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## **ADMINISTRATIVE APPEAL POLICY**

There may be occasions when an individual disagrees with KCERA's decision on matters related to his/her retirement benefits, contributions or other adjustments. In such cases, the individual may file an administrative appeal with KCERA. Any KCERA member, former member, survivor, beneficiary or alternate payee (collectively referred to herein as "Claimants") is eligible to file an administrative appeal.

Note: This policy does not apply to appeals regarding the pensionability of specific pay items and matters involving disability retirement.

The process outlined below is designed to facilitate filing an administrative appeal without the services of an attorney. However, a claimant may engage legal representation at his/her discretion.

### **Administrative Appeal Process**

1. At Claimant's request, KCERA staff will provide an initial benefit determination in writing. The determination will include Claimant's request, any authority relied upon by staff when making its determination, the determination, and instructions on how the claimant can appeal staff's initial determination. The initial determination will be sent to Claimant by mail.
2. If Claimant disagrees with staff's initial determination, Claimant will have 60 days from the date the initial determination was mailed to file a request a review of the decision by KCERA's Executive Director. The review request (hereinafter referred to as "appeal") must be made in writing and include a clear description of the matter being appealed, the requested action, and any documentation supporting the requested action. The written appeal can be sent by mail or personal delivery to the following address:

KCERA  
Attn.: Executive Director  
11125 River Run Boulevard  
Bakersfield, CA 93311

3. Upon receipt of a written appeal of staff's initial determination, the Executive Director will prepare a response in writing, which may include a summary of Claimant's request and staff's prior response(s), a citation of any authority relied upon in making his/her determination, the determination, and instructions regarding how Claimant can further appeal the determination to the Board of

Retirement ("the Board"). The Executive Director's determination will be sent to Claimant by mail.

4. If Claimant disagrees with the determination of the Executive Director, Claimant will have 60 days from the date the Executive Director's determination letter was mailed to file a written appeal to the Board of Retirement. The written appeal can be sent by mail or personal delivery to the following address:

KCERA  
Attn.: Board of Retirement  
11125 River Run Boulevard  
Bakersfield, CA 93311

The appeal must contain a statement of the relevant facts, the action requested, the basis for the request, and any documentation supporting the request.

5. Once the appeal is properly received, the matter will be placed on the Board's agenda. The Board will take action on Claimant's request at a duly-noticed and properly agendized meeting of the Board. Claimant or his/her attorney will be notified of the date that the Board will consider the appeal and will be advised of his/her the opportunity to address the Board in open session on that date.
6. Following the open session, the Board will meet in closed session with its counsel to discuss the matter. KCERA will provide written notice of the Board's decision to Claimant and his/her counsel. The Board's decision will be final.
7. If Claimant disagrees with the Board's decision, Claimant may seek judicial review of the Board's decision by filing a petition for writ of mandate with the Kern County Superior Court.

In the event that this procedure conflicts with statute or authoritative case law, the statute or case law will control.

## **POLICY REVIEW AND HISTORY**

This policy was:

- a) Adopted by the Board on December 14, 2016.