request of what the numbers actually were. And even in the calculator on the website, it says members should reach out to the Retirement Services Division to discuss the estimate if you are a parttime employee. You know, that's exactly what we did. Getting an answer just,

1 you know - we just didn't get one.

2 MR. COFFEY: Right.

3 MR. NEWMAN: And this is Colin speaking. And
4 also the fact that it does say - there is a disclaimer
5 on the website regarding if someone's applying for like
6 a disability retirement, that they can't use the
7 calculator for that purpose.

8 CHAIRMAN ADOMEIT: Did you say can or cannot?

9 MR. NEWMAN: Cannot, cannot use it, cannot
10 use the calculator for that purpose. That would be
11 Exhibit D.

12 MR. CHISEM: Oh, Mr. Chairman, this is Carl.
13 So, Colin, you said earlier that this - probably did
14 this one other time that you guys can remember?

15 MR. NEWMAN: I just recall a case where it
16 was the reverse, where the person had retired under a
17 normal retirement and had come forward requesting that
18 that benefit be changed to a disability retirement
19 benefit. And the Commission had denied that request.

20 MR. CHISEM: Okay.

21 MR. NEWMAN: It was for, I mean, different
22 circumstances, but I don't recall seeing a case where -
23 the type of case that Attorney Zimberlin is requesting,
24 that - you know, that a person go back to a voluntary
25 benefit because of the fact that the disability

1 benefit, because it's subject to, you know, to offsets,
2 turns out to be a lower benefit than the voluntary
3 benefit.

4 CHAIRMAN ADOMEIT: Peter Adomeit here.

5 Colin, how much lower? Do we have the calculation?

6 MR. NEWMAN: When she was initially placed on
7 the payroll in December of '18, which was - it was a
8 voluntary - it was what would be considered like a
9 vested rights benefit that commenced December 1st of
10 '18, because that was the first of the month following
11 her 55th birthday, it was at the amount - the estimated
12 amount of \$1,170 a month. When she was approved for
13 the disability, the disability benefit, because of her
14 receipt of social security disability, basically, you
15 know, she could receive a benefit - combination of the
16 benefit up to 80 percent of her either terminating rate
17 of pay or average salary, whichever was higher.

18 The benefit was at \$543.78. It's currently
19 at \$588.60 per month.

20 MR. COFFEY: Colin, I'd like to ask you, do
21 you remember anything about the rationale of that case
22 that you mentioned about the person who wanted to go
23 from regular to disability? Was there something in the
24 case that just out-and-out prevented exploring the
25 disability route, say, you know the person was beyond

1 the two-year requirement, or was this a decision that
2 the Commission made that once you're in a plan, you're
3 always in the plan?

4 MR. NEWMAN: I think it was more along the
5 lines of once, you know, the type of retirement that
6 you went out with, you know, there was no extenuating
7 circumstance as to why she didn't apply for a
8 disability benefit at the time when she separated. So
9 I think the Commission just looked at it that, you
10 know, she just wanted to elect like a different type of
11 benefit. The case is over 30 years old, but I do
12 remember seeing that one.

13 MR. HERRINGTON: This is John Herrington. I
14 have a question for Attorney Zimberlin. The request
15 for information, or the request for information that
16 you referred to, we have an example as Exhibit E in
17 these materials, which is an email that you sent to
18 someone in this division on October 7th of 2019.

19 Were there other requests, or was this the
20 sole request and this went unanswered?

21 MR. ZIMBERLIN: Well, I know this request
22 exists, and there may be others, but from 2019 until
23 now, I've been - or after the grant, after we realized
24 there was a problem, there's been many requests to get
25 to this subcommittee, or have the case reviewed for an

1 answer if we could go back. But, I mean, there's many
2 requests for the processing of this case. It's been,
3 you know, almost two years now of those emails.

4 MR. HERRINGTON: Well-

5 MR. ZIMBERLIN: I can submit those emails,
6 but-

7 MR. HERRINGTON: Right, right. So I guess
8 I'm interested in requests for dollar amounts prior to-

9 MR. ZIMBERLIN: Oh.

10 MR. HERRINGTON: --the case going before the
11 MEB; right? You know, I'm just noticing that, you
12 know, you close off that email by observing that it
13 looks like she is better off just accepting the early
14 retirement and not pursuing the disability retirement.

15 MR. ZIMBERLIN: I don't know off the top of
16 my head. I know there is this one. I don't know if
17 there's more. But, you know, the fact is the request
18 was made. I haven't submitted anything else in this.

19 CHAIRMAN ADOMEIT: All right. Is there any
20 further discussion?

21 Mr. Coffey?

22 MR. COFFEY: I know that the case that Colin
23 is referring to is quite old. I'd be somewhat
24 interested in finding out what the Commission's
25 rationale was for that decision. I'm toying with two

1 alternatives here, either one of which would be okay
2 with me, and whatever Carl thinks as well. One action
3 would be to table it to get more information about that
4 prior case. And the other option would be to send it
5 to the Commission without a recommendation, asking the
6 Division to provide whatever information they had, and
7 the Commission could kick it around.

8 It's an interesting situation, somebody who,
9 you know, would actually be better off with a regular
10 retirement than the disability retirement. And
11 technically, they've asked for both. It's just the
12 disability retirement was the latest one.

13 So those are my choices, going directly to
14 the Commission so we don't hold things up, or if Carl
15 prefers, tabling for more information with respect to
16 the precedent that Colin was talking about.

17 CHAIRMAN ADOMEIT: My preference would be to
18 table it-

19 MR. COFFEY: Okay.

20 CHAIRMAN ADOMEIT: --if I had to choose.

21 Carl?

22 MR. CHISEM: I'm unfortunately thinking to
23 bring it to the Commission. But how long - because I
24 know it's been going for a while, Colin. I mean, what
25 are we talking, next month possibly to - or whenever we

1 have our next meeting, to get the information, or try
2 to get the information?

3 MR. NEWMAN: Yeah, if you want to make it to
4 a date-certain for next month, you know, we could do
5 that.

6 MR. CHISEM: Okay.

7 CHAIRMAN ADOMEIT: Okay.

8 MR. CHISEM: Yeah, I'd prefer that, Mr.
9 Chairman.

10 CHAIRMAN ADOMEIT: All right. Is there a
11 motion?

12 MR. CHISEM: I'll make the motion to table
13 this case until next month, until we get further
14 information.

15 MR. COFFEY: I'll second.

16 CHAIRMAN ADOMEIT: Any further discussion?
17 Hearing none, all in favor, say aye.

18 UNIDENTIFIED SPEAKERS: Aye.

19 CHAIRMAN ADOMEIT: Opposed, nay. The ayes
20 have it. Unanimous, no no's.

21 Okay. Let's see.

22 MR. NEWMAN: This is Colin speaking. Judge
23 O'Grady.

24 CHAIRMAN ADOMEIT: Oh, thank you very much.
25 This one we skipped. Thank you.

MR. NEWMAN: Okay. So Daniel O'Grady, a probate judge, he first retired from the Probate Judges and Employees Retirement fund in June of 2014. He had 21 years, 11 months and 25 days, including he was given like an additional two years pursuant to Connecticut General Statute 45a-36a. He elected to receive his retirement benefit under the hundred-percent annuitant option.

Judge O'Grady then elected to return to active employment as a probate judge on November 16th, 2016. In March of this year, the Division was notified that he was in poor health. A question that was asked of the staff, would there be any benefit that would be payable if he submitted an intent to retire effective April 1st of 2022 and did not - but didn't - what would happen if he didn't survive to that date. Probate was advised that if he were not to survive to April 1st, his spouse would be eligible for a pre-retirement death benefit pursuant to Statute Section 45a-43.

Judge O'Grady did pass away on March 27th. The Division forwarded a retirement packet to Mrs. O'Grady on March 29th including the retirement application, which is listed as Exhibit C. On April 15th, Mrs. O'Grady requested that the benefit that she receive be pursuant to the hundred-percent option,

1 naming her as the contingent annuitant. Included with
2 her letter was a signed application form as well as a
3 signed income payment election form. And she states
4 that this paperwork was - which option - I'm sorry,
5 Exhibit D, and her contention is that these forms were
6 actually completed March 25th showing the intent for the
7 benefit to be paid under the hundred percent.

8 It's not clear where she got the application
9 form because that would have been sent by us, and as I
10 stated before, we didn't send it until the 29th of
11 March. So the request is would she be eligible for a
12 benefit payable under the hundred-percent annuitant
13 option, or should she just continue to receive the pre-
14 retirement death benefit as she's been processed
15 currently.

16 CHAIRMAN ADOMEIT: Thank you, Mr. Newman.

17 MR. COFFEY: I'm still a little bit
18 speechless over Colin's presentation. Is it your
19 belief that the form that was used is the one that you
20 sent out on the 29th and that the spouse backdated it?

21 MR. NEWMAN: I - it's - well, like I said,
22 it's not clear as to what happened, because we sent out
23 the retirement packet on March 29th. And like I said,
24 this came in with the claim and it came in and signed
25 as such.

1 MR. COFFEY: When did it-

2 MR. NEWMAN: The only thing I'm going to say,
3 you know, just looking at it is, I mean, on the
4 application, there is no signature from probate on it,
5 but there's a stamp that says, the coordinator for
6 probate retirement systems. So maybe they sent the
7 form to her. I'm not sure.

8 MR. HERRINGTON: That's on the - that same
9 stamp is on the one that we generated?

10 MR. NEWMAN: Um, I don't - yes. Oh, yes, it
11 is. Yes, yes. Sorry, John. Yeah, I didn't pick it
12 up. Yeah.

13 MR. HERRINGTON: Great. Yeah, I mean, I
14 think the issue would be - it would not be - I mean, I
15 think it's clear that there were discussions with us at
16 the time where there was an attempt to preserve this
17 election, right. And part of it was, you know, a delay
18 in us providing that application, right. So I do
19 acknowledge that fact.

20 For me, I would be interested in, you know,
21 hearing from the probate coordinator whether they have
22 a practice of generating applications in these
23 situations. And I do think that it would be
24 interesting to me that they would select that same day,
25 that they would select March 27th on March 25th, whereas

1 here, there is an election of a different date. So
2 that would be interesting to me.

3 It also appears that the survivor option form
4 is dated March 25th and there is a witness.

5 MR. NEWMAN: Right.

6 MR. HERRINGTON: So I would be interested in
7 what the witness had to say.

8 MR. COFFEY: I agree. I agree. I would move
9 that we table to get more information about where this
10 form came from, how it was generated.

11 MR. CHISEM: I'll second.

12 CHAIRMAN ADOMEIT: Any further discussion?
13 Hearing none, all in favor, say aye, or raise your
14 hand.

15 UNIDENTIFIED SPEAKERS: Aye.

16 CHAIRMAN ADOMEIT: It's unanimous. The ayes
17 have it.

18 Okay. Moving on. Colin Newman.

19 MR. COFFEY: Colin, before you start, I
20 really do have a drop-dead time of 3:00. If you think
21 this case will be short, I'm all for it. If not, I'll
22 sign off.

23 MR. NEWMAN: Well, it's another case where
24 it's - yeah, it might be short. It's essentially an
25 individual, Dean Tully. He died January 15th, 2022. He

1 was 59 years old, had 32 years and one month of vesting
2 service, vesting and credited service. The Division
3 received an email on January 24th from his spouse
4 indicating that her husband had begun the process of
5 requesting an intent to retire under disability
6 retirement, and she was finishing it up for him.

7 Mrs. Tully, she provided an email that he had
8 sent to his HR person, who in turn had - I believe, had
9 reached out to the retirement pod. For us, for the
10 Division, administratively, we had to process it as a
11 pre-retirement death benefit. Mrs. Tully provided, as
12 evidenced, when she was the POA, that she had signed up
13 as the notice of intent to retire form on January 14th.
14 She had checked off on that notice of intent to retire
15 form that Option B for a hundred percent, as well as
16 for like a regular retirement, but she also did check
17 on that form, and this is Exhibit C, that it was a not-
18 certain-yet box, but that's more - I think that box is
19 more for someone that's uncertain whether or not they
20 want to retire or not.

21 This form, everything was submitted to the
22 Division at the end of January. All the retirement
23 paperwork was signed off by the spouse, even though, at
24 the time of his death, she was no longer the POA. So
25 basically, her signature was invalid.

1 And the application, when it did come in, the
2 request was for a voluntary pending disability
3 retirement, again, whether or not it's determined that
4 there was intent on his end to retire under a
5 disability retirement electing a hundred-percent
6 option, or the benefit should be just payable under the
7 pre-retirement death benefit.

8 CHAIRMAN ADOMEIT: Any questions or comments?

9 MR. COFFEY: I don't know. Colin, do you see
10 documentation here that would convince you that a
11 decision had been made to apply for a disability
12 retirement?

13 MR. NEWMAN: Only with respect to the email
14 from Mr. Tully to his HR person where he asks if he
15 could start the process for a medical retirement.

16 CHAIRMAN ADOMEIT: All right.

17 MR. HERRINGTON: And I definitely don't want
18 to keep you any longer, Bob, but one of the issues here
19 is that this is a situation that we've all seen a
20 number of times. Unfortunately, this situation plays
21 out a little bit differently, you know, over the past
22 two years than it has historically because there's a
23 centralized DAS pod that deals with this situation for
24 all State employees state-wide, whereas, you know,
25 historically, someone going through this situation

1 would reach out to their own personal HR representative
2 that would have a relationship, and more often than
3 not, would go to a home and/or a hospital to complete
4 the retirement paperwork.

5 This is something, it's much harder for that
6 to occur in these situations. And if you look at that
7 timeline, that is a pretty tight timeline in this
8 individual. On January 11th, at least, asked a question
9 in an email. And, I mean, if you do read that email,
10 whether that individual knew to ask for a disability, I
11 think the response to that email would be, you should
12 consider a disability.

13 MR. COFFEY: Right. Right, right.

14 Okay. I'll move that we approve the request
15 for a posthumous disability retirement.

16 CHAIRMAN ADOMEIT: Is there a second?

17 MR. CHISEM: Yeah, I'll second it. I'm just
18 reading it. I'll second it.

19 CHAIRMAN ADOMEIT: Okay. Any further
20 discussion? Hearing none, all in favor, say aye, or
21 raise your hand.

22 UNIDENTIFIED SPEAKERS: Aye.

23 CHAIRMAN ADOMEIT: Okay, the ayes have it,
24 unanimous.

25 We did it, 2:59.

1 MR. COFFEY: (Inaudible) Okay. I appreciate
2 everybody's efforts.

3 CHAIRMAN ADOMEIT: Okay. I'll have to
4 reschedule the other case at another time.

5 MR. COFFEY: Okay. Well, I'll go with your
6 decision.

7 CHAIRMAN ADOMEIT: All right. Thank you all.
8 Nice to see you all.

9 MR. NEWMAN: Thank you. Nice to see you.

10 CHAIRMAN ADOMEIT: Cindy, anything we have to
11 talk about?

12 MS. CIESLAK: No, no. Hold on.

13 CHAIRMAN ADOMEIT: Okay.

14 MS. CIESLAK: So for the record, we have lost
15 a quorum, so the meeting is ending. This is Cindy
16 Cieslak.

17 CHAIRMAN ADOMEIT: Correct.

18 (Adjourned at 3:00 p.m.)

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5 I, Karin A. Empson, do hereby
6 certify that the preceding pages are an accurate
7 transcription of the Connecticut State Employees
8 Retirement Commission, Subcommittee of Purchase of
9 Service & Related Matters meeting held electronically
10 via Zoom, conducted at 2:04 p.m. on June 14, 2022.

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18 Karin A. Empson

19 Karin A. Empson

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21 07/12/2022

22 Date

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