



Board of Administration

Agenda Item 8a12

November 16, 2022

Item Name: Proposed Decision – In the Matter of the Appeal of Lifetime Monthly Benefit Payable Upon the Death of William F. Rylaarsdam by BARBARA FOSTER, Respondent, and RYLAARSDAM FAMILY TRUST, Respondent.

Program: Retirement Benefit Services Division

Item Type: Action

Parties' Positions

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

Respondent Barbara Foster's (Respondent Foster) position is included in Attachment C, if any.

Respondent Rylaarsdam Family Trust's (Respondent Family Trust) position is included in Attachment C, if any.

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

Decedent created a Family Trust, in which his entire estate (with the exception of his current residence) was to go to the Trust. Decedent's children were the beneficiaries of the Family Trust. Respondent Foster was not a beneficiary of the Family Trust. Decedent passed away in August 2020.

Following Decedent's death, the Judges' Retirement System (JRS) determined that Respondent Foster was not entitled to any of Decedent's death benefits. Respondent Foster submitted an appeal, and the matter was heard by the Office of Administrative Hearings over three days: June 27, 2022, June 28, 2022, and July 1, 2022. A Proposed Decision was issued on October 06, 2022, affirming JRS' determination and denying the appeal.

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 October 06, 2022, concerning the appeal of Barbara Foster; 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 October 06, 2022, concerning the appeal of Barbara Foster, 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 October 06, 2022, concerning the appeal of Barbara Foster, 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 Barbara Foster, 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 Barbara Foster.

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Budget and Fiscal Impacts: Not applicable

Attachments

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

Anthony Suine
Deputy Executive Officer
Customer Services and Support