

## **APPEAL OF STAFF DECISIONS REGARDING BENEFITS POLICY**

### **PURPOSE**

1. To establish guidelines and procedures for appeal of staff decisions affecting a benefit payment.

### **SCOPE**

2. This policy applies to any staff decision regarding the amount or effective date of a Member's benefit or any other administrative decision affecting a benefit payment.
3. This policy does not apply to appeals of decisions regarding disability retirement benefits. Appeals for disability retirement benefits are governed by the Board Rules relating to disability retirement hearings. Also, this policy does not apply to staff's administration of any order from a court, including but not limited to domestic relations orders, and spousal support orders.

### **POLICY**

4. San Diego Municipal Code section 24.0908 empowers the Board to hold administrative hearings to determine any question presented to it involving the administration of benefits. When an interested party ("Claimant") appeals staff's decision regarding benefits to the Business and Governance Committee ("Committee"), a hearing on the matter is required in accordance with this policy and Division 10 of SDCERS' Board Rules.
5. If a Claimant disagrees with an SDCERS staff decision regarding the amount or effective date of a benefit, or any other administrative decision affecting a benefit payment, the Claimant has the right to request an appeal. For purposes of this policy only, "Claimant" means any person or persons in a position to receive benefit payments or a distribution from SDCERS.
6. When a Claimant disputes a staff decision, staff shall provide written instructions to the Claimant explaining the appeal process.
7. To request an appeal, the Claimant must send a written appeal addressing the specific facts in dispute to the Member Services Director within 30 days of the date that the written instructions referred to in Paragraph 6 are provided to or mailed to the Claimant. The written appeal must describe the circumstances surrounding the Claimant's situation, the Claimant's requested resolution, and include any and all documentation in support of the Claimant's request. Failure to file a written appeal within this 30-day time period shall result in a waiver of the Claimant's right to appeal. Staff shall review the written appeal, conduct a review of the matter, and

the CEO or their designee shall issue a written decision to the Claimant advising the Claimant of the reasons for the decision.

8. If the Claimant disagrees with staff's decision, the Claimant may file a second written appeal with the Business & Governance Committee ("Committee") within 30 days of the date of the letter sent by staff containing staff's decision. Failure to file a second written appeal within this 30-day time period shall result in a waiver of the Claimant's right to further administrative appeal. If a timely written appeal of staff's decision is made, the Committee is required to either conduct a hearing during a regularly scheduled Committee meeting or refer the matter to adjudication in accordance with Division 10 of SDCERS' Board Rules. The Claimant shall be notified of the Committee meeting by mail at least 40 days in advance of the meeting.
9. The Committee shall hear any matter referred to it under this policy and shall consider all evidence and/or testimony offered by staff, the Claimant, and any witnesses introduced by either party. However, the Committee may recommend referring the matter to adjudication with a hearing officer if the dispute is based on facts or if it determines the circumstances require more extensive proceedings than the Committee is able to provide. After hearing the matter, the Committee shall make a recommendation for final decision to the Board at its next regularly scheduled meeting.
10. Division 10 of the Board Rules shall apply to hearings on appeals before the Committee or a Hearing Officer. SDCERS' staff shall provide a copy of those Board Rules to any Claimant who submits their appeal to the Committee.
11. A Claimant must exhaust this administrative appeals process before they are able to file a civil action against SDCERS or its Board. Additionally, any matter that arises out of or is related to the Claimant's appeal must be addressed in the Claimant's initial written appeal to staff and in the subsequent written appeal to the Committee. Once the Board's decision on the appeal is final according to Board Rule 10.90, any issue that was not, but could have been raised in the Claimant's initial appeal is waived, and subsequent appeals of related matters shall not be permitted.
12. Any monies owed to SDCERS shall continue to accrue interest until resolution of the appeal pursuant to the Overpayment and Underpayment of Benefits Policy and the Underpayment and Overpayment of Contributions Policy.

#### **POLICY REVIEW & HISTORY**

13. The Board shall review this policy at least every three years to ensure that it remains relevant and appropriate.

Adopted November 21, 2008; amended January 22, 2010, January 21, 2011, January 9, 2015, September 9, 2016, September 14, 2018, March 8, 2019, March 13, 2020; and May 13, 2022.