

A regular meeting of the Michigan State Employees' Retirement System Board was held at the State Secondary Complex, General Office Building, First Floor, Conference Room A, Lansing, Michigan, on April 9, 2009. The following members, staff and observers participated:

Members Present: David Dekker, Employee Member
Douglas Drake, Retiree Member
George Elworth, representing the Attorney General
Vernon Johnson, representing the State Treasurer
Daniel McLellan, representing the Director of Civil Service
Craig Murray, representing the Deputy Auditor General
Harry Posner, Employee Member

Staff Present: Phil Stoddard, Executive Secretary
Terry Rideout, Recording Secretary

Others Present: Thomas Schimpf of the Office of Attorney General

Call to Order

Chair Douglas Drake called the meeting to order at 1:33 p.m.

Excusing of Absent Members

David Dekker moved, Vernon Johnson supported to excuse the absences of Calvin Frappier and John Schoonmaker. The motion carried unanimously.

Approval of Agenda

George Elworth moved, Vernon Johnson supported, to approve the agenda as presented. The motion carried unanimously.

Approval of Minutes

Harry Posner moved, Vernon Johnson supported, to approve the regular session meeting minutes of March 5, 2009. The motion carried unanimously.

Disability Retirement Applications

Non-Duty Disability Retirement Applications

Vernon Johnson moved, Daniel McLellan supported, to approve the non-duty disability applications 1, and 3-6 as presented in the Supplemental Information to the Agenda, 7A. The motion carried unanimously.

Following discussion, David Dekker moved, Daniel McLellan supported, to approve non-duty disability application 2 as presented in the Supplemental Information to the Agenda, 7A. The motion carried unanimously.

Duty Disability Retirement Applications

Daniel McLellan moved, David Dekker supported, to approve the duty disability applications 1-2 as presented in the Supplemental Information to the Agenda 7B. The motion carried unanimously.

Non-duty Re-examination Disability Retirement Case

Daniel McLellan moved, Harry Posner supported, to approve the duty re-examination disability case 1-1 as presented in the Supplemental Information to the Agenda, 7C. The motion carried unanimously.

Administrative Hearings

Proposal for Decision – Docket 2008-21486 SERS

The Board considered the case materials. David Dekker moved, Craig Murray supported, that the Board adopt as its own the recommendations of the Presiding Officer in the Proposal for Decision dated January 29, 2009, including the proposed Findings of Fact and Conclusions of Law, except for the changes requested by Respondent, and deny Petitioner's application for non-duty disability retirement benefits, using the form of decision and order offered by Respondent. The motion carried unanimously.

Proposal for Decision – Docket 2008-12779 SERS

The Board considered the case materials. Daniel McLellan moved, Harry Posner supported, that the Board adopt as its own the recommendations of the Presiding Officer in the Proposal for Decision dated January 30, 2009, including the proposed Findings of Fact and Conclusions of Law, and deny Petitioner's application for duty disability retirement benefits. The motion carried unanimously. George Elworth requested that the Board's order reflect the addition of the word "abuse" following the word "substance" in the fifth sentence from the top on page 18 of the Proposal for Decision.

Proposal for Decision – Docket 2008-21545 SERS

The Board considered the case materials. Daniel McLellan moved, Craig Murray supported, that the Board adopt as its own the recommendations of the Presiding Officer in the Proposal for Decision dated January 2, 2009, including the proposed Findings of Fact and Conclusions of Law, and deny Petitioner's request for duty disability retirement benefits. The motion carried unanimously. Daniel McLellan requested that the Board's order reflect that all references in the Proposal for Decision to Section 21 of the State Employees' Retirement Act be changed to reference Sec. 67A(1) due to Petitioner being a member of the Defined Contribution Plan.

Proposal for Decision – Docket 2008-28355 SERS

The Board considered the case materials. Daniel McLellan moved, David Dekker supported, that the Board adopt as its own the recommendations of the Presiding Officer in the Proposal for Decision dated January 6, 2009, including the proposed Findings of Fact and Conclusions of Law, and deny Petitioner's application for duty or non-duty disability retirement benefits. The motion carried unanimously.

Proposal for Decision – Docket 2008-30506 SERS

The Board considered the case materials. Daniel McLellan moved, Vernon Johnson supported, that the Board adopt as its own the recommendations of the Presiding Officer in the Proposal for Decision dated January 21, 2009, including the proposed Findings of Fact and Conclusions of Law, and deny Petitioner's application to transfer from the Defined Contribution Plan to the Defined Benefit Plan. Following discussion, the motion and support were withdrawn.

George Elworth moved, Craig Murray supported, that the Board remand the case back to the Presiding Officer to take additional evidence and provide supplemental findings of fact and conclusions of law. The motion carried unanimously.

Proposal for Decision – Docket 2008-25948 SERS

The Board considered the case materials. Daniel McLellan moved, Craig Murray supported, that the Board adopt as its own the recommendations of the Presiding Officer in the Proposal for Decision dated February 13, 2009, including the proposed Findings of Fact and Conclusions of Law, except for the changes requested by Respondent, and deny Petitioner's application for duty disability retirement benefits, using the form of decision and order offered by Respondent. The motion carried unanimously.

Legislative Report

A report was provided for the Board's information.

Board Comments

No comments were received

Public Comment

No comments were received.

Adjournment

Vernon Johnson moved, Daniel McLellan supported that the meeting be adjourned. The motion carried unanimously. The Chair adjourned the meeting at 2:22 p.m.

OFFICIAL MINUTES


Chair


Executive Secretary