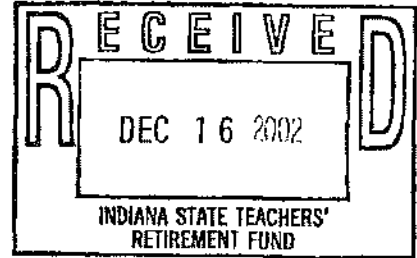


STATE OF INDIANA) BEFORE THE ADMINISTRATIVE LAW JUDGE
)
COUNTY OF MARION) TRF NUMBER [REDACTED]

MARIE J. ARNOLD,)
)
Petitioner,)
)
and,)
)
INDIANA STATE TEACHERS' RETIREMENT FUND,)
)
Respondent.)



FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT

1. FINDINGS OF FACT

1. Marie J. Arnold had a long and distinguished career as an educator.
2. Marie J. Arnold was a teacher with the [REDACTED] School Corporation and had earned 21.5 years of credible teaching service.
3. Marie J. Arnold was also a member of the Indiana State Teachers' Retirement Fund (ISTRF) during this time, (ISTRF Account No
4. Marie J. Arnold stopped teaching in Indiana in [REDACTED]
5. At the time of Marie J. Arnold's separation from Indiana teaching, she was not age and service eligible for ISTRF retirement benefits.
6. Marie J. Arnold completed, signed, dated and forwarded to ISTRF the Member's Application for Retirement Benefits (Part 1 of the Application for Retirement Benefits) on February 28, 2002.
7. Marie J. Arnold was not incompetent at the time of her separation from teaching.

8. ISTRF informed Marie J. Arnold that pursuant to Indiana law, her retirement benefits would be paid retroactively six (6) months prior to when her application for retirement was received by ISTRF.
9. Page five (5) of the ISTRF Member's handbook provides notice to members of the state law limit of retroactive benefit distributions.
10. On March 11, 2002, ISTRF received a letter asking that ISTRF reconsider (appeal) the staff's decision in this matter.
11. On June 6, 2002, the ISTRF Board of Trustees, at a regularly scheduled public meeting reviewed Marie J. Arnold's appeal and upheld the staff's decision.
12. On May 29, 2002, the ISTRF received a petition for review by the Administrative Law Judge from Marie J. Arnold.

II. CONCLUSIONS OF LAW

1. Indiana Code 5-10.2-4 (d) controls and provides that a member who is eligible for normal or early retirement is entitled to choose a retirement date on which his benefits begins if the following conditions are met:
 - (1) The application for retirement benefits and the choice of the date is filed on a form provided by the board;
 - (2) The date must be after the cessation of his service and be the first day of a month; and,
 - (3) The retirement date is not more than six (6) months before the date the application is received by the board. However, if the board determines that a member is incompetent to file for benefits and choose a retirement date, the

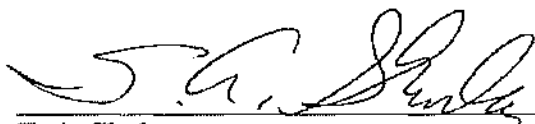
retirement date may be any date that is the first of the month after the time the member has become incompetent.

- (2) Marie J. Arnold has not been found to be incompetent at the time of her separation from teaching or anytime since to the date of this hearing.
- (3) The petitioner delayed her retirement date and submitted her application for retirement to ISTRF on or about February 28, 2002.
- (4) The petitioner is not entitled to retroactive retirement benefits beyond six (6) months prior to February 28, 2002.

IT IS THEREFORE ORDERED AND DECREED that:

1. The Indiana State Teachers' Retirement Fund (ISTRF) properly followed its controlling statutes and properly denied paying retroactive retirement benefits beyond six (6) months prior to February 28, 2002.
2. The Indiana State Teachers' Retirement Fund should process the petitioner's application for retirement not inconsistent with this Judgment.

So ordered this 13th day of December 2002.



T. A. Shula
Administrative Law Judge