BEFORE THE EXECUTIVE DIRECTOR OF THE INDIANA PUBLIC RETIREMENT SYSTEM

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IN THE MATTER OF, LOIS A. CARTER,

Petitioner.

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INDIANA STATE TEACHERS' RETIREMENT FUND

FINAL ORDER

The Board of Trustees ("Board") of the Indiana Public Retirement System ("INPRS") is the ultimate authority in administrative appeals brought by members of the Indiana State Teachers' Retirement Fund ("TRF") under IC 4-21.5-3-28 and 35 IAC 14-2-4. In the Statement of Board Governance, the Board delegates to the Executive Director the authority to conduct a final authority proceeding, or a review of decision points by the administrative law judge ("ALJ"), to issue a final order in this matter.

- 1. The ALJ entered an Order of Dismissal ("Order") in this matter on August 23, 2011, granting INPRS's motion to dismiss.
- 2. Copies of the Order have been served upon the parties.
- 3. Pursuant to IC 4-21.5-3-29(d)(2), 35 IAC 14-2-4(b)(7), and Indiana Trial Rule 4.17(B)(2), it has been more than fifteen (15) days since the ALJ served the Order upon the parties.

NOW THEREFORE the Order of Dismissal of the Administrative Law Judge is affirmed.

DATED September 12, 2011

Steve Russo, Executive Director Indiana Public Retirement System One North Capitol, Suite 001 Indianapolis, IN 46204

CERTIFICATE OF SERVICE

I certify that on the 12th day of September, 2011, service of a true and complete copy of the foregoing was made upon each party or attorney of record herein by depositing same in the United States mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

Distribution:

Lois A. Carter

Daniel J. Mathis Administrative Law Judge 1729 McCollough Drive Indianapolis, IN 46260

Thomas N. Davidson, General Counsel Jaclyn M. Brinks, Staff Attorney Indiana Public Retirement System One North Capitol, Suite 001 Indianapolis, Indiana 46204

Steve Russo, Executive Director Indiana Public Retirement System One North Capitol, Suite 001 Indianapolis, IN 46204 (317) 232-3868

BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE INDIANA PUBLIC RETIREMENT SYSTEM

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IN THE MATTER OF LOIS A. CARTER,

Petitioner.

INDIANA PUBLIC RETIREMENT SYSTEM

RECEIVED AUG. 25 2011

ORDER OF DISMISSAL

PUBLIC EMPLOYEE'S RETIREMENT FUND

Lois A. Carter ("Petitioner") worked for the Indianapolis Public School Corporation ("IPS") during the 1994 – 1995 school year. The Indiana Teachers' Retirement Fund ("TRF") awarded Petitioner one half year of service credit for that school year, based upon a statement signed by the IPS treasurer on July 7, 1995 that Petitioner worked 113 days during the 1994 – 1995 school year. An individual was entitled to a half year of credit if she worked less than 120 days during the school year.

Fifteen years later, Petitioner asked the Indiana Public Retirement System ("INPRS")¹ for administrative review of its determination of service credit. Specifically, Petitioner asserted that she was entitled to a full year of service credit for the 1994 – 1995 school year.

On January 11, 2011, INPRS issued a determination, in which it reiterated that Claimant was entitled to one half year of service credit, instead of a full year of service credit, because Petitioner worked 113 days during the 1994 – 1995 school year. On January 25, 2011, Petitioner filed an appeal of INPRS' initial determination.

The parties participated in a prehearing conference, at which time the parties agreed to a schedule for litigating INPRS' motion to dismiss: INPRS would file its motion to dismiss by May 20, 2011; Petitioner would file her response by June 17, 2011. The parties' agreement was reduced to writing in a Scheduling Order, issued on May 11, 2011 by the undersigned administrative law judge.

INPRS filed timely its motion to dismiss on May 18, 2011. However, Petitioner did not respond to the motion. While acting pro se, Petitioner omitted for three months to file a response to the motion to dismiss.

Under Indiana Code Section 5-10.4-5-17 ("Claims of Error"), the member has only six years to appeal the determination. Petitioner did not appeal within six years. Petitioner's appeal is barred by Indiana Code Section 5-10.4-5-17.

¹ Effective July 1, 2011, the Indiana Teachers' Retirement Fund became the Indiana Public Retirement System.

The motion to dismiss filed by INPRS is GRANTED.

ORDERED this 23nd day of August, 2011.

Atri

Daniel J. Mathis Administrative Law Judge

Copies were sent by U.S. mail to:

Lois A. Carter

Jaclyn M. Brinks Staff Attorney, Indiana Public Retirement System One North Capitol Avenue, Suite 001 Indianapolis, IN 46204