

STATE OF INDIANA
BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND

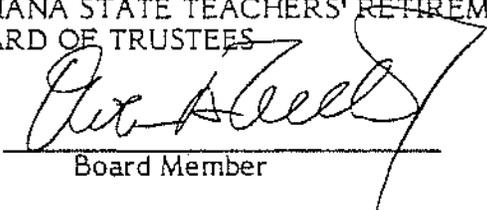
In the Matter of)
Rev. Donald D. Dunn) Cause No. [REDACTED]
Petitioner)

FINAL ORDER

The Administrative Law Judge, Robert A. Snider, having issued his order of November 6, 1989, and the Board having examined and considered said order, the Board hereby affirms same in its entirety and incorporates it herein by reference, pursuant to IC 4-21.5-3-27 et seq.

IT IS SO ORDERED, this, the 28th day of November, 1989.

INDIANA STATE TEACHERS' RETIREMENT
BOARD OF TRUSTEES

BY: 

Board Member

Copies to:
The Rev. Donald D. Dunn
Robert Robish, Deputy Attorney General

STATE OF INDIANA

Before an Administrative Law Judge
in Administrative Hearing for the
Board of the
Indiana State Teacher's Retirement Fund

In the matter of) Cause No. 89-001
Rev. Donald D. Dunn)
)
Petitioner)

Administrative Law Judge's
Findings of Fact, Conclusions of Law and Order

Comes now Robert A. Snider, the Administrative Law Judge designated by the Board of the Indiana State Teacher's Retirement Fund ("Board") in this proceeding, and hearing having been held at 1:30 p.m., Tuesday, October 3, 1989 in the Board Room of I.S.T.R.F., 506 State Office Building, 100 N. Senate Avenue, Indianapolis, Indiana 46204, now issues and files this order. Notice is hereby given that any objection to the administrative law judge's order must be filed with the Board, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the date of issuance of this order unless such date is a Saturday, Sunday, legal holiday under state statute or day that I.S.T.R.F.'s offices are closed during regular business hours in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute or day that I.S.T.R.F.'s offices are closed during regular business hours. This Administrative Law Judge's Order is not the final order of the Board in this proceeding. However, in the absence of any objection, the Board either will affirm the administrative judge's order as its final order or will serve notice of its intent to review any issue related to the administrative law judge's order.

Findings of Fact

1. Petitioner made written request about May, 1989 that I.S.T.R.F. refund the balance of his annuity account (

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2. I.S.T.R.F. replied 18 May 1989, indicating that account number [REDACTED] had been closed in November, 1970 and furnished a photocopy of Petitioner's withdrawal application (stamped "Approved Oct. 14, 1970 I.S.T.R.F.").
3. Petitioner's request for administrative hearing is based on his contention that I.S.T.R.F. did not furnish an actual or photocopy record of the check which was written to close out his account.
4. In hearing, the Petitioner's evidence consisted of I.S.T.R.F.'s letter of 18 May 1989 (with attached photocopies described in #2 above) and personal narration describing his recollections as to why he believes he did not receive a check for the account balance [REDACTED] in about November, 1970. Petitioner also presented a photocopy of a check from "The State Teachers Retirement System of Ohio" in payment from his account with that organization as an example of the type of document he anticipated receiving from I.S.T.R.F.
5. I.S.T.R.F. (represented by Robert Robish, Deputy Attorney General) presented eight documents and testimony by Dr. Mary J. Pettersen, Executive Secretary I.S.T.R.F.) relating to the Petitioner's account. Photocopies of documents relating this account included: a. correspondence with the Petitioner; b. a page from past I.S.T.R.F. Board minutes presenting a list of checks written to close accounts dated 10-02-70 - (shows Petitioner's account information); c. hard copy of computer record of Petitioner's account status - (shows Petitioner's account as "Withdrawn 11/70"); d. photocopy of a list of outstanding (uncashed) checks as of 11 Aug. 1989 - (shows no record of Petitioner's check as being outstanding).
6. Dr. Pettersen gave testimony indicating that the check was destroyed in approximately 1986 pursuant to the State's statutory limitations for the retention of physical records.

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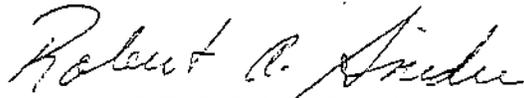
Conclusions of Law

1. The Petitioner presents no documentary evidence that the annuity account [REDACTED] existed after 1970 or that I.S.T.R.F. has not performed its statutory duties relative to said account.
2. I.S.T.R.F. presents preponderance of evidence supporting its performance of statutory responsibility regarding the Petitioner's account.
3. Since the actual check was destroyed in approximately 1986, same does not now exist.

ORDER

IT IS HEREBY ORDERED ADJUGED and DECREED that the Petitioner's request for the refund of his annuity account balance is denied.

ISSUED this 6th day of November, 1989.



Robert A. Snider
Administrative Law Judge

Copies to:

The Rev. Donald D. Dunn, Rector
[REDACTED]

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