



# ADMINISTRATIVE APPEALS POLICY

## PURPOSE

The purpose of this policy is to provide SCERS members and/or their related parties as defined herein with procedures and timelines for appealing SCERS' administrative decisions.

## SCOPE

The scope of this policy includes SCERS' administrative decisions related to:

1. Determinations of eligibility, and application of any required limitations or other changes thereto, pertaining to membership, pension amount, benefits payable, effective dates, service credit purchases, reciprocity and any other similar types of decisions related to the rights and benefits of SCERS members, their beneficiaries, survivors and/or their current or former spouses/registered domestic partners.
  - a. Determination of eligibility for disability retirement benefits is separately subject to Chapter 5 of SCERS Bylaws and SCERS Disability Retirement Procedures. Determinations regarding disability retirement benefits are not within the scope of this policy until they are granted by the Board.
2. The adjustment and correction of errors and omissions affecting SCERS' determinations, including collection or return of underpaid or overpaid member contributions or benefits and interest payable thereon.

## DEFINITIONS

As used in this policy, the terms below have the following meaning:

Administrative Decision – A determination made by SCERS in response to a written request, typically submitted by a member or Related Party in a form prescribed by SCERS, for a commencement or change of benefits from SCERS, or the determination or modification of eligibility for or rights to benefits from SCERS.

Board Review – The Board's consideration of an Administrative Decision of SCERS' Chief Executive Officer (CEO) that is disputed in writing by a member or Related Party.

CEO Review – The CEO's consideration of an Administrative Decision of SCERS' Chief Benefits Officer (CBO) that is disputed in writing by a member or Related Party.

Final Administrative Action - A determination by the Board on an Administrative Decision submitted for Board Review. A Final Administrative Action is subject to Judicial Review.

Judicial Review – An inquiry into the validity of a Final Administrative Action of the Board pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6 and as provided by Sacramento County Code Section 1.06.

Related Party – A member's beneficiary, survivor, or authorized agent, or a member's current or former spouse/registered domestic partner who has a community property interest in a SCERS' member's account and benefits.

## **PROCEDURE**

### **1. Requests for Determinations**

Requests for the determination or modification of rights and benefits of SCERS' members and Related Parties are typically made in writing in a form prescribed by SCERS. Such requests are processed by staff according to SCERS' normal operating procedures.

### **2. Administrative Decision by Chief Benefits Officer (CBO)**

The CBO will make an Administrative Decision within 60 calendar days of SCERS' receipt of the written request and provide written notice of SCERS' determination in response to the request.

The CBO may, in his or her sole discretion, elect to consult with the CEO in making any Administrative Decision. In that circumstance, the Administrative Decision may be issued by the CEO, in which case any request for review by the member or Related Party will proceed as a Request for Board Review under Section 5, below.

### **3. Request for CEO Review**

If the CBO's determination is disputed, the member or Related Party may, within 60 calendar days' notice from the CBO, submit a written request for CEO Review of the Administrative Decision, and shall include any additional documentation or explanation, including affidavits, with the request.

A member or Related Party may, within the 60-day period, submit a written request for an extension of time to request CEO Review. Any request for such an extension shall be granted at the sole discretion of the CEO upon a showing of good cause.

If a written request for either an extension of time or a request for CEO Review of a disputed CBO Administrative Decision is not timely submitted to SCERS, the disputed matter shall be deemed resolved and closed, and the CBO's Administrative Decision will stand.

### **4. CEO Review**

Within 60 calendar days of SCERS' receipt of a written request, the CEO will review the disputed issue, the CBO's determination, any additional information submitted with the written request for CEO Review, and any other information pertinent to the disputed matter(s) as determined by the CEO. The CEO will make an Administrative Decision and provide written notice thereof in response to the request for CEO Review.

Alternatively, in his or her sole discretion, the CEO may decline to formally review the disputed issue and instead submit the matter for Board Review under Section 6, below.

## **5. Request for Board Review**

If the CEO's determination is disputed, the member or Related Party may, within 60 calendar days of written notice of the CEO's Administrative Decision, submit a written request for Board Review, which shall include any additional documentation or explanation, including affidavits, with the request.

A member or Related Party may within the 60-day period request in writing an extension of time to file a request for Board Review upon a showing of good cause.

If a written request for either an extension of time or a request for Board Review of a disputed CEO Administrative Decision is not timely submitted to SCERS, the disputed matter shall be deemed resolved and closed, and the CEO's Administrative Decision will stand.

## **6. Board Review**

Within 60 calendar days of SCERS' receipt of the written request for Board Review, the CEO will include an item for Board Review of an Administrative Decision in the agenda for a regular or special meeting of the Board, and provide the member or Related Party at least 30 days' written notice of the time and place of the meeting, during which the member or Related Party may address the Board.

The agenda materials submitted to the Board will include the original request and any subsequent written documentation and requests submitted by the member or Related Party, and a staff recommendation for the Board's determination on the disputed matter(s) with relevant supporting documentation.

The Board's decision on the recommendation is a Final Administrative Action on any and all issues raised by the member or Related Party regarding the disputed Administrative Decision. There will be no reconsideration of a Final Administrative Action.

## **7. Judicial Review**

SCERS will send written notice of the Board's Final Administrative Action on a disputed Administrative Decision within 14 calendar days of the date the Board's decision was made. The notice shall advise the member and/or Related Party regarding the availability of Judicial Review by writ of mandate under the California Code of Civil Procedure.

## **AUTHORITY**

California Government Code Sections 1085 *et seq.*  
Sacramento County Code Chapter 1.06

## **RESPONSIBILITIES**

Executive Owner: Chief Executive Officer

## POLICY HISTORY

Date	Description
02-21-2024	Board amended policy
05-19-2021	Board reaffirmed policy
08-01-2018	Renumbered from 018
03-21-2018	Board approved policy