

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

Public School Retirement Board - General Hearing Rules

(By authority conferred on the State Office of Administrative Hearings and Rules by Executive Order 2005-1, MCL 445.2021.)

PART 2. HEARING PROCEDURES

R 38.1201 Rescinded.

History: 1985 AACCS; 2009 AACCS.

R 38.1202 Right to a hearing; initiation of appeal; representation of system by attorney general.

Rule 202. (1) An applicant who disagrees with a decision of the system may appeal that decision to the board.

(2) Any appeal shall be initiated by submission of a demand for hearing on a form provided by the system within 60 days of the date of the decision being appealed from.

(3) In any appeal, the system may be represented by the attorney general.

History: 1985 AACCS.

R 38.1203 Rescinded.

History: 1985 AACCS; 2009 AACCS.

R 38.1204 Rescinded.

History: 1985 AACCS; 2009 AACCS.

R 38.1205 Notification when allowance is terminated or reduced.

Rule 205. (1) Except in the case of death of the retirant or retirement allowance beneficiary, where the system decides to terminate a monthly age and service or disability benefit granted pursuant to the provisions of section 81, 86, or 87 of the act, the retirant or retirement allowance beneficiary shall be notified in advance of the decision to terminate and the reasons therefor, and shall receive a statement of rights under the act and applicable rules to appeal such decision. If benefits granted under

section 89 or 90 of the act are to be terminated, the decision of the system may be implemented 20 days following notice to the retirement allowance beneficiary. If benefits granted pursuant to section 81, 86, or 87 of the act are to be terminated, the benefits shall be continued if the retirant or retirement allowance beneficiary requests a hearing under R 38.1202 pending the conclusion of the hearing and action of the board subsequent to a recommendation for decision by the hearing officer. Following the decision of the board, its decision may be implemented. If the retirant or retirement allowance beneficiary dies, a decision of the system may be implemented. As set forth in section 88 of the act, the decision of the system may be implemented if a disability retirant refuses to submit to a medical examination.

(2) Except in the case of death of the retirant or retirement allowance beneficiary, where the system decides to reduce, by more than 10%, a monthly age and service or disability benefit pursuant to the provisions of section 81, 86, or 87 of the act, the retirant or retirement allowance beneficiary

shall be notified in advance of the decision to reduce by more than 10% and the reasons therefor, and shall receive a statement of rights under the act and applicable rules to appeal such decision. If benefits granted under section 89 or 90 of the act are to be reduced by more than 10%, the decision of the system may be implemented 20 days following notice to the retirement allowance beneficiary. If benefits granted pursuant to section 81, 86, or 87 of the act are to be reduced by more than 10%, the benefits shall be continued if the retirant or retirement allowance beneficiary requests a hearing under R 38.1202 pending the conclusion of the hearing and action of the board subsequent to a recommendation for decision by the hearing officer. Following the decision of the board, its decision may be implemented.

History: 1985 AACCS; 2004 AACCS.

R 38.1206 Proposed decision; distribution; filing of exceptions.

Rule 206. Following the hearing, a copy of the proposed decision, findings of fact, and conclusions of law shall be forwarded to the parties. Within 15 days of the service, a party may file exceptions to such proposed decision. The exceptions shall be in writing and shall state the findings or conclusions to which exception is taken. Oral argument shall not be granted, except upon direction of the board. The board shall review the record, the proposed decision, findings of fact, conclusions of law, and any exceptions filed and shall issue a decision. Following the decision, a final order shall be entered.

History: 1985 AACCS.

R 38.1207 Rescinded.

History: 1985 AACCS; 2009 AACCS.