



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
P. O. Box 295

TRENTON, NEW JERSEY 08625-0295
Telephone (609) 292-7524 / Facsimile (609) 777-1779
TRS 711 (609) 292-6683
www.nj.gov/treasury/pensions
October 21, 2021

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

ELIZABETH MAHER MUOIO
State Treasurer

JOHN D. MEGARIOTIS
Acting Director

Sent via email to: [REDACTED]

Mark J. Richman, Esquire
GERSTEIN & RICHMAN, L.L.C.



RE: Blanche Stetler
PERS [REDACTED]

FINAL ADMINISTRATIVE DETERMINATION

Dear Mr. Richman:

I am writing in reference to the decision of the Board of Trustees ("Board") of the Public Employees' Retirement System (PERS) denying the request of your client, Blanche Stetler, to amend her retirement option from Maximum to an option which would provide a monthly survivor benefit. The Board originally denied Ms. Stetler's request at its meeting of June 16, 2021. You filed a timely appeal of that determination on July 10, 2021. At its meeting of September 15, 2021, the Board denied your request for reconsideration and found no genuine issue of material fact in dispute. The Board directed the undersigned to draft Findings of Fact and Conclusions of Law as outlined below, which were presented to and approved by the PERS Board at its October 20, 2021, meeting.

The record before the Board establishes that Ms. Stetler resigned from employment with the Educational Services Commission of New Jersey on August 11, 2014. At that time, she was 56 years of age and had accrued 14 years and 4 months of service credit. Thus, at the time Ms. Stetler resigned from her employment, the only benefit to which she was entitled was a Deferred retirement benefit.

Accordingly, Ms. Stetler was eligible for a Deferred retirement effective February 1, 2018 (the first month following her 60th birthday). However, a Deferred retirement is not automatic; a

Mark J. Richman, Esquire
Re: Blanche Stetler
October 21, 2021
Page 2

member must apply for it by submitting an *Application for Retirement Allowance*. In that regard, the Division of Pensions and Benefits (Division) sent a notice to Ms. Stetler dated March 1, 2016, which included the following:

At the time of your last contribution you had 10 or more years of service and are eligible to apply for a retirement benefit. Your retirement benefit is not automatic. You must submit an Application for Retirement Allowance before any benefit can begin. In addition, the effective date of the retirement cannot be earlier than the date you file the application and there are no retroactive payment for periods prior to the retirement date.

The Division sent another notice to Ms. Stetler dated April 11, 2017, advising that she was eligible for Deferred retirement benefits. The Board noted that Page 2 of the notice, under the second paragraph under **Applying for the Monthly Retirement Allowance** included the following:

“Provided you file your retirement application before the date identified above, you will be allowed to select either the maximum retirement allowance or chose an option to provide a retirement benefit to both you and your survivor. ...Under the statute governing Deferred retirement, if you do not file an application before normal retirement age, you will only be eligible for the Maximum allowance. This means there would be no payments to your beneficiary in the event of your death...”

At its meeting of June 16, 2021, the Board denied Ms. Stetler’s request to amend her retirement option in accord with N.J.S.A. 43:15A-38. You filed a timely appeal of the Board’s decision, and asserted that Ms. Stetler did not receive the April 11, 2017, notice from the Division advising that she was eligible to file her retirement application and to select a beneficiary for her pension benefit. The Board found that both notices were mailed to Ms. Stetler’s address on file with the Division. At its meeting of September 15, 2021, the Board denied your request for reconsideration, and directed the undersigned to draft this final administrative determination.

CONCLUSIONS OF LAW

The Board made the following conclusions of law.

This matter is governed by N.J.S.A. 43:15A-38, which states in pertinent part:

Should a member of the Public Employees' Retirement System, after having completed 10 years of service, be separated voluntarily or involuntarily from the service, before reaching service retirement age, and not by removal for cause on charges of misconduct or delinquency, such person may elect to receive:

...

(b) A deferred retirement allowance, beginning at the retirement age,

...

with optional privileges provided for in section 50¹ of this act if he exercises such optional privilege at least 30 days before his attainment of the normal retirement age;

(Emphasis added)

Thus, In order to select a retirement option other than the Maximum option, Ms. Stetler had to submit her retirement application prior to her 60th birthday as required by the statute. However, the record indicates she submitted her application on January 23, 2021, approximately three years beyond the requisite date to select a retirement option.

Unfortunately, Ms. Stetler is statutorily precluded from changing her retirement option from Maximum to an option which would provide a survivor benefit.

As noted above, the Board has considered your written submission and all documentation in the record. Because this matter does not entail any disputed questions of fact, the Board was able to reach its findings of fact and conclusions of law on the basis of the retirement system's enabling statutes and without the need for an administrative hearing. Accordingly, this correspondence shall constitute the Final Administrative Determination of the Board of Trustees of the Public Employees' Retirement System.

You also have the right to appeal this final administrative action to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter in accordance with the Rules Governing the Courts of the State of New Jersey.

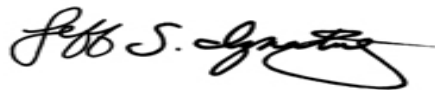
¹ N.J.S.A. 43:15A-50: Public employee pension options.

Mark J. Richman, Esquire
Re: Blanche Stetler
October 21, 2021
Page 4

All appeals should be directed to:

Superior Court of New Jersey
Appellate Division
Attn: Court Clerk
PO Box 006
Trenton, NJ 08625

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Ignatowitz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeff Ignatowitz, Secretary
Board of Trustees
Public Employees' Retirement System

G-9 /JSI
C: D. Dinkler (ET)

Blanche Stetler