

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. 93-3
Thomas Moore)
)
Petitioner)

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

Comes now T. A. Shula, the Administrative Law Judge designated by the Board of Trustees of the Indiana State Teacher's Retirement Fund ("Board") in this proceeding, and hearing having been held at 1:45 p.m., October 5, 1993, in the Board Room of the I.S.T.R.F., 150 West Market Street, Suite 300, 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, or legal holiday under state statute or a 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, or legal holiday under state statute or a day that the 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 will either affirm the Administrative Law 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.

Preliminary Ruling

TRF Exhibit 1 and TRF Exhibit 2 are admitted over objection.

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Findings of Fact

1. Petitioner was released from active duty on August 29, 1956 (See TRF Ex. 3).
2. Petitioner then transferred to the Army Reserve and thereafter did not return to active duty.
3. The Indiana State Teachers Retirement Fund has interpreted I.C. 21-6.1-4-6.1 to mean the military service credit shall terminate at the point where an individual leaves active duty (See testimony of Dr. Mary Pettersen and TRF Ex. 1 and 2).

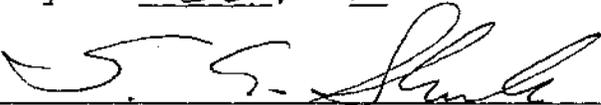
Conclusions of Law

1. I.C. 21-6.1-4-6.1, as interpreted by I.S.T.R.F., provides that only active military service is creditable for the purposes of the Fund. Said interpretation is reasonable in its construction.
2. Petitioner has failed to meet his burden of proof as regards I.S.T.R.F.'s interpretation of I.C. 21-6.1-4-6.1.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the Petitioner's request for additional service credit is denied.

ISSUED this 16th day of Dec., 1973.


T. A. Shula, Administrative Law Judge
Indiana State Teachers' Retirement Fund