

HOW TO PETITION THE RETIREMENT BOARD

From time to time persons affected by decisions of the Utah Retirement Systems may disagree with a benefit calculation, service accrual, medical coverage, long-term disability benefits, or other action. When your appeal is denied by the Systems' executive director, you may petition the Retirement Board.

Filing a Request for Board Action

You may, within 30 days of a denial of a benefit or right by the executive director of the Utah Retirement Systems (URS), file a *Request for Board Action* to hold a hearing on the decision of the Executive Director. Your request should be made on the form included, and you'll want to:

- compose a clear statement of the facts;
- attach any relevant documents which help prove your case.

To protect your rights, we encourage you to consult the laws governing the operation of the Utah Retirement Systems, including Utah Code Annotated, Title 49.

Once you file a *Request for Board Action*, a hearing officer will be assigned to your case.

While it's not required, some petitioners have found it useful to have an attorney represent them before the hearing officer. If you choose not to use an attorney, you'll be responsible for presenting your case. If you obtain an attorney, have him or her contact URS to make a notice of appearance. The Retirement Systems will be represented by an attorney.

After Filing a Request for Board Action

After you file your Request the attorney for URS will file a *Written Response* and send it to you or your attorney. The Board may then file discovery requests in accordance with the rules of civil procedure. Discovery may include depositions, interrogatories, and requests for production of documents and admissions. Any delay in responding to these discovery requests may delay your hearing date. Once discovery is complete, the hearing officer will set a hearing date.

Preparation for the Hearing

The hearing process follows formal protocol and is governed by:

- Utah Code Ann. §49-11-101 et. seq.-
- Utah Code Ann. §63-46b-1 et. seq., and
- the enclosed Adjudicative Hearing Procedures

The hearing officer who has been assigned to your case will preside over the hearing. You should bring to the hearing all evidence and witnesses which may help to prove your case. If a witness refuses to attend, you may ask the hearing officer to help you subpoena the witness prior to the hearing. All witnesses will testify under oath and will be subject to direct examination and cross examination. Any hearing exhibits entered into evidence will be marked for admission and will become part of the record. With a few exceptions, the Utah rules of evidence apply to presenting evidence at the hearing. An official record of the hearing will be made in case you later seek review with the appropriate court.

What to Expect When the Hearing is Completed

Once both parties have finished presenting their case, the hearing officer may render a decision or take it under advisement and submit his decision within a few days. Once the hearing officer has rendered his decision, an order based on the decision is submitted to the Retirement Board for approval. The Retirement Board will approve, remand, or deny the order of the Hearing Officer.

If You Disagree with the Decision of the Hearing Officer

If you disagree with the final Retirement Board Order you may, within 10 days, make a Request for Board Reconsideration. Reconsideration is not a prerequisite for filing an appeal. You may appeal to the Utah Court of Appeals within 30 days of the Retirement Board's approval of the Order.