



# State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
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PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

ELIZABETH MAHER MUOIO  
*State Treasurer*

JOHN D. MEGARIOTIS  
*Acting Director*

November 18, 2021

Sent via email to: [REDACTED]

Timothy Prol, Esq.  
Alterman & Associates, LLC

[REDACTED]

RE: Veronica (Storley) Williams  
Interfund Transfer  
PERS [REDACTED]  
PFRS [REDACTED]

## **FINAL ADMINISTRATIVE DETERMINATION**

Dear Mr. Prol:

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, Veronica Williams, to reopen her expired PERS account.

At its meeting of October 20, 2021,<sup>1</sup> the Board reviewed your written submissions and the relevant documentation accompanying your appeal and finds that the statutes and relevant case law governing PERS do not permit the Board to grant Ms. Williams' request to reopen her expired PERS account. Finding no genuine issue of material fact in dispute, the Board also denied your request for an administrative hearing. Therefore, the Board directed the Board Secretary to draft findings of fact and conclusions of law for review at its November 17, 2021, Board meeting. After careful consideration, the Board approved this Final Administrative Determination.

## **FINDINGS OF FACT**

<sup>1</sup> Due to health and safety concerns for the public regarding COVID-19, the meeting was conducted via teleconference.

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The Board made the following factual findings.

Ms. Williams was originally enrolled in the PERS on February 9, 2002, as a result of her employment as secretary with the New Jersey Senate (Senate). Her employment with the Senate ended on April 5, 2013, and her last PERS pension contribution from that position was remitted to her PERS account on June 30, 2013 at which time she had a total of 10 years and 5 months of service credited to her PERS account.

On August 28, 2013, Mercer County submitted a *Report of Transfer* to the Division indicating Ms. Williams' was hired as a Corrections Officer by the County of Mercer with a hire date of April 8, 2013. County Correction Officer is a Police and Firemen's Retirement System (PFRS) eligible position. Employees cannot contribute to the PERS when they have a permanent appointment in a PFRS eligible position. The form was processed in error and the Division issued a *Certification of Payroll Deductions* to begin on November 1, 2013, however, the transaction was reversed before any PERS deductions could be remitted by the county. Ms. Williams did not complete the Basic Course as prescribed by the Police Training Commission (PTC) for County Correction Officer and was therefore ineligible for participation in PFRS as well.

Ms. Williams was notified by letter in August of 2014, regarding repaying her pension loan since she was off payroll. No response was received. Thereafter, by letter dated October 21, 2014, the Division notified Ms. Williams that her loan was deemed a distribution. Subsequently, Ms. Williams elected to repay her loan in monthly installments, and indicated that she has returned to work effective April 8, 2013 and had a transfer pending from PERS to PFRS.

On December 9, 2014, Ms. Williams requested an audit of her account due to her interest in purchasing missing time.

On March 11, 2015, Ms. Williams received a letter from the Division informing her that her last contribution to her PERS account was June 30, 2013 and that because she had 10 or more years of service she is eligible to apply for a retirement benefit.

By letter dated June 18, 2015, the Audit section of the Division wrote to Ms. Williams indicating some periods of inactivity and directed her to submit a purchase application through MBOS to find out if she was eligible to purchase those time periods.

Ms. Williams did not return to PERS-covered employment within two years and her PERS account expired on June 30, 2015, pursuant to N.J.S.A. 43: 15A-7(e).

The Board considered your personal statements on Ms. Williams' behalf at its meeting of October 20, 2021. However, the Board denied her appeal to reopen her expired PERS account and determined that no genuine issue of material fact was in dispute, and therefore directed the Board Secretary to draft findings of fact and conclusions of law consistent with its decision for review at its meeting of November 17, 2021.

#### **CONCLUSIONS OF LAW**

The Board made the following conclusions of law.

In making its determination, the Board first relied upon the provisions of N.J.S.A. 43:15A-7(e), which states:

Membership of any person in the retirement system shall cease if he shall discontinue his service for more than two consecutive years.

Ms. William's employment with the Senate ended on April 5, 2013, and her last PERS pension contribution from that position was remitted to her PERS account on June 30, 2013. At that time she was vested in the PERS with a total of 10 years and 5 months of service credited to her PERS account. Pursuant to the statute, Ms. Williams' account would expire after two years, or June 30, 2015. Thus, there is no dispute that Ms. Williams' active PERS membership account expired two years from the date of her last PERS contributions.

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You asserted that Ms. Williams was not notified that by operation of the statute, that her PERS account would expire after two years. However, the Board noted that not only did Ms. Williams not contact the Division with any questions regarding her account, this information is not only codified by statute, and is widely available on the Division's web site.

The Board also noted Ms. Williams' Tier 1 PERS account is vested for the purposes of the Deferred retirement benefits available under the provisions N.J.S.A. 43:15A-38. The Division notified Ms. Williams on March 11, 2015 that her last contribution to the PERS was June 30, 2013 and that she was eligible for the aforementioned benefit.

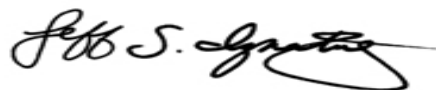
As noted above, the Board has considered your written submission and all documentation in the record. Because the Board found that this matter does not entail any disputed questions of fact, the Board was able to reach its findings of fact and conclusions of law on the basis of the retirement system's 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.

All appeals should be directed to:

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

Sincerely,



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

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G-8/SD  
C: D. Wood (ET)